

June 26, 2024

The Honorable Chuck Schumer
Senate Majority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

Re: Reject Anti-Environmental “Permitting Reform”

Dear Senate Majority Leader Schumer,

On behalf of 250 organizations representing millions of members and supporters nationwide, we urge you to commit publicly to not consider or bring up any so-called “permitting reform” legislation during the remainder of this Congress. While we were heartened by your May [statement](#) that this type of legislation is not likely to be considered by the Senate between now and the election, we are concerned that Senators Manchin and Barrasso continue to move forward their legislative proposal behind closed doors and will attempt to ram it through in the lame duck period. These two senators have steadfastly shut the public out of their secret legislative deliberations, and as recent events unequivocally demonstrated, the only result of their efforts will be further harm to our most vulnerable citizens and communities.

In the lead up to the passage of the Fiscal Responsibility Act of 2023, Senator Manchin obstinately ignored and dismissed the concerns of frontline communities. Instead, in the paltry few hearings held on “permitting reform,” *none* of the 14 witnesses represented voices from those on the frontline of the climate crisis. Instead, these hearings primarily elevated the debunked talking points and unsubstantiated anecdotes from fossil fuel and mining executives—including National Mining Association CEO Rich Nolan and Petroleum Association of Wyoming President Pete Obermueller—that the National Environmental Policy Act (NEPA) is the primary cause of delays in building out renewable energy infrastructure.

The Fiscal Responsibility Act represented the most significant weakening of NEPA in its 50-year history, slashing the time allowed to complete Environmental Impact Statements to two years, allowing industry to write its own environmental compliance documents, and creating a fast-track that allows industries to sue in court if deadlines are missed—all changes to NEPA that the fossil fuel industry had sought for many years. Unfortunately, at the time of its passage, a significant [number of Democratic Senators](#) argued that while the changes to NEPA might benefit extractive industries, the changes would also benefit renewable energy.

And yet, in the year since the passage of the Fiscal Responsibility Act, not a single Senate committee has held even one hearing evaluating the consequences and impact of this law to frontline communities and to the environment; and no one has ever asked this fundamental question: did the changes to NEPA *actually* speed the approval of renewable energy projects?

After the passage of the Fiscal Responsibility Act, the only [lawsuit](#) thus far seeking to expedite a NEPA review has been filed by a Montana coal company, Signal Peak Energy, which is seeking to rush completion of an environmental impact statement on what could be one of the largest

coal mines in the country. Approving more coal mines quickly will not be beneficial to our climate nor will it help renewable energy deployment. It is disturbing that the Senate refuses to acknowledge the reality that weakening NEPA is resulting in precisely what frontline communities strenuously warned against—propping up the fossil fuel industry at the expense of our shared environment.

Neither Senator Manchin or Senator Barrasso care about achieving a renewable energy future or averting a climate catastrophe. In the last few months, Senator Barrasso [introduced a bill](#) to repeal the Inflation Reduction Act’s key electric vehicle tax credit provision and Senator Manchin [announced his intent](#) to lead a Congressional Review Act resolution to nullify the Biden Administration’s consequential improvements to the NEPA regulations, which *finally* require all federal agencies to meaningfully address environmental justice and assess greenhouse gas emissions. There are no two senators worse than Manchin and Barrasso to develop “permitting reform” legislation if the goal of such legislation is to actually address the climate crisis.

Good policy is informed by science, real data, community input and a robust analysis of the existing policy regime. Indeed, a thorough evaluation of data compiled by the federal agencies themselves shows that environmental regulations and NEPA are *not* the roadblock to permitting for clean energy projects. According to new research from the University of Texas, from 2010 to 2021, [less than five percent](#) of wind and solar projects required a comprehensive environmental review under NEPA, only two percent required a Section 404 permit under the Clean Water Act, and less than four percent of wind projects required an habitat conservation plan under the Endangered Species Act. In contrast, fossil fuel projects almost always require greater environmental review because they are inherently vastly more damaging to the environment and the climate. The single biggest obstacle to renewable energy deployment both before and after the passage of the Fiscal Responsibility Act remains state and local opposition to connection of renewable energy to the grid.

