

VOICES

Victory Over InFRACKstructure, Clean Energy inStead

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Nationwide Coalition Calls on Senate to Reject Trump's Latest Pro-fossil Fuel Nominee & Leave FERC Seat Vacant

Washington, D.C. – 131 organizations urged members of the U.S. Senate to reject Bernard McNamee, Trump's recent nominee to the Federal Energy Regulatory Commission (FERC), and leave the open Commissioner seat vacant until Congress has held investigations into FERC's abuses of power and initiated needed reforms.

The letter marks the second time in the past year that the VOICES coalition (a national coalition of over 245 community groups from across the nation facing the threats and harms of FERC) has alerted the Senate to the increasing and serious dangers to the environment and the people resulting from FERC's abuses of power and law and the need for investigations to precede any new confirmation. Recent and intensified climate change disasters and pipeline explosions exemplify the implications of the agency's recklessness. And Donald Trump's latest nominee to fill the vacancy, Bernard McNamee, is another fossil fuel advocate who on Earth Day of this past year extolled the virtues of dirty fossil fuels including fracked gas and diminished the power, possibility and values of a clean energy future.

In August 2017, when the Federal Energy Regulatory Commission (FERC) lacked a quorum to approve pipelines, the nationwide VOICES coalition called on members of the Senate not to restore a quorum at FERC and to use the time to advance the call for hearings into FERC to identify and pursue reforms. With Commissioner Powelson's departure this August, FERC's balance of power is now evenly divided. The letter calls on the Senate to "prevent restoration of the solid 3 to 2 majority that has continued to rubber stamp every pipeline brought before them."

As the letter states, "The majority of FERC Commissioners ignore the devastating impacts" of climate change and the "incidents and explosions associated with the natural gas pipelines they are approving. Before FERC is allowed to get back to business-as-usual-pipeline-approvals, Congress must step in and mandate FERC fully consider the devastating threat to families, communities, emergency service personnel, and public coffers from catastrophic events associated with pipelines and the failure of pipeline companies to take rational actions to prevent them."

"Trump continues to appoint FERC Commissioners with a clear bias for fossil fuels to the very agency that is meant to regulate them and protect the public interest. All the while, people across the country face fracked gas pipelines destroying their environment, their health, and their property; communities face the reality of climate change impacts like the increasingly severe hurricanes that we're seeing right now; and too many are suffering the horrors of fracked gas infrastructure explosions," **said Maya van Rossum, the Delaware Riverkeeper, leader of the Delaware Riverkeeper Network and leading member of the VOICES coalition.** "His latest nominee, Bernard McNamee, has gone out of his way to sing the praises of oil, coal, fracked shale gas and other fossil fuels, and to cast doubt on renewable energy sources by touting false narratives. The Senate has a clear obligation to ensure McNamee is not confirmed and should be instead pressing for congressional investigations into FERC's abuses of power and law."

"Last week, the Intergovernmental Panel on Climate Change warned us that we have about a decade to mitigate the worst effects of climate change. We made the climate argument, among many others, last year when we urged Senators

to avoid reestablishing a quorum at FERC. They ignored us. A year later, the outlook is more dire and the need for them to connect the dots is more urgent. Bernard McNamee, Trump's pro-fossil fuel, pro-coal and nuclear bailout FERC nominee has no place regulating the U.S. energy market and reviewing natural gas pipeline projects - not ever, but especially not now," **said Karen Feridun, Founder of Berks Gas Truth.**

"If the US Senate reflected the views of a majority of the American people, the Bernard McNamee nomination would be the point at which they finally draw a clear red line and say, "No more; no more climate deniers at FERC. It's time to get serious about the climate crisis." That much-needed stand must begin at McNamee's confirmation hearing on November 15th. Heed the IPCC!" **said Melinda Tuhus of Beyond Extreme Energy.**

"Nominating anyone to take a vacant position for this deeply flawed agency is in and of itself, deeply flawed as well. FERC has devolved into an agency that provides no real and meaningful oversight into any aspect of an industry that has become bloated with venality and drunk with power. Climate change scientists have been warning about the disastrous decisions this country has been making and the new scientific report from the world confirms their warnings. FERC has been an integral part of our running down the slippery slope of disaster and needs to be investigated, not enabled to continue in this manner," **said Sharon Furlong, Spokesperson and Co-Founder of Bucks Environmental Action and Bucks County Sierra Club.**

"Trump has chosen another anti-environment, climate-denier to FERC. McNamee supports subsidizing coal and nuclear power while promoting pipelines. Instead of responsibly regulating energy, he will work in lock-step with other Trump appointees on the Commission. McNamee was behind the proposed coal and nuclear bailout scheme last January. He even penned his own OpEd against renewable energy and praising fossil fuels. Bernard McNamee is another fossil fool chosen to further the Trump Administration's pattern of sell-outs and giveaways to Big Coal, Oil, and Gas," **said Jeff Tittel, Director of the New Jersey Sierra Club.** "Trump has denied climate change, approved offshore drilling, and is trying to stack FERC with people who are more than a rubberstamp for the fossil fuel industries. We need our Senators to block this dangerous nomination!"

