



BEFORE THE PRESIDENT OF THE UNITED STATES

**PETITION FOR THE DECLARATION OF A NATIONAL EMERGENCY
ADDRESSING CLIMATE CHANGE AND
THE CONSEQUENT PROHIBITION OF UNITED STATES CRUDE OIL**

April 20, 2016



“For I believe in the words of Dr. Martin Luther King, Jr., that there is such a thing as being too late. And when it comes to climate change, that hour is almost upon us.”

– President Barack Obama, inaugural address at COP21¹

“Ultimately, if we’re going to prevent large parts of this Earth from becoming not only inhospitable but uninhabitable in our lifetimes, we’re going to have to keep some fossil fuels in the ground rather than burn them and release more dangerous pollution into the sky.”

– President Barack Obama, statement on rejection of the Keystone XL Pipeline²

“Having the oil export ban lifted permanently, it’s like having 100 Keystone pipelines.”

– Speaker of the U.S. House of Representatives Paul Ryan³

Dear President Obama,

On behalf of our 350 environmental, social justice, indigenous, and health organizations, who collectively represent millions of Americans, we formally petition you to exercise your authorities under the 2016 Consolidated Appropriations Act (“Appropriations Act”)⁴ and the National Emergencies Act (“NEA”)⁵ to declare a national emergency to address climate change and, pursuant to such a declaration, prohibit the export of U.S. crude oil.

This emergency declaration is critical to safeguarding our climate and nation from the dangerous expansion of domestic oil development projected to result from the 2015 repeal of the crude oil export ban under the Appropriations Act. Lifting the crude ban has taken our country in exactly the wrong direction at a time when we must urgently transition to the low-carbon future you have publicly embraced.

Prohibiting crude exports is an essential component of efforts to limit global warming to no more than 1.5°C above pre-industrial levels—the crucial goal of the Paris Agreement adopted at the 2015 United Nations Framework Convention on Climate Change Conference of the Parties.⁶

¹ THE WHITE HOUSE, Statement by the President at the First Session of COP21 (Nov. 30, 2015), <https://www.whitehouse.gov/the-press-office/2015/11/30/remarks-president-obama-first-session-cop21>.

² THE WHITE HOUSE, Statement by the President on the Keystone XL Pipeline (Nov. 6, 2015), <https://www.whitehouse.gov/the-press-office/2015/11/06/statement-president-keystone-xl-pipeline>.

³ Timothy Cama, “Ryan: Oil exports win like ‘100 Keystone pipelines’” (Dec. 22, 2015), THE HILL, <http://thehill.com/policy/energy-environment/263982-ryan-oil-exports-like-100-keystone-pipelines>.

⁴ Consolidated Appropriations Act, 2016, Pub. L. No. 114-113, <https://www.congress.gov/114/bills/hr2029/BILLS-114hr2029enr.pdf>.

⁵ 50 U.S.C. 1601 *et seq.*

⁶ The Paris Agreement commits all signatories to an articulated target to hold the long-term global average temperature “to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels.” United Nations Framework Convention on Climate Change, Conference of the

The export ban's repeal is projected to increase U.S. crude oil production by at least 500,000 barrels per day, and perhaps as much as 3.3 million barrels per day. Combusting such large amounts of oil could release up to 500 million tons of carbon dioxide (CO₂) per year⁷ — the equivalent to the annual carbon emissions of 135 dirty coal-fired power plants or over 100 million cars.⁸

The damages from the oil exports surge will be felt not only by our global climate, but also by our own land, air, and communities. As the majority of new wells will be developed through unconventional, ultra-hazardous hydraulic fracturing, American communities will experience increased toxic air pollution, drinking water contamination, decimation of wildlife habitat, risk of explosions from “bomb trains” carrying crude oil cross-country, and surges in earthquakes like those caused by the oil industry in Oklahoma.⁹

Fortunately, these harms do not need to occur. The Appropriations Act grants you the explicit legal authority to prohibit crude oil exports in the case of a “national emergency.”¹⁰

Climate change is unquestionably a national emergency. As Dr. James Hansen and other leading scientists recently concluded, “[T]he message our climate science delivers to society, policymakers, and the public alike is this: we have a *global emergency*.”¹¹ The world faces increased droughts, floods, heat waves and other extreme weather events responsible for an estimated 400,000 deaths globally, as well as growing food insecurity, bleaching of coral reefs, and biodiversity losses.¹² The climate emergency is experienced similarly at home, with coastal communities and the country's most vulnerable populations—the poor, elderly, sick and children—bearing the brunt of public health effects and property damage linked to climate change. As the Environmental Protection Agency (“EPA”) concluded in April 2009, “greenhouse gas air pollution endangers the public welfare of both current and future generations. The risk and the severity of adverse impacts on public welfare are expected to

Parties Nov. 30-Dec. 11, 2015, Adoption of the Paris Agreement, Art. 2, U.N. Doc. FCCC/CP/2015/L.9 (Dec. 12, 2015), available at <http://unfccc.int/resource/docs/2015/cop21/eng/l09.pdf>.

