May 10, 2023

The Honorable Joseph R. Biden Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

The Honorable Chuck Schumer
Senate Majority Leader
Room S-221, United States Capitol
Washington, D.C. 20510

The Honorable Hakeem Jeffries
Minority Leader
Room H-232, United States Capitol
Washington, D.C. 20515

Re: A Better Path Forward to Achieving a Just and Renewable Energy Future

Dear President Biden, Majority Leader Schumer, Leader Jeffries,

On behalf of 290 Indigenous peoples, frontline communities, environmental justice, and other organizations representing tens of millions of people, we write to raise our deep concern and opposition to your continued, imprudent calls for “permitting reform.” While the proposals you have previously endorsed might marginally improve the deployment of renewable energy, any such gains would be massively dwarfed by the emissions of fossil fuel projects that would be expedited, and cause substantial environmental injustices for countless communities around the nation.1

We believe that there is a better path forward — one that ends the status quo dominance of the fossil fuel industry, empowers federal agencies to use their authorities to accelerate the transition to a just, resilient, and equitable power system, champions the principles of environmental justice and preserves our core environmental laws. The United Nations Intergovernmental Panel on Climate Change’s sixth synthesis report makes clear that an unprecedented transition to renewable energy with an equally aggressive effort to halt new fossil fuel development and phase out of existing fossil fuel usage is absolutely vital to avoiding the most catastrophic consequences of climate change.2 We hope that you agree and will support the principles set forth below in any future legislation, rather than supporting proposals championed by the fossil fuel industry and the politicians beholden to them.

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I. **Renewable Energy Loses When Congress Makes “Technology Neutral” Changes to Our Core Environmental Laws, Exacerbating Environmental Racism**

Thanks to over 100 years of political support, billions in annual subsidies, and a judiciary reshaped by the previous administration, the fossil fuel industry possesses a massive systemic advantage compared to renewable energy. Weakening the National Environmental Policy Act, curtailing judicial review and requiring the President to identify national strategic projects might marginally shorten the time period to complete the federal environmental review process for a few renewable energy projects. However, these “technology neutral” solutions would allow the fossil fuel industry to reap far greater returns from such legislative changes simply due to the size of these industries, their dominance over federal and state regulatory processes, political influence and resources they can bring to bear.

Any energy proposal that embraces an “all of the above approach” or claims “technology neutrality” will only undermine efforts to address the climate crisis and will put environmental safeguards at risk. Unlike Sen. Manchin’s so-called Building American Energy Security Act of 2022 — which did not even use the phrase “renewable energy”— Congress and the President should *only* elevate clean, renewable energy projects as being of strategic national importance.

As a starting point, the President should identify 50 renewable energy projects, especially those that generate electricity in a distributed and equitable fashion to the benefit of environmental justice communities, as being the highest priority for this nation. All federal agencies should be required to allocate all available staff and resources to complete the reviews and approvals of such projects such as solar, wind, and battery storage *prior* to the completion of any other projects that would benefit fossil fuels, fossil fuel hydrogen, or carbon capture. After a century of being given every benefit possible, it is past time for fossil fuels to go to the back of the line— and not get built at all.

II. **Not All Renewable Energy Approaches Are Created Equal**

Neither Congress nor the Executive Branch should assume that utility-scale renewable energy that relies on a large-scale transmission build-out is the silver bullet to decarbonization. Instead, Congress should first maximize distributed energy resources — including distributed solar, battery storage, and microgrids — which are more reliable, resilient, and affordable than large-scale utility energy. A comprehensive federal mandate that accelerates the deployment of solar on residential, commercial and public buildings, parking lots and other developed areas that are near the source of energy consumption have the potential to fulfill the majority of current demands for electricity in this country. Remaining energy needs can be met several times over by building community- and utility-scale solar on degraded lands, and along rights-of-way like roads, railways, and existing transmission lines. Critically, identifying the *actual* obstacles to achieve this — including a lack of coordination and agency capacity to address local community

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needs — would allow Congress to rationally address those obstacles, rather than continuing to
scapegoat NEPA as the singular barrier to achieving a renewable energy future.