"Compressor Free Franklin strongly supports keeping the FERC seat vacant until FERC is held responsible for contributing to global warming by rubber-stamping pipelines and natural gas infrastructure projects, while ignoring the role of methane leaks and releases to the atmosphere," **said Donald Hebbard, President of Compressor Free Franklin.**

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VOICES Coalition
Victory-Over-InFRACKstructure, Clean-Energy-inStead

October 12, 2018

Dear Senators,

We are writing to appeal to you again, with great urgency, to reject any new FERC Commissioner nominees until Congress has investigated FERC's Abuses of Law and Power and reforms are put in place. Donald Trump has nominated another fossil fuel advocate to fill the vacancy, Bernard McNamee, who on Earth Day of this past year extolled the virtues of dirty fossil fuels including fracked gas and diminished the power, possibility and values of a clean energy future. We need you to stand up in defense of communities and the Earth and oppose filling this vacancy at this time.

In 2017, when the Federal Energy Regulatory Commission (FERC) lacked a quorum to approve pipelines, representatives of our VOICES coalition (a national coalition of over 245 community groups from across the nation facing the threats and harms of FERC), urged you to vote against approving any new FERC Commissioners until Congress had held hearings investigating the many abuses and failings of this agency.

You didn't listen. A quorum was restored and dozens of new pipelines were approved in just the past year – all without consideration of the impacts on climate change; without concern for the devastating impacts of accidents and explosions; without appropriate considerations of need, environmental impacts or the appropriateness of giving the pipeline industry the power of eminent domain to take property rights. In addition, over this past year, FERC has heightened its use of legal loopholes to undermine state permitting authority, and to deny people meaningful access to the courts.

You now have a second chance. You could use your authority to maintain the vacancy created by Commissioner Powelson's resignation and prevent restoration of the solid 3 to 2 majority that has continued to rubber stamp every pipeline brought before them. We urge you to maintain this vacancy so FERC Commissioners Glick and LeFleur have the chance to take a meaningful stance on projects regarding climate change, need, tolling orders, issues around safety and the misuse of eminent domain.

This past year, FERC has solidified its refusal to look at the climate changing impacts of its decisions. Before FERC is allowed to get back to business-as-usual-pipeline-approvals, Congress must step in and mandate FERC fully evaluate and consider climate change, including the upstream and downstream impacts.

Pipelines directly, and in their support of increased fossil fuel development such as fracked shale gas, are releasing mass quantities of methane and other climate changing emissions. As a result, every natural gas pipeline approved by FERC is putting more families in peril, costing taxpayers billions of dollars in needed response, keeping workers from their jobs and preventing the advancement of clean energy technologies that create 3 to 5 times the number of jobs than their dirty fossil fuel counterparts. Waters are being polluted, communities devastated, and the future of our children, our children's children, and every future generation to come is being jeopardized.

Hurricane Florence has bashed through communities in the Carolinas causing massive damage and flooding, displacing communities and families. According to scientists, Florence was made worse by climate change.

“The forecasted Hurricane Florence rainfall amounts over the Carolinas are increased by over 50% due to climate change and are linked to warmer sea surface temperatures and available moisture in the atmosphere. “

“The forecasted size of Hurricane Florence is about 80 km larger due to the effect of climate change on the largescale environment around the storm.”

It's not just Hurricane Florence. To one degree or another, many of the recent extreme weather events are being directly tied to climate change; also linked by scientists to climate change are the record global heat experienced worldwide in 2016; high ocean temperatures off the coast of Alaska linked to the collapse of codfish populations; and changed weather patterns resulting in California drought.

And yet, the majority of FERC Commissioners, primarily the three installed at the behest of Donald Trump, refuse to consider the devastating consequences of climate change in their decisionmaking as required by NEPA, a year-old federal court decision, and good conscience. Relying on a multitude of unsupportable and simply untrue excuses, the majority of Commissioners to date have simply turned a blind eye.

