



July 10, 2013

United States House of Representatives
Committee on Energy and Commerce
Subcommittee on Energy and Power
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Committee Members,

I would like to address the mischaracterization of my testimony at the July 9th hearing on H.R. 1900, to which the Congressman did not allow me to respond.

The assertion was that I was somehow being disingenuous in that I was not supportive of H.R. 1900 because it will likely lead to more litigation by the public to challenge bad permits, while also asserting that pipeline companies already had a remedy for the failure of agencies to issue timely permits under present law. The response I would have provided, if allowed during the hearing, and in my effort to speak with him after the hearing, is that:

First: a litigation remedy to ensure compliance with law is not in and of itself bad, but for Congress to be passing a law where it is going to be incumbent on the citizