

September 23, 2022

Oppose the Big Oil Side Deal

Dear Colleague:

At a time when climate change is already causing devastating harm to people in the United States and throughout the world, the last thing Congress should do is pass the disastrous side deal recently introduced by Senator Manchin to make it easier for the fossil fuel industry to destroy the planet and pollute the environment.

This legislation would fast-track the approval of potentially dozens, if not hundreds, of some of the largest and dirtiest fossil fuel projects in America each and every year, according to the Center for Biological Diversity. Specifically, Senator Manchin's side deal would set a 150-day limit for Americans to take legal action against fossil fuel projects that are in violation of our nation's environmental laws and would impose a two-year limit on environmental reviews. Proponents of this side deal claim that "[streamlining](#)" environmental permitting laws will speed up deployment of renewable energy and transmission infrastructure. In reality, this deal is clearly intended to benefit the fossil fuel industry and will not meaningfully expedite the deployment of renewable energy. The fact of the matter is that the proponents of this side deal have offered no concrete evidence to quantify the supposed benefits for renewable energy. None.

Further, this legislation would represent the most significant loss of protections under the Clean Water Act and the National Environmental Policy Act in the modern history of America. It does this by gutting the ability of states to reject oil and gas projects that jeopardize safe and clean drinking water. For example, Oregon and Washington have used the Clean Water Act to block fossil fuel export terminals that would have transported coal and natural gas from states like Wyoming to Asia. Under this side deal, states could be forced to accept dirty fossil fuel infrastructure projects that could have negative health consequences for their constituents. Even worse, every four years, each federal agency would be mandated to create new categorical exclusions for fossil fuel projects that do not require any environmental review.

Under this legislation, the president would be required to designate 25 energy projects for priority federal review. While proponents of this side deal claim that some of these projects would need to be related to "clean energy," since the legislative language is undefined and weak, all of these projects could conceivably benefit the fossil fuel industry. For example, while two of these projects are required to be transmission or electric grid projects, they could be built to transmit energy from new fossil fuel plants. Moreover, while six of these projects must generate or store electricity without the use of fossil fuels or be manufactured by clean energy equipment,

the bill does not contain a definition of “clean energy.” What this means is that a future president could argue that natural gas is clean energy even though it is clearly a fossil fuel.

In addition, this bill would require federal agencies to take “all necessary actions” to permit the completion of the Mountain Valley Pipeline within 30 days of passage. According to Oil Change International, this 303-mile fracked gas pipeline would add up to 128.7 million tons of greenhouse gas emissions into the atmosphere – the equivalent of 37 new coal plants or putting 27 million additional cars on the road – each and every year. Incredibly, this legislation would give the Mountain Valley Pipeline the ability to operate “at full capacity” with no judicial review at a time when the owners of this pipeline have already been fined over \$2 million for violating over 350 water-quality laws in Virginia and West Virginia. This extremely broad legislative language could allow lawyers for the Mountain Valley Pipeline to successfully argue that any legal issue arising from the completion of this pipeline is exempt from judicial review. After construction and initial operation, all legal challenges to this pipeline would be switched to the D.C. Court of Appeals – a brazen and unprecedented attempt to hand a legal victory to the owners of this pipeline that they have been unable to achieve in the appropriate court of jurisdiction. Amazingly, proponents of the permitting deal have offered no evidence that this legislation would incentivize enough renewable energy projects to overcome the harmful emissions of just this one pipeline.

Over 400 scientists, physicians and nurses recently wrote a letter to Speaker Pelosi and Majority Leader Schumer urging Congress to reject this legislation, including Michael Mann at the University of Pennsylvania, Mark Jacobson at Stanford University, Peter Kalmus at UCLA, Robert Howarth at Cornell University, and Katie Huffling with Physicians for Social Responsibility. This is what they wrote: “We implore you to reject all attempts by Senator Manchin and his allies to advance legislation, in a so-called side deal, that would actually fast-track more fossil fuel projects...Advancing legislation that in any way facilitates additional fossil fuel extraction—or incentivizes infrastructure projects that further entrench our dependency on oil, gas, and coal—takes us in exactly the opposite direction... We have heard you affirm the necessity of science for policymaking and the importance of listening to scientists for guidance. We are those scientists. And we are the doctors and nurses who take care of those harmed by this unfolding crisis. Speaking together, we urge you in the strongest possible terms to reject this attempt to force through legislation that weakens our bedrock environmental laws and fast-tracks ill-conceived fossil fuel ventures. You have the power to untether this wrongheaded legislation from the Continuing Resolution and prevent it from moving forward.”

Let’s be clear. We do not have to eviscerate the Clean Water Act and speed up the approval of dirty fossil fuel projects in order to produce the renewable energy that we need to combat climate change. Any attempt to reform the permitting process must be done through regular order, not behind closed doors. It should be the subject of hearings that receive input from climate scientists, environmental experts and the communities impacted by the legislation. It should not be attached to must-pass legislation with no public scrutiny.

Next week, Congress has a fundamental choice to make. We can listen to the fossil fuel industry and climate deniers who are spending huge amounts of money on lobbying and campaign

contributions to pass this side deal. Or we can listen to the scientists and the environmental community who are telling us loudly and clearly to reject it.

In my view, the time has come for Congress to tell the fossil fuel industry that their short-term profits are not more important than the future of our planet. I hope you will join me in opposing this deal.

Sincerely,

A handwritten signature in blue ink that reads "Bernie Sanders". The signature is written in a cursive, flowing style.

Bernie Sanders
United States Senator