As Commissioner Richard Glick so wisely has explained to this ill-informed majority:

“Climate change poses an existential threat to our security, economy, environment, and, ultimately, the health of individual citizens. Unlike many of the challenges that our society faces, we know with certainty what causes climate change: It is the result of GHG emissions, including carbon dioxide and methane, which can be released in large quantities through the production and consumption of natural gas. Congress determined under the NGA that no entity may transport natural gas interstate, or construct or expand interstate natural gas facilities, without the Commission first determining the activity is in the public interest. This requires the Commission to find, on balance, that a project's benefits outweigh the harms, including the environmental impacts from climate change that result from authorizing additional transportation. Accordingly, it is critical that, as an agency of the federal government, the Commission comply with its statutory responsibility to document and consider how its authorization of a natural gas pipeline facility will lead to the emission of GHGs, contributing to the existential threat of climate change.”

The majority of FERC Commissioners ignore the devastating impacts of the accidents, incidents and explosions associated with the natural gas pipelines they are approving. Before FERC is allowed to get back to business-as-usual-pipeline-approvals, Congress must step in and mandate FERC fully consider the devastating threat to families, communities, emergency service personnel, and public coffers from catastrophic events associated with pipelines and the failure of pipeline companies to take rational actions to prevent them.

At 4:55 a.m. on September 10, 2018, Energy Transfer Partners' Revolution pipeline exploded in Beaver County, Pennsylvania, destroying a home, garages, and several cars, in addition to toppling six electric transmission towers that left thousands without power. Three days later, an 18-year old was killed, 25 people were injured, and 39 homes were damaged or destroyed in the Merrimack Valley in

Massachusetts by 60 - 80 explosions and fires when Columbia Gas' distribution line blew. While these particular pipelines were not subject to approval by FERC, the disasters point to serious issues with the nation's gas infrastructure that must be addressed and contextualized as FERC considers adding even more capacity to the network.

Many in the pipeline industry are guilty of "Recidivism"; repeating the same bad conduct that knowingly has explosive and sometimes deadly consequences. FERC, as lead regulatory agency, fails to take this behavior and its consequences into account and fails to hold companies accountable by appropriately saying "no" to new proposals from these same bad actors. For example: Columbia Gas is responsible for three explosions since 2012, including the 2012 blast on a federally-regulated transmission line in Sissonville, WV that damaged and destroyed many homes and melted a portion of I-70. The NTSB concluded that corrosion had caused the blast and blamed a lack of inspections. The portion of the pipeline that ruptured was built in 1967 and had not been inspected since 1988. Three explosions and many unrelated violations have not stopped Columbia Gas from proposing the Buckeye XPress that is currently under review and, if history is any guide, FERC won't stop the company either. FERC does not take pipeline companies' track record into account in its review of new projects and has only said 'no' to one pipeline in 30 years. The rule of thumb with FERC is that if it's proposed, it's approved.

Aging infrastructure is another part of the problem, a major threat FERC continues to overlook, pointing instead to other agencies as their excuse for evaluating these dangerous ramifications of FERC decisionmaking. As FERC approves more and more pipelines that put more and more stress on the system, they too must take responsibility for the stress their decisions are placing on the existing pipeline systems. In 2011, an explosion on a distribution line in Allentown, PA killed five people including an infant and an elderly couple. In 1992, the National Transportation Safety Board had warned in a letter that old cast-iron pipes were a concern and cited four explosions that had occurred in the city since 1925. Since that letter, six explosions have occurred. According to reporting by the Associated Press at the time of the 2011 blast, the utility's safety record was "downright alarming." Almost exactly a year later, the utility's parent company, UGI, announced plans to build the Commonwealth pipeline. Two years later, after community groups and environmental advocates defeated the project, UGI announced plans to build the PennEast pipeline. FERC approved the PennEast project in January 2018 with no attention given to the fact that Allentown is hardly unique, that the problem of aging infrastructure is one that threatens communities everywhere. Never once has FERC questioned massive investment in new pipeline projects when the companies in question have neglected their responsibility to maintain existing pipelines.

Climate change isn't just advanced by FERC's rubber stamp pipeline approvals, but it is also a growing cause of catastrophic pipeline events, a cause that FERC refuses to consider when considering proposed projects. The Revolution pipeline had been online one week before it exploded in Beaver County, PA. Although the disaster is still under investigation, authorities are saying a landslide caused the brand new pipeline to fail. Western Pennsylvania had had an active landslide season as early as May when geotechnical engineer Bruce Roth told a Pittsburgh reporter that it was the most active season he could recall in his 30-year career. "When you have more rain and the water table rises, that's a big factor in whether or not some of these slide-prone areas become unstable," he said. Pipeline regulations require that they are built to withstand weather events, but there are no regulations on the books that can possibly take into account what happens when an increasingly hot atmosphere causes two 100 year floods to occur in a week. Dr. Michael Mann of Penn State University says what we're experiencing is not the new normal. There is no new normal. Things will just get worse and more unpredictable. How does FERC justify construction of more and more pipelines when there is no appropriate safety guidance and

not even an effort to consider the impacts of climate change-induced storm events on the new and existing pipeline infrastructure FERC is approving?