⁷ Matt Lee-Ashley & Alison Cassady, *The Environmental Impacts of Exporting More American Crude Oil* (Aug. 21, 2015), CENTER FOR AMERICAN PROGRESS, <https://www.americanprogress.org/issues/green/news/2015/08/21/119756/the-environmental-impacts-of-exporting-more-american-crude-oil/>.

⁸ *Id.*

⁹ *Id.*

¹⁰ Consolidated Appropriations Act, 2016, Pub. L. No. 114-113, Tit. I, Div. O, §§ 101(c), 101(d)(1)(A).

¹¹ James Hansen et al., *Ice melt, sea level rise and superstorms: evidence from paleoclimate data, climate modeling, and modern observations that 2 °C global warming could be dangerous*, ATMOSPHERIC CHEMISTRY AND PHYSICS, 16, 3761-3812 (2016).

¹² DARA AND THE CLIMATE VULNERABILITY FORUM, *Climate Vulnerability Monitor, 2nd Edition: A Guide to the Cold Calculus of a Hot Planet* (2012), DARA INTERNACIONAL, 62, <http://www.daraint.org/wp-content/uploads/2012/10/CVM2-Low.pdf>.

increase over time.”¹³ In the seven years since the EPA’s endangerment finding, climate impacts have only gotten worse, justifying the urgent call for a national climate emergency.

For the world to stay within a carbon budget consistent with a 1.5°C temperature limit—so as to avoid truly catastrophic climate impacts¹⁴—we must leave significant fossil fuels in the ground. Put simply, only a limited amount of greenhouse gases can be released into the atmosphere without rendering the goal of meeting the 1.5°C (or even a 2°C) target virtually impossible. In recent months you have clearly acknowledged that curtailing fossil fuels extraction is critical to the fight against global warming.¹⁵ Using the clear authorities you possess as President, you have taken important steps down this path by rejecting the Keystone XL Pipeline, imposing the recent moratorium on coal leasing on federal lands, and canceling or delaying multiple federal fossil fuel lease sales.¹⁶ The repeal of the 40-year-old crude oil export ban contrasts starkly with those wise decisions.

By signing the Appropriations Act and lifting the export ban, you risk undermining the commitments you made in Paris and tarnishing your legacy as a climate leader. However, the same Appropriations Act that repealed the export ban also contains the authority you need to reinstate the ban, via a declaration of a national emergency. All that is required is that you act upon this authority.

In light of the above, and as further elaborated in the legal and scientific addendum to this petition, the undersigned organizations respectfully request that you, pursuant to Sections 101(c) and 101(d)(1)(A) of Division O, Title I of the Appropriations Act, and consistent with the provisions of the NEA, declare a national emergency with respect to climate change and the impacts of crude oil exports, formally notice the declaration of such a national emergency in the Federal Register, and, accordingly, prohibit the export of U.S. crude oil.

Sincerely,

[Signatories to follow on next page.]

¹³ U.S. ENVIRONMENTAL PROTECTION AGENCY, Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, 74 Fed. Reg. 66,496, 66,498-99 (Dec. 15, 2009).

¹⁴ A target of 1.5°C, while obviously more protective of the climate than a 2°C target, may itself be too high to avoid catastrophic consequences. Dr. James Hansen and colleagues have recommended limiting warming to 1°C to “stabilize climate and avoid potentially disastrous impacts on today’s young people, future generations, and nature.” See James Hanson et. al, *Assessing “dangerous climate change”: required reduction of carbon emissions to protect young people, future generations and nature*, 8 PLoS ONE 8, e81648 (2013).

¹⁵ THE WHITE HOUSE, *supra* note 2.

¹⁶ U.S. DEPARTMENT OF THE INTERIOR, Secretarial Order No. 3338, 8 (Jan. 15, 2016).

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