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Empower NJ Urges Gov. Murphy to Better Protect Public Health, Democracy, Strengthen EO 122 & 127

Today, the Empower NJ No Fossil Fuel Projects Coalition held a virtual press conference asking the Murphy Administration to strengthen and clarify Executive Orders (EO) 122 and 127 to protect public health during the COVID-19 health emergency. [Last week, the coalition sent the Administration a letter](#) raising concerns that major state and local non-essential projects and controversial rules are still moving forward. New research from [Harvard University](#) shows long term exposure to air pollution directly increases COVID-19's death rate. As Earth Day's 50th Anniversary approaches, it is critical the Administration ensures our air is clean to breathe and stop all projects that threaten public health.

"Governor Murphy should not be using the health emergency to limit public involvement or public input. The government still has to function as an open government. However, there are still major projects moving forward where the public does not have access to participate in. Projects like the NJ Turnpike and GSP expansion, the SRL pipeline, and major sprawl development projects are still moving forward despite the coronavirus pandemic. They are undermining or preventing the ability of the public to have oversight and input. It's designed to dissent opinions to push through these bad projects," **said Jeff Tittel, Director of the NJ Sierra Club.** "We need the Governor to step up and not allow COVID-19 to be used to push through controversial projects on a state and local level."

EO 122 will stop non-essential construction. It includes exemptions for construction projects that involve hospitals, schools, affordable housing, transportation, utility work, emergency repairs and individual housing sites if they operate under strict social distancing guidelines. Transportation projects, including roads, bridges, mass transit and other infrastructure, e.g. work at airports or seaports are exempt. **And on Friday, NJ Transit got a key approval for its frack gas plant.**

"The public is struggling to survive the worst health emergency we have experienced in most of our lifetimes but state and local permitting for major development and construction of controversial projects march forward as if these were normal times. The public's right to participate in government decisions simply can't be exercised under the extraordinary and essential restrictions required to stop COVID 19 that limits travel, access to public records and supportive resources, attendance at public meetings, and group demonstrations. All government must stop moving substantial development and plans ahead until the public can fully and fairly participate once again. To do otherwise makes a mockery of the public participation process that is required for competent decisionmaking and stymies public dissent," **said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.**

Throughout New Jersey, there are dozens of projects in front of local planning boards that would have

detrimental impacts on water quality, climate emissions and more. For example, there is a massive Jaiindl Land Co. warehouse that has been proposed on environmentally sensitive farmland in **White Township**, and a similar project in **Franklin Township in Hunterdon County**. The Sewell Tract in **Cape May** is a housing development on environmentally sensitive wetlands that is currently in front of the planning board and also in front of DEP.

“New Jersey is quickly becoming the epicenter of the global health pandemic, yet Governor Murphy is allowing non-essential construction projects like luxury condos on the Jersey Shore and new fracked gas pipeline through the Pinelands to continue, putting workers and residents at increased risk,” **said Matt Smith, NJ Director for Food & Water Action**. “Unhealthy levels of air pollution in New Jersey are already making COVID-19 even deadlier, another reason why Governor Murphy must enact a moratorium on all new polluting fossil fuel projects, and focus our economic recovery investing in the clean energy jobs we so urgently need.”

EO 127 states any pending deadline for filing of a recommended report and decision pursuant to N.J.S.A. 52:14B-10(c); and any pending deadline for adopting, rejecting or modifying a recommended report and decision, shall be extended by the number of days of the Public Health Emergency declared in Executive Order No. 103 (2020) plus an additional 90 days. Empower NJ raised concerns that EO 127 could create a new extension period under the "Permit Extension Act of 2008" that covers permits in existence during the period in which the COVID-19 public health emergency or state of emergency is in effect. Any time there is an emergency, this permit extension becomes an excuse to take care of builders and developers.

“The Murphy administration’s hypocrisy on the NJ Transit gas plant project is staggering. While the governor signs executive orders and talks repeatedly about the need to reduce greenhouse gases and on Saturday his CEO of the NJ Economic Development Authority, Tim Sullivan, was quoted in the Star Ledger as saying ‘developing clean energy in the state will be a big part of the state’s economic recovery’, the governor, who has full control over the NJTransit board, has done absolutely nothing to change course on this project. He won’t even encourage NJT to look at renewable energy technology for this microgrid application,” **said Ken Dolsky, Organizer for Don’t Gas the Meadowlands**.

EO 127 however does not extend public comment like New York does for 60 days. It’s impacts are also unclear for decisions by the NJDEP on Land Use and Water Quality Permitting. This means that the high-density housing development at the **Haberman Hampton Tract** can still move forward with its proposal for a sewer service area along a high quality C-1 stream. It also means that even **on Earth Day, DEP can still conduct air permit hearings online for the Delaware River Partner LLC’s disastrous and dangerous LNG port** in Gibbstown.

"The Harvard study found what our front line environmental justice communities already know firsthand: air pollution kills. Communities with more exposure to particulate pollution suffer a higher death rate from Covid-19," **stated Amy Goldsmith, State Director, Clean Water Action**. "Now is emphatically NOT the time for our state to push massive highway expansion, permit new frack projects like the SRL pipeline, NJ Transit power plant, and Gibbstown LNG port, and close government’s doors to the people, all of which will INCREASE air pollution, create fewer jobs, and exacerbate the climate crisis compared to alternatives."

Empower NJ coalition along with other environmental groups and activists have been urging the NJ DEP for an extension on public comments for Williams Transco’s Northeast Supply Enhancement Project. **However their request fell on deaf ears. The extension was eventually granted for 30 days but only when Williams Transco requested it.**

“COVID is an all-encompassing crisis. The Murphy Administration should pause all major development permitting projects at state and local levels not related to the emergency and extend the pause to non-essential construction projects not related to repairing utilities,” **said Doug O’Malley**,

director of Environment New Jersey. “A month after our schools closed and we have sheltered in place, we are not in a business as usual scenario. State and local government should pause development permitting and truly non-essential projects – otherwise it becomes an end run around public participation and exacerbates our health crisis.”

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