At the same time, massively deploying energy efficiency and reducing demand for electricity is
the most cost-effective way to address emissions. Energy efficiency technologies alone—
including heat pumps, better weatherization, and demand response tools—have the potential to
reduce annual electricity use by over 25% in 2030.\textsuperscript{5} Similarly, activities that egregiously and
wantonly consume electricity must be reined in. The mining of cryptocurrencies alone in the
United States now consumes approximately 3,900 megawatts of electricity per year—the same
amount of energy as used by 3 million households.\textsuperscript{6} Congress must direct the Environmental
Protection Agency and Department of Energy to address emerging and unsustainable users of
energy, especially emerging industries that are undermining the transition to renewable energy.

Equally important, Congress must expand community engagement to create even greater support
for renewable energy. The best way to do this is to pass the A. Donald McEachin Environmental
Justice for All Act, which ensures that cumulative impacts are fully considered in all decision
making, ensures meaningful participation of environmental justice communities in decision
making so they are no longer treated as sacrifice zones, and acts with respect to free, prior, and
informed consent through meaningful consultation with tribal governments and tribal community
members at every step of development and review, with a mechanism to enforce with judicial
review. This cornerstone of Federal Indian Law ensures tribal jurisdictional authority both on
and off the reservation, as reserved in customary rights, starting at the inception of any project.
Early and meaningful stakeholder engagement can address legitimate siting and related concerns
and pave the way for community acceptance of these projects. This approach will help elevate
projects on degraded lands or existing right-of-way, which will have greater community
acceptance and avoid harms that would otherwise arise.

It is unfortunate that Congress and this administration continue to prioritize some of the least
effective and most costly ways of moving away from fossil fuels, which extends the production
and use of oil and gas instead of focusing resources and attention on the best and most innovative
solutions to the climate crisis. False solutions such as building a vast network of pipelines for
carbon capture, or an entirely new infrastructure for fossil fuel-produced “blue hydrogen,” and
so-called “advanced” or “chemical recycling” processes for plastics, are not effective or efficient.
All they do is extend the use of fossil fuels while helping large, private utilities lock in decades
more profit at public expense and divert resources away from solutions that could actually meet
emissions targets set forth in the Paris accords.

Finally, Congress must ensure that the buildout of a renewable energy future does not itself cause
serious environmental harm through a massive increase in mining and other extractive activities.
Recent research has demonstrated that the volume of mining for energy transition minerals is not
a given. Investing in mass transit, limiting battery size, increasing city density and limiting
suburban sprawl, and instituting robust recycling could reduce 2050 US demand for lithium by

\textsuperscript{5} Langevin et. al., \textit{US building energy efficiency and flexibility as an electric grid resource}, Joule 5, 2102–
\textsuperscript{6} The Real-World Costs of the Digital Race for Bitcoin, NYT April 9, 2023.
92 percent from the most lithium intensive scenarios. Congress should take a whole-of-supply chain approach to decarbonizing the transportation system that uses manufacturing, land use, and transportation policy as mechanisms for minimizing the amount of mining needed and developing a more equitable society. Congress should also amend the Resource Conservation and Recovery Act of 1976, which provides EPA the authority to regulate all solid and hazardous waste, to give the agency the mandate to ensure 100% recycling of all minerals needed for the wide-scale deployment of renewable energy without furthering environmental harms. To ensure a race-to-the-top in manufacturing around the world, and prevent environmental impacts from being borne by the Global South, Congress should also reform the Export-Import Bank and other federal agencies engaged internationally to help transition their economies to recycling rather than extraction, and use both trade sanctions and trade incentives to prevent private corporations from simply exploiting weaker or non-existent environmental protections in other nations as the sources of their raw materials.