Again we appeal to you to use your authority to reject any new FERC Commissioner nominees until Congress has investigated FERC's Abuses of Law and Power and reforms are put in place.

The balance of power at FERC has shifted with the resignation of FERC Commissioner Powelson. FERC Commissioners Glick and LeFleur are speaking up against rubber stamp approval of pipelines, citing misuse of eminent domain authority, the need to evaluate climate changing emissions, and the abuse of a legal loophole (called a tolling order) that is undermining the rights of people to get their day in court before their property rights are taken and irreplaceable ecosystems destroyed. Donald Trump's next nominee is certain to be a climate change denier, and one totally in league with the pipeline and associated fossil fuel industries.

If Commissioner Powelson's seat is left vacant there will be, at least to some degree, a stop of the FERC Rubber Stamp parade for pipelines. By contrast, if the seat is filled with another Trump nominee it is certain that every proposed pipeline that comes before FERC will be quickly and easily approved.

You made a mistake last time around - you approved every one of Trump's nominees without question or challenge -- if you do it again it won't be a mistake, it will be a knowing sacrifice of communities and future generations for your own personal and or political gain.

We, the undersigned, urge you once again to take a stand against Trump's newest FERC Commissioner nominee until there have been congressional hearings investigating FERC's abuses and needed reforms to the Natural Gas Act that will protect communities, the environment and our climate have been identified.

Respectfully and Urgently,

Maya van Rossum, Delaware Riverkeeper Network
Drew Hudson, 198 methods
Ted Glick, Beyond Extreme Energy
Chris Foglio, HALT -PennEast (Homeowners Against Land Taking)
Vincent DiBianca, DiBianca Associates LLC
Rabbi Katy Allen, Jewish Climate Action Network
Tina Venini, Partnering with Youth in Community (PYC)
Stacy Lovelace, Virginia Pipeline Resisters
Yvonne Taylor, Gas Free Seneca
Joseph Campbell, Seneca Lake Guardian, A Waterkeeper Alliance Affiliate
Gregory Pace, Guernsey County Citizens Support on Drilling Issues
Wendy Graça, South Coast Neighbors United
Kathie Jones, Sustainable Medina County
Ting Barrow, Uptown Progressive Action, a NYPAN chapter
Debaura James, SEED
Scott Edwards, Food & Water Watch
Carolyn Harding, RadioactiveWasteAlert.org
Cathy Kristofferson, StopNED

Kelly Branigan, Middlefield Neighbors
Alice Arena, Fore River Residents Against the Compressor Station
Ann Maynard, RocACTION
M. Neville Wall, Exodus Acres
Arianne Elinich, Bucks County Concerned Citizens Against the Pipelines
JV Connors, Interpersonal Peace Center
Sharon Furlong, Bucks Environmental Action
Sharon Furlong, Bucks County Sierra Club
Stephanie Scherr, ECHO Action NH: #FossilFree603
Sue Durling, NH Pipeline Resistance
Carolyn Anderson, WNC Renewable Coalition
Debra Bradley, Delaware Township Citizens Against the Pipeline.
Karen Feridun, Berks Gas Truth
Marie McRae, Dryden Resource Awareness Coalition
Martha Girolami, Chatham Research Group
Charley Bowman, Environmental Justice Task Force of the WNY Peace Center
Charley Bowman, Western New York Drilling Defense
Asher Gelbart, Green Energy Now
Cari Gardner, New York Progressive Action Network - Enviro Committee
Walter Tsou, Philadelphia Physicians for Social Responsibility
Michael S Goodman, 350.org
Lakshmi Fjord, Friends of Buckingham County, Virginia
Cheryl Nenn, Milwaukee Riverkeeper
Miriam MacGillis, Genesis Farm
Caroline Katmann, Sourland Conservancy
Susan Van Dolsen, Stop the Algonquin Pipeline Expansion
Courtney Williams, ResistSpectra
Gail Musante, Sanford-Oquaga Area Concerned Citizens (S-OACC)
Todd Larsen, Green America
Wayne Woods, Doddridge County Watershed Association
Mary Kushner, Roseland Against Compressor Station (RAVS)
Diane Beeny, chair of Union County (NJ) Peace Council
Ulrike Nagel, Living the Change Berkshires
Christine Ellis, Winyah Rivers Foundation, Inc.
Maria Gunnoe, Mother Jones Community Foundation
Bill Franz, Trout Unlimited
Joseph Chasnoff, Monroe County Power Cooperative
Robert Cross, Responsible Drilling Alliance
Courtney Williams, Safe Energy Rights Group (SEnRG)
Joselyn Fenstermacher, Big Bend Conservation Alliance
Vivian Stockman, OVEC-Ohio Valley Environmental Coalition
Katherine Burns, Climate Justice Committee of CNY Solidarity Coalition
Katherine Burns, Shaleshock CNY
Linda Reik, Sullivan Alliance for Sustainable Development
Liz Peer, Indivisible Lambertville/New Hope
Jeremy Nichols, WildEarth Guardians
Dwain Wilder, The Banner Newsletter

