

March ##, 2023

Re: Oppose the Egregious Attacks on the Environment and Public Health in H.R. 1

Dear Representative,

On behalf of ## organizations and our millions of members and supporters, we write to urge you to categorically oppose H.R. 1, the so-called “Lower Energy Costs Act.” This legislation represents a sweeping attack on this country’s bedrock environmental laws and an unequivocal rejection of every principle of environmental justice. As it silences the voices of our most disadvantaged and environmental justice communities, tribal nations, and local and state governments, this legislation will degrade millions of acres of public lands in an unprecedented expansion of fossil fuels and mining, rubberstamp dirty gas pipelines across countless rivers and streams, destroy coastal wetlands to approve more fracked gas export terminals, and cause irreversible declines to countless species of wildlife across this country.

H.R. 1 includes nearly 50 attacks on the National Environmental Policy Act, which would effectively dismantle every aspect of citizen participation and community input in virtually every decision that federal agencies might make. This legislation will give polluters an unfettered ability to write and approve their own environmental review documents, exempt 95% of all federal projects from any form of public accountability, and would set back by decades our ability to address long-standing environmental injustice and protect Black, Brown, Indigenous, and other frontline communities. In short, H.R. 1 would create a future where catastrophes like the East Palestine rail disaster, Deepwater Horizon spill, and pollution sacrifice zones like Cancer Alley become routine and unpreventable.

In a massive giveaway of public lands, H.R. 1 would put the fossil fuel industry in charge of which public lands are leased for oil and gas development, by forcing the Department of the Interior to lease all lands nominated by the fossil fuel industry automatically and at least four times a year. In addition to ravaging the climate and endangering communities living in the pathway of related fossil fuel infrastructure, public lands that are given to the fossil fuel industry become nearly worthless for wildlife, preclude recreation and hunting opportunities, and otherwise simply become an industrial development zone. Even areas right outside this nation’s most iconic national parks, important tribal cultural sites and wildlife refuges would be subject to the potential of virtually unchecked oil and gas development.

This legislation would lock in a massive increase in offshore oil and gas development as well, all while gutting vital protections for marine wildlife. H.R. 1 would require at least two lease sales every year in both the Gulf of Mexico and Alaska outer continental shelves, all while curtailing any meaningful environmental reviews before drilling. At the same time, the legislation would completely exempt all seismic blasting from the Endangered Species Act and the Marine Mammal Protection Act, which will harm countless whales, dolphins, sea turtles, and fish. These deafening surveys generate the loudest human sounds in the ocean and can cause lethal and sublethal injuries for miles around them. Seismic blasting stops humpback whales from singing their beautiful underwater songs, and dolphins have been discovered with fractures in their ear

bones and bleeding from their ears as a result of these blasts. For species like the critically endangered Rice's whale — endemic to the Gulf of Mexico and with a mere 50 individuals left in the world — this legislation all but ensures its extinction.

In a further affront to countless communities, this legislation would proactively preclude the President from issuing a moratorium on fracking. Fracking pollutes the waterways that provide drinking water to millions of people and pollutes our oceans. With no limits on toxic discharge, over the last decade oil companies have dumped over 65 million gallons of fracking fluids containing many substances that are toxic to both people and wildlife into the Gulf of Mexico.

This legislation would curtail the long-standing authority under the Clean Water Act that ensures that State and Tribal nation's environmental safeguards are protected before a project is approved. This provision in H.R. 1 would effectively allow oil and gas pipelines to be approved even if doing so undermined a State's efforts to address climate change or ensure pipelines are not built through frontline communities. At the same time, the legislation would amend the Natural Gas Act to rubberstamp the approval of more export terminals for fracked gas by dramatically curtailing every aspect of the environmental review process. Over the last five years the Keystone pipeline has had at least three major spills, most recently spilling nearly 600,000 gallons of oil in December 2022.¹ While over 1,000 acres of coastal wetlands in Louisiana have already been destroyed and more LNG terminals in Southwest Louisiana are planned, which will likely result in these vital natural barriers to storm surges and hurricanes being destroyed and degraded.

To continue its parade of unprecedented environment destruction, H.R. 1 would green-light the ability of mining companies to dump the waste of their operations on top of intact public lands, effectively turning those lands into a toxic waste dump. These mining tailings piles can be hundreds of feet tall and result in a steady leaching of toxic heavy metals such as arsenic, lead, and mercury, which can pollute the groundwater and surrounding surface water. In doing so, this legislation would effectively rubber-stamp the massive Rosemont Copper Mine, which would result in a mile-wide, half-mile-deep pit in the Santa Rita Mountains and pile potentially toxic mine tailings and waste rock hundreds of feet high across nearly 4,000 acres of public lands, which includes headwaters that replenishes Tucson's drinking water supplies.

H.R. 1 would also cause unprecedented harm to our nation's wildlife and natural heritage by exempting the oil and gas industry from complying with even the most basic safeguards meant to protect these iconic species from harm under the Endangered Species Act. Iconic wildlife from grizzly bears to California condors to Indiana bats, would all suffer as requirements to avoid, minimize and mitigate impacts of habitat fragmentation and disturbance are effectively eliminated. This destruction would almost certainly seal the fate of the endangered San Joaquin kit fox, which has lost extensive areas of its habitat to oil and gas development, the dunes sagebrush lizard, and the lesser prairie-chicken whose Permian Basin home is one of the fastest growing oil and gas extraction areas in the world.

¹ <https://www.theguardian.com/environment/2022/dec/21/oil-spills-keystone-pipeline-seem-worse-kansas>

Habitat destruction and degradation has already pushed nature to the brink. A 2022 scientific study found that nearly half of all ecosystems nationwide are now at risk of collapse,² and a 2019 study found that over three billion birds have vanished from our forests, grasslands, and backyards in less than a few decades. Scientists around the world predict that globally, one million animal and plant species are at risk of extinction in the coming decades primarily from the threat of climate change.

In the face of this reality, H.R. 1 takes the unprecedented step of directing federal agencies to specifically not consider the downstream impacts of projects they are reviewing, in essence ordering the federal government to not assess climate change or acknowledge it exists. This legislative mandate that force agencies to stick their heads in the sand and ignore science represents a colossal dereliction of duty by the proponents of this legislation.

With the release of the U.N. Intergovernmental Panel on Climate Change sixth report, it is clear the world is also coming dangerously close to reaching 1.5 degrees Celsius of global warming in the next few years, which will result in ever-increasing harms. The unprecedented storms, floods, droughts, and wildfires that now occur every year, with ever greater severity illustrate how little time is left to move towards a sustainable energy future. Instead, H.R. 1 seeks to lock in the worst and most egregious fossil fuel extraction activities for decades to come, putting at risk the health and safety of communities everywhere and a livable planet for future generations.

We therefore demand that you oppose H.R. 1 in its entirety.

Sincerely,

GROUPS

² NatureServe, Biodiversity in Focus: United States Edition (2023), <https://www.natureserve.org/bif>.