III. Reforming the Federal Energy Regulatory Commission, Department of Energy, and Other Agencies to Advance a Just and Renewable Energy Future

Acting Chair Willie Phillips’ recent claims that the Federal Energy Regulatory Commission’s “hands are tied” when it decides whether to approve new gas pipelines and liquefied gas projects illustrates just how ill-equipped FERC is to address the climate crisis and facilitate the transition to a renewable energy future. Congress should consider: (1) amending existing laws to reform FERC and DOE so that their primary and overarching mission is to enable a renewable energy future and phase out the use of fossil fuels for energy generation; and/or (2) creating a new, master energy planning agency with unified authorities to oversee all aspects of the energy transition and transmission planning, coordinate federal, state, and local permitting, and stop utility obstruction of renewable energy buildout to maintain the fossil fuel status quo.

First, creating an entirely new coordinating energy agency with master energy planning authorities, or endowing FERC and the Department of Energy with such authorities, is vital to realizing a just and renewable energy system in an efficient manner. This new body must be governed by a board made up of environmental justice leaders, energy planners, and other experts who can lay out a blueprint that advances this just energy future and not be captured by corporate interests. Congress should mandate these bodies deploy distributed and energy-efficient technologies at scale first, build transmission and large-scale projects to meet remaining energy demand, coordinate currently confusing permitting processes, and bulk up agency capacity for meaningful community engagement early on. These bodies should also address barriers of interconnection to the power grid, a crucial yet often overlooked issue for enabling timely deployment of clean energy projects. Monopolistic utilities have consistently delayed interconnecting competing generation sources—including both small rooftop solar to large-scale renewables—to the transmission grid they own. Research from the Lawrence Berkeley National

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8 See, Phillips says FERC’s ‘hands are tied’ on LNG, pipeline approvals (March 29, 2023), available at: https://subscriber.politicopro.com/article/2023/03/phillips-says-fercs-hands-are-tied-on-lng-pipeline-approvals-00089532.
Laboratory suggests large-scale renewable projects now spend about 3.5 years in interconnection queues in some grid operators in the country.\textsuperscript{9}

Second, regarding the build out of utility-scale renewable energy on already-built surfaces, Congress should direct that FERC preempt all state and local “Rights of First Refusal” laws that preclude competition in the transmission projects that will connect these projects to the grid. In many states, these laws are incentivizing utilities to focus on local transmission projects where they can avoid competition, increasing their profitability while slowing the renewable energy transition.\textsuperscript{10}

Finally, Congress should override the ideological intransigence of Texas, and fully integrate Texas’ grid—known as ERCOT—into one single, integrated national grid that is not artificially segregated based on the demands of one state. In 2020, the Department of Energy concluded that if Texas were connected to the Western Interconnection grid and the Eastern Interconnection grid, then significant new renewable energy capacity could be added across the nation.\textsuperscript{11} Congress must amend the Federal Power Act and require FERC to prioritize the integration of the three existing grid systems to create a single, unified grid that can efficiently move renewable energy.

\textbf{IV. Innovative Solutions Must Become Top Priorities of All Federal Agencies}

With respect to energy creation, Congress should prioritize a far smarter renewable energy deployment that simultaneously maximizes the well-being of communities and the planet. Every single dollar deployed from the Inflation Reduction Act and other federal funds are opportunities that can be leveraged to advance just, renewable energy systems, not climate scams. As a starting point, distributed renewable energy like rooftop and community solar are proven to offer co-benefits like greater affordability; greater resilience in climate-fueled disasters, local economic benefits of jobs; avoided wildlife impacts with larger scale clean energy projects and transmission; avoided waste of power lost in line transmission, as more than 5\% of such energy is lost just in the transmission alone; and public health benefits when quickly displacing fossil fuel generation and pollution.

A recent study concluded that if every canal in California was covered by solar panels, such an approach would generate approximately 13 gigawatts of energy annually\textsuperscript{12} — enough to power nearly 10 million homes — while simultaneously reducing water loss by 63 billion gallons of water per year due to evaporation. If such an effort were to target the 8,000 miles of canals across the western United States managed by the Bureau of Reclamation, this could likely

\textsuperscript{9} Joseph Rand et al., Berkeley Lab, Queued Up: Characteristics of Power Plants Seeking Transmission Interconnection As of the End of 2020, \url{https://etapublications.lbl.gov/sites/default/files/queued_up_may_2021.pdf}
produce 25 gigawatts of onshore renewable energy, and all without destroying a single acre of intact habitat on public lands.