Likewise, the threat of litigation has also served as a repeated scapegoat for the slow transition to renewable energy. But again, the data do not bear these claims out. Between 2010 and 2021—only 36 cases involved wind and solar projects, and just 14 involved transmission lines. To be sure, there is vastly more litigation over the approval of fossil fuel projects because they are extraordinarily more destructive to the planet, and the fossil fuel industry constantly attempts to skirt federal environmental safeguards to maximize their profits at the expense of the environment.

The fossil fuel industry has a long, documented [history](#) of deceiving the public to delay climate action to secure their own profits, and spent decades spreading disinformation about NEPA and our environmental laws because it furthered their agenda. And while we agree that the calendar and the chaos of this Congress makes it unlikely “permitting reform” can make it over the finish line, it is deeply troubling that you do not seem to have rejected the premise that underlies the Manchin-Barrasso effort—that the only acceptable trade that this Congress can make is one where renewable energy receives a few token breadcrumbs, while the fossil fuel industry again reaps massive gains. There are many positive policy actions that Congress could take to speed a just and equitable transition to renewable energy, including reforming the Federal Energy

Regulatory Commission, creating a fully integrated national grid, and implementing a Marshall Plan type effort to ensure that all communities are part of a renewable energy future.

None of these policy improvements will happen if the Senate takes its cues from pro-polluter politicians. Thus we ask you to publicly reject Senator Manchin's efforts and chart a completely new course of action that does not give more windfalls to the fossil fuel industry.

Sincerely,

198 methods
350 Bay Area Action
350 Chicago
350 Colorado
350 Conejo / San Fernando Valley
350 Eugene
350 Mass
350 San Diego
350 Santa Barbara
350 Seattle
350 Triangle
350 Ventura County Climate Hub
350.org
350 Hawaii
350 Merced
350 NYC
7 Directions of Service
Accelerate Neighborhood Climate Action
AFGE Local 704
Alabama Interfaith Power & Light
All Our Energy
Alliance for Appalachia
Alliance of Nurses for Healthy Environments
Animals Are Sentient Beings Inc
Animas Valley Institute
Anthropocene Alliance
Battle Creek Alliance/Defiance Canyon Raptor Rescue
Be the Change--Colorado
Beaver County Marcellus Awareness Community
Better Brazoria: Clean Air & Water
Beyond Extreme Energy
Bold Alliance
Breach Collective
Bronx Climate Justice North
Businesses for a Livable Climate
Call to Action Colorado
Capitol Heights Presbyterian Church

Citizens Alliance for a Sustainable Englewood
CatholicNetwork US
Chesapeake Conservation Landscaping Council
Center for Biological Diversity
Center for Environmentally Recycled Building Alternatives
Central Illinois Healthy Community Alliance
Change Begins With ME (Indivisible)
Chesapeake Climate Action Network Action Fund
Christians For The Mountains
Church Women United in New York State
Citizens Coalition for a Safe Community
Clean Cape Fear
Clean Energy Action
Climate Action Campaign at the Humboldt Unitarian Universalist Fellowship
Climate Equity Policy Center
Climate Generation
Climate Hawks Vote
Climate Reality Project
Closing the Water Gap
CODEPINK Bay Area
Colorado Businesses for a Livable Climate
Colorado Coalition for a Livable Climate
Colorado State University
Community Earth Alliance
Community for Sustainable Energy
Concerned Citizens for Nuclear Safety
Concerned Health Professionals of New York
Congressional Progressive Caucus Center
Conservation Congress
Cooperative Energy Futures
CURE
Don't Gas the Meadowlands Coalition
Earth Ethics, Inc.
Earth Guardians
Earth Ministry/Washington Interfaith Power and Light
Education, Economics, Environmental, Climate and Health Organization
Elders Climate Action
Empower Our Future
Environmental Protection Information Center
Fox Valley Citizens for Peace & Justice
Food & Water Watch
For Love of Water
Foundation Earth
Foundation for Integrative AIDS Research
FreshWater Accountability Project
Fresnans against Fracking

