

May 8, 2023

The Honorable Brenda Mallory
Chair
Council on Environmental Quality
Executive Office of the President
Washington, DC 20500

Dear Chair Mallory,

We are concerned about the United States' continued expansion of liquefied fossil gas (LNG) infrastructure and capacity, despite recent reports and analyses questioning the necessity of such development and the effect that this buildout will have on this country's climate goals and frontline communities. As you finalize the Council on Environmental Quality's (CEQ) National Environmental Policy Act (NEPA) Guidance on Greenhouse Gas (GHG) Emissions and Climate Change, we urge you to include greater scrutiny on the entire LNG supply chain in this guidance—from wellhead, through export outside the United States, to combustion.

Our ability to combat the worst impacts of the climate crisis depends, to a significant degree, on whether the United States approves proposed LNG pipeline and export terminal projects on top of the already-substantial LNG infrastructure. Existing LNG infrastructure already has a disproportionate impact on Black, Brown, Indigenous, and poor communities; this will only be exacerbated with the addition of the proposed projects. That's why it is important that frontline communities are meaningfully and proactively engaged throughout environmental reviews for LNG infrastructure. CEQ's guidance should include examples and best practices for how agencies should conduct meaningful engagement to ensure that relevant agencies conduct proper and adequate analysis of the direct, indirect, and cumulative effects of LNG infrastructure. CEQ must also ensure that adverse impacts to environmental justice communities and cumulative impacts are determinative on permitting decisions for LNG infrastructure and facilities.

Currently, agencies are making decisions on LNG permits based on a Trump-era public interest determination that fails to put emissions into relevant context. The analyses narrowly examine the relative emissions footprint of LNG with coal-fired electricity and fail to incorporate upstream methane emissions, which – given methane's much higher global warming potential – make LNG exports worse than coal. Even without including upstream leaks, the continued buildout of LNG infrastructure is at odds with the Paris climate goals and U.S. climate commitments. As CEQ said, it's necessary to put “emissions in relevant context, including how they relate to climate action commitments and goals,” and the proper context for LNG expansion is the rapidly dwindling carbon budget available to keep global temperature increases below 1.5 degrees Celsius, the United States' fair share of that budget, and the other LNG projects in operation, under construction, or in planning.¹

CEQ should have a specific review process for LNG, starting by assembling a cross-agency team to carry out a solid assessment of the comprehensive impacts of any proposed LNG buildout. Participants should include the EPA, the Department of Energy, the Department of

¹National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change, 88 Fed. Reg. 1196 (Jan. 09, 2023).

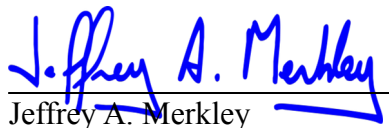
Transportation, the Department of State, the Federal Energy Regulatory Commission (FERC), and other relevant agencies. The assessment should examine the combined climate and environmental justice impacts of the totality of the LNG process from upstream emissions (including methane leaks) from fracking, transport, and liquefaction, as well as downstream emissions from LNG combustion. As noted above, neither FERC nor DOE currently take upstream emissions into account. To quantify total global warming impacts, CEQ should quantify total methane leaks using the best available data from wellhead metering devices as well as infrared and satellite sources to ensure that all methane losses, from “wellhead to burner tip” are taken into account.

CEQ’s role cannot end with the issuance of its guidance. CEQ must play an active role in ensuring that the agencies governing LNG take into account the full lifecycle and direct, indirect, and cumulative emissions when making decisions about whether to permit LNG export facilities. FERC’s status as an independent agency cannot serve as an excuse for them to skirt their legal obligations under NEPA. CEQ should also ensure that relevant agencies consider a reasonable project scope and carry out rigorous analyses of alternatives as part of the NEPA process. Simply assuming away the no-action alternative—as DOE did with the Alaska LNG Supplemental Environmental Impact Statement by saying limiting fossil fuel supply would not affect emissions—is not acceptable. Agencies must be required to seek additional information on emissions and environmental impact, if that information is not provided by applicants.


Finally, in current or future situations where CEQ – in consultation with the State Department – chooses to accelerate LNG exports for short-term foreign policy reasons, we urge that the price of natural gas sold to our allies is sufficient to cover production and delivery costs, but no higher, so as to remove any potential for war-time profiteering and to remove the incentives to continue exports after the short-term foreign policy needs have expired.

We thank you for your leadership in issuing the interim “National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change.” As you move forward with final guidance, we urge you to recognize the unique impact that potential LNG buildout could have on our ability to combat the climate crisis and to protect U.S. communities, and to develop tools and policies specific to this risk.

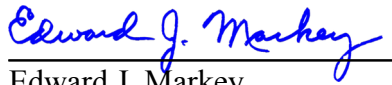
Sincerely,



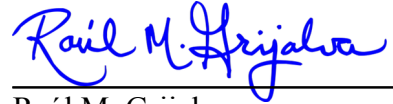
Jeffrey A. Merkley
United States Senator



Jared Huffman
Member of Congress



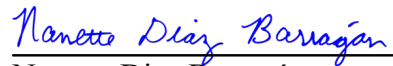
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Bernard Sanders
United States Senator



Nanette Diaz Barragán
Member of Congress



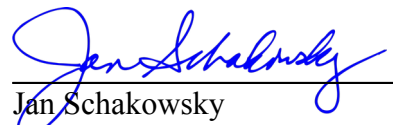
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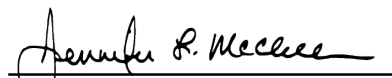
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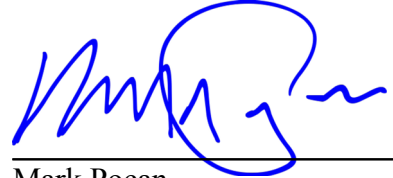
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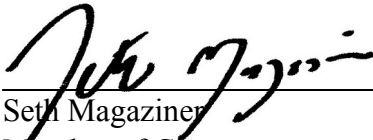
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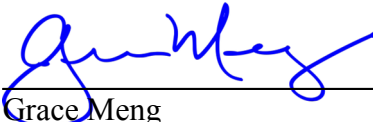
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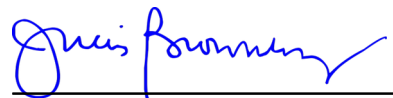
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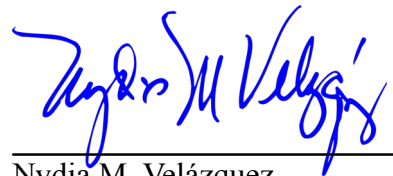
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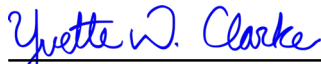
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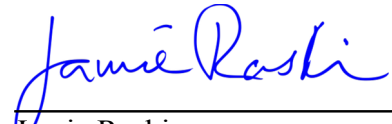
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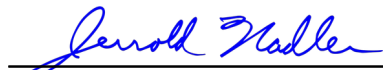
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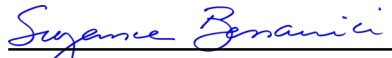
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