Another solution to advance a renewable energy future would be for Congress or the President to prioritize the deployment of solar power systems over parking lots and on rooftops of buildings owned by the federal government, including the 30,000 post offices around the country. Every federal building that has public parking should also provide at least 5-10 high-speed car charging stations to increase access to chargers in every community in the country. Non-federal public entities, such as public housing, schools, and community buildings, should also benefit from financing avenues to transition to solar.

Third, the President should mandate that the Federal Emergency Management Agency build back communities with resilient, reliable distributed and renewable energy, instead of fossil fuels. Current practice for both pre- and post-disaster relief re-entrenches the fossil fuel status quo while simultaneously making communities—disproportionately those of color and low-wealth—more vulnerable to intensifying climate disasters. Efforts to rebuild Puerto Rico’s grid after several record-breaking hurricanes put on full display the harm of reinvesting in a centralized and fragile fossil fuel system.

Finally, many first-generation wind farms on public lands were installed with turbines that produce meager amounts of electricity compared to modern turbine systems being installed today. Retrofitting existing wind farm facilities by replacing turbines that produce just a few hundred kilowatts of power with modern turbines that produce several gigawatts each would result in the same footprint areas producing as much as 60-70% more power while simultaneously reducing impacts to wildlife including birds and bats, and tapping into existing transmission corridors.

V. Federal Agencies Need Sufficient Resources to Advance a Renewable Energy Future

Unlike the Inflation Reduction Act, which held hostage the approval of rights-of-way for renewable energy to leasing of oil and gas on public lands and waters, Congress should instruct all federal agencies to defer the review and approval of any fossil fuel projects until every renewable energy and affiliated transmission project currently pending before any federal agency has been completed. Congress should provide every federal agency with the resources to conduct such reviews in a robust manner—providing meaningful opportunities for every impacted community to have their voices fully heard, thoroughly address the input and concerns of every community, and incorporate principles of environmental justice in every decision.

While Congress has provided some additional funding for environmental reviews over the past few years, funding to complete reviews under the National Environmental Policy Act and other laws is still far short of the need. And of the money provided by Congress, far too much is still being directed towards fossil fuels, status quo projects and other projects that undermine environmental justice. Congress should direct federal agencies to reallocate staff and suspend existing review on fossil fuel approvals in order to advance a true whole-of-government approach to achieve a renewable energy future. Federal agencies should prioritize remediating all
identified environmental injustice locations, clean up all existing pollution hot-spots and address other legacy environmental harms before allocating resources to any fossil fuel projects.

VI. Conclusion

The inevitable result of fossil fuel-favoring “permitting reform” is worsening the existing wounds of environmental racism and stifling our ability as one of a community of nations in averting the global climate disaster. We have set forth a far better path to achieve a just, renewable energy future, instead of the mindless cries for “permitting reform.” We call on you to unequivocally reject all legislative efforts to promote fossil fuels and the dangerous distractions that seek to prop them up, and reject all calls to weaken our core environmental laws. You must stand with the future generations and frontline communities who continue to bear the brunt of harm from fossil fuels and not enable politicians that seek to silence their voices.

Sincerely,

CONVENING ORGANIZATIONS

Center for Biological Diversity  Climate Justice Alliance
Climate and Community Project  Friends of the Earth
Food and Water Watch  Indigenous Environmental Network

NATIONAL ORGANIZATIONS

198 Methods  350.org
7 Directions of Service  ABC Earth Care Team
Action for the Climate Emergency  Alaska Wilderness League Action
Animals Are Sentient Beings Inc  Animas Valley Institute
Beyond Extreme Energy

Bold Alliance

Businesses for a Livable Climate

CatholicNetwork US

Center for Oil and Gas Organizing

Center for Popular Democracy

Church World Service

Climate Hawks Vote

Climate Justice for Africa

Concerned Health Professionals of New York

Deignan Institute for Earth and Spirit at Iona University

Earth Care Comm of St Andrews Pres in Austin, TX

Earthworks

Extinction Rebellion Youth United States

Forest Keeper

George Mason University Center for Climate Change Communication

Global Alliance for Incinerator Alternatives (GAIA)