Fridays for Future NYC
Friends of the Earth
Giniw Collective
Global Network Against Weapons & Nuclear Power in Space
Greater New Orleans Housing Alliance
Greater Park Hill Community
Green House Connection Center
GreenLatinos
Heartwood
Honor the Earth
HowlingForWolves.org
Immaculate Heart Community
Indian Point Safe Energy Coalition
Indigenous Environmental Network
Indivisible Ambassadors
Inspiration of Sedona
Institute for Policy Studies Climate Policy Program
Interfaith EarthKeepers
Interfaith Power & Light
International Marine Mammal Project of Earth Island Institute
Interstate 70 Citizens Advisory Group
Intheshadowofthewolf
Knox Climate Watch
Lady Freethinker
Larimer Alliance for Health, Safety and the Environment
Littleton Business Alliance
Long Beach Alliance for Clean Energy
Los Padres Forest Watch
Lower Cape Indivisible
Maryland Ornithological Society
Mayfair Park Neighborhood Association
Mental Health & Inclusion Ministries
Mid-Ohio Valley Climate Action
Milwaukee Riverkeeper
Mind's Eye Productions
Montebello Neighborhood Improvement Association
Mothers and Others for Clean Air
Mothers Out Front
Mothers Out Front Colorado
Mid-Ohio Valley Climate Action
Nassau Hiking & Outdoor Club
Native Sun Community Power Development
Network for a Sustainable Tomorrow
New Energy Economy
New Mexico Climate Justice
New Mexico Interfaith Power and Light

New York Communities for Change
Nicaragua Center for Community Action
North American Climate, Conservation and Environment
North Range Concerned Citizens
Northeastern Minnesotans for Wilderness
Northern Michigan Environmental Action Council
Northern Plains Resource Council
Nuclear Energy Information Service
Nuclear Watch New Mexico
NYC Grassroots Alliance
NYCD16 Indivisible
Oasis Earth
Ocean Conservation Research
Oil & Gas Action Network
Oil Change International
Oilfield Witness
Our Place in the World
Our Revolution
Our Sacred Earth
PA Jewish Earth Alliance
Partnership for Policy Integrity
Physicians for Social Responsibility
Physicians for Social Responsibility Pennsylvania
Peace and Justice Action League of Spokane
Plastic Pollution Coalition
Pollution Free Society
Port Arthur Community Action Network
Presente.org
Preserve Bent Mountain
Preserve Giles County
Project Green Home
ProsperityForRI.com
Protect Our Water, Heritage, Rights
Protect Our Woods
Public Lands Project
Puget Sound Advocates for Retirement Action
Putnam Progressives
RapidShift Network
Resist the Pipeline
Resource Renewal Institute
Rise Up WV
RootsAction.org
San Antonio Bay Estuarine Waterkeeper
San Bernardino Valley Audubon Society
San Francisco Bay Physicians for Social Responsibility
Santa Fe Forest Coalition

Save Lake Superior Association
Save Our Sky Blue Waters
Save the Environmental Protection Agency
Save The World's Rivers
SEE (Social Eco Education)
Seneca Lake Guardian
Sheffield Saves
Small Business Alliance
SoCal 350 Climate Action
Soda Mountain Wilderness Council
South Shore Audubon Society
Southwest Organization for Sustainability
Spirit of the Sun
Stand.earth
Sullivan Alliance for Sustainable Development
Sunflower Alliance
Swan View Coalition, Inc.
SWIMS Foundation
System Change Not Climate Change
Terra Advocati
Texas Campaign for the Environment
The CLEO Institute
The Climate + Community Project
The Enviro Show
The Last Plastic Straw
The People's Justice Council
The Quantum Institute
The Revolving Door Project
The Rewilding Institute
The Shalom Center
The Water Collaborative of Greater New Orleans
TIAA-Divest!
Turtle Haven Sanctuary
Turtle Island Restoration Network
Umpqua Watersheds
Union Hill Freedmen Family Research Group
Unitarian Universalists for Social Justice
Unitarian Universalist Fellowship of Hidalgo County
Unite North Metro Denver
Valley Watch, Inc.
Veterans for Peace #35
Vibrant Littleton
Virginia Interfaith Power & Light
Vote Climate
Wall of Women
Wasatch Clean Air Coalition

Waterkeeper Alliance
Waterkeepers Chesapeake
Waterspirit
WESPAC Foundation, Inc.
West End Revitalization Association
Western Environmental Law Center
Western Slope Businesses for a Livable Climate
Wild Watershed
Women's Earth and Climate Action Network
Womxn from the Mountain
Working for Racial Equity
Zero Hour