Sally Jane Gellert, Occupy Bergen County
Gusti Bogok, Green Sanctuary Committee, Community Church of NY, UU
Stephanie Low, Stephanie Low Artists, Inc.
John Weisheit, Living Rivers & Colorado Riverkeeper
Jennifer Scarlott, Bronx Climate Justice North
Dr. Susan Spieler, NYC Grassroots Alliance
Georgina Shanley, Citizens United for Renewable Energy (CURE)
Tim Spiese, Lancaster Against Pipelines
Pam Bishop, Concerned Citizens of Lebanon County
Barbara Jarmoska, Project CoffeeHouse
Carrie Kline, Talking Across the Lines
Ron Slabe, Upper Burrell Citizens Against Marcellus Pollution
Deborah Kratzer, Kingwood Citizens Against the Pipeline
Kimi Wei, The Wei
William Lyons, Columbus Community Bill of Rights
Susan Theberge, Climate Action Now (Western Mass)
Mara Cohen, Trade Justice Alliance
Agnes Marsala, People Over Pipelines
Ronald Gulla, DCS
Dr. Bob Allen, Don't Gas the Pinelands
Jane Winn, Berkshire Environmental Action Team (BEAT)
Anne Poole, New Jersey Environmental Lobby
Matthew Mehalik, Breathe Project
Mary Tolmie, Stockton Village Farm
Diane Sipe, Marcellus Outreach Butler
Eric Engle, Mid-Ohio Valley Climate Action
April Keating, Mountain Lakes Preservation Alliance
David Pringle, David Pringle Associates
Allen Johnson, Eight Rivers Council
Marcia Lehman, Beaver County Marcellus Awareness Community/Citizens to Protect the Ambridge Reservoir
David Nickell, Heartwood
Amy Goldsmith, Clean Water Action
Ken Dolsky, Coalition Against the Pilgrim Pipeline New Jersey
Gerri Wiley, RAFT (Residents Allied for the Future of Tioga)
Donna Pitt, Preserve Giles County
Jeff Tittel, NJ Sierra Club
Patty Cronheim, Hopewell Township Citizens Against the PennEast Pipeline
Kim Fraczek, Sane Energy Project
Doug Couchon, People for a Healthy Environment
Wade Neely, terra bella farm
Nancy Tate, LEPOCO Peace Center (Lehigh-Pocono Committee of Concern)
Patricia Willis, Ann's Choice Progressives Environment Committee
Becky Meier, Stop NY Fracked Gas Pipeline
Robert Connors, Community Advocates for Sustainable Energy
Christiane Riederer, Together Hanover
Mary Finneran, FrackBustersNY

David Kaufman, Gigawatt Digital
Rosealie Lynch, Climate Action Alliance of the Valley
Elizabeth Balogh, CCAP Riegelsville
Mike Tidwell, CCAN Action Fund
Irene Leech, Virginia Citizens Consumer Council
Nancy Jeffries DO, Conestoga Community Group
Elaine Cimino, Common Ground Community Trust
Rosemary Wessel, No Fracked Gas in Mass
Bob Armstrong, FCCPR Climate Crisis Task Force
Dave Reilly, Citizen Coalition for Wildlife and Environment
Catherine Hunt, PDA NJ
Peter Hudiburg, Plymouth Friends for Clean Water
Richard Sahn, Lycoming Unitarian Universalist Congregation
Lynda Majors, Preserve Montgomery County VA
Chris Chanlett, Summers County Residents Against the Pipeline
John Elder, Communities for Safe and Sustainable Energy
Russell Chisholm, POWHR Coalition
Edith Kantrowitz, United for Action
Jim Vogt, Aquashicola/Pohopoco Watershed Conservancy
Dana R. Younger, Friends of Frenchman Bay