Grassroots Environmental Education

Grassroots Global Justice Alliance

Green New Deal Network

GreenFaith

Greenpeace USA

Heartwood

Hispanic Access Foundation
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WildEarth Guardians

Women's Earth and Climate Action Network (WECAN)

Women's International League for Peace and Freedom, US
STATE ORGANIZATIONS

Alabama
Alabama Interfaith Power & Light
Black Warrior Riverkeeper

Arizona
Don't Waste Arizona
Physicians for Social Responsibility, Arizona

California
1000 Grandmothers for Future Generations
350 Bay Area Action
350 Conejo / San Fernando Valley
350 Ventura County Climate Hub
Active San Gabriel Valley
California Communities Against Toxics
Californians for Western Wilderness
Center for Environmentally Recycled Building Alternatives (CERBAT)
CODEPINK SF Bay Area
CWA Local 9415
Extinction Rebellion San Francisco Bay Area
First Wednesdays San Leandro
Humboldt Unitarian Universalist Fellowship Climate Action Campaign
San Bernardino Valley Audubon Society
San Francisco Bay Physicians for Social Responsibility
Santa Barbara Standing Rock Coalition
Santa Barbara Urban Creeks Council
Santa Cruz Climate Action Network
Sunrise Bay Area 35+ hub
The Climate Center
The Phoenix Group
Transition Sebastopol
West Berkeley Alliance for Clean Air and Safe Jobs

Colorado
North Range Concerned Citizens
350 Colorado
CASE Citizens Alliance for a Sustainable Englewood
San Luis Valley Ecosystem Council
Accelerate Neighborhood Climate Action
Call to Action Colorado
Colorado Businesses for a Livable Climate
Community for Sustainable Energy
I-70 Citizens Advisory Group
Indivisible Ambassadors
Larimer Alliance for Health, Safety and Environment
Littleton Business Alliance
Mental Health & Inclusion Ministries
Montbello Neighborhood Improvement Association
Southwest Organization for Sustainability
Spirit of the Sun, Inc.
The Green House Connection Center
The Mind’s Eye
Unite North Metro Denver
Wall of Women
Western Slope Businesses for a Livable Climate
Womxn from the Mountain
Working for Racial Equity
Connecticut Citizen Action Group
Stop the Algonquin Pipeline Expansion (SAPE)

District of Columbia
DC Environmental Network

Florida
Earth Action, Inc.
Earth Ethics, Inc.
Operation HomeCare, Inc.
The CLEO Institute

Hawaii
350Hawaii
Our Revolution Hawaii

Idaho
Snake River Alliance

Illinois
Nuclear Energy Information Service (NEIS)
Save Our Illinois Land

Indiana
Citizens Action Coalition of IN
Just Transition Northwest Indiana

Iowa
Ikiya Collective

Kentucky
Kentucky Interfaith Power and Light
The Alliance for Appalachia

Louisiana
First Unitarian Universalist Church of New Orleans
Greater New Orleans Housing Alliance

**Maryland**

Environmental Justice Ministry Team, Cedar Lane UU Church
Maryland Legislative Coalition
Maryland Ornithological Society
Public Justice Center
Waterkeepers Chesapeake
Blue Water Baltimore
Chesapeake Climate Action Network

**Massachusetts**

Center for Cultural Evolution
Energy Allies
FCCPR Climate Crisis Task Force
First Church Unitarian, Littleton MA
Franklin County Continuing the Political Revolution
XR Western Mass

**Michigan**

Anishinaabek Caucus
Detroit Hamtramck Coalition for Advancing Healthy Environments
East Michigan Environmental Action Council
EJ Activist
Green Party of Michigan
MI Interfaith Power & Light
Michigan Climate Action Network
Michigan Environmental Justice Coalition Action
Northern Michigan Environmental Action Council
We Want Green Too

**Minnesota**

Climate Generation
Cooperative Energy Futures
CURE Minnesota
Minnesota Center for Environmental Advocacy
Repowered
Vote Climate
Native Sun Community Power Development
North American Water Office

**Missouri**

Mid-Missouri Peaceworks

**Montana**

350 Montana
Alliance for the Wild Rockies
   Friends of the Bitterroot
   Swan View Coalition, Inc.

**New Hampshire**
Northeast Organic Farming Association of New Hampshire (NOFA-NH)

**New Jersey**
350NJ-Rockland
   Citizens United for Renewable Energy (CURE)
   Coalition to Ban Unsafe Oil Trains
   Divest NJ
   Don't Gas the Meadowlands Coalition
   Environmental Communion NJ Association UCC
   Health, Education, Energy and Pollutions Subcommittee of the Environmental and Climate Justice Committee of the NJ State NAACP
   Ironbound Community Corporation
   LEPOCO Peace Center (Lehigh-Pocono Committee of Concern)
   MoveOn.org Hoboken RESIST
   New Jersey Tenants Organization
   Northern New Jersey NOW
   The Wei LLC
   Waterspirit

**New Mexico**
   New Energy Economy
   New Mexico Climate Justice
   Santa Fe Forest Coalition
   Common Ground Rising
   New Mexico Climate Justice
   Terra Advocati

**New York**
   Bronx Climate Justice North
   Bronx Jews for Climate Action
   Church Women United in New York State
       Colorbrightongreen.org
       Congregation Beth Shalom
       GBC Sustainability Team
       Metro N.Y. Catholic Climate Movement
   Morningside Gardens Green Committee for Environmental Sustainability
       Nassau Hiking & Outdoor Club
       New York Lawyers for the Public Interest
       New York Progressive Action Network
       New York Society for Ethical Culture
       North Bronx Racial Justice
       North Country Earth Action
       NY4WHALES
Save the Pine Bush
Seneca Lake Guardian
Sisters of St. Dominic of Blauvelt, New York
South Asian Fund For Education Scholarship and Training
South Shore Audubon Society
Sullivan Alliance for Sustainable Development
The Quantum Institute
Third Act NYC
WESPA C Foundation, Inc.

North Carolina
350 Triangle
NC Climate Justice Collective
NC WARN
Sunrise Movement Durham
Toxic Free NC

Ohio
FreshWater Accountability Project

Oregon
350 Eugene
Corvallis Interfaith Climate Justice Committee
Extinction Rebellion, PDX
Interfaith EarthKeepers
Rogue Climate
Touching Earth Sangha
Umpqua Watersheds

Pennsylvania
Berks Gas Truth
Better Path Coalition
Centennial Parkside, CDC
Center for Coalfield Justice
Closing the Water Gap Working Group
Concerned Health Professionals of Pennsylvania
Neighborhood Art House
PA Jewish Earth Alliance
Peace, Justice, Sustainability NOW
Pennsylvania Interfaith Power & Light
Physicians for Social Responsibility, Pennsylvania
POWER Interfaith
Project Nature C.A.M.P.
Responsible Decarbonzation Alliance
Upstream Pittsburgh
Veterans Green Jobs Initiative
Stop the Algonquin Pipeline Expansion (SAPE)
Tennessee
Knox Climate Watch
Democratic Socialists of America - Knoxville, TN
Putnam Progressives

Texas
Clean Energy Now Texas
San Antonio Bay Estuarine Waterkeeper
Turtle Island Restoration Network
Unitarian Universalist Fellowship of Hidalgo County
Terra Advocati

Utah
Wasatch Clean Air Coalition

Vermont
Biofuelwatch

Virginia
Network NOVA
Preserve Giles County
Preserve Montgomery County VA
Protect Our Water, Heritage, Rights (POWHR)

Washington
350 Seattle
350 West Sound Climate Action
JUstice Washington
Parallax Perspectives
Pass the Federal Green New Deal Coalition

West Virginia
Chesapeake Climate Action Network
Mountain Watershed Association
Protect Our Water, Heritage, Rights (POWHR)

Wisconsin
Milwaukee Riverkeeper
Mayfair Park Neighborhood Association Board