XXXX XX, 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 X 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](https://subscriber.politicopro.com/article/eenews/2024/05/13/schumer-throws-cold-water-on-big-permitting-package-00157637) 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](https://www.politico.com/news/2023/05/31/podesta-debt-deal-hits-dem-resistance-00099456) 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](https://dailymontanan.com/2024/04/25/signal-peak-sues-blm-for-stalling-on-coal-lease-says-mine-may-have-to-close/) 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](https://subscriber.politicopro.com/article/eenews/2024/05/02/republicans-introduce-bill-to-eliminate-ev-tax-credit-00155807) to repeal the Inflation Reduction Act’s key electric vehicle tax credit provision and Senator Manchin [announced his intent](https://www.manchin.senate.gov/newsroom/press-releases/icymi-manchin-statement-on-final-rule-for-nepa-review-process) 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, by 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](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4540734) 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](https://www.theguardian.com/business/2020/jan/08/oil-companies-climate-crisis-pr-spending) 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,

Center for Biological Diversity

Food and Water Watch

Friends of the Earth

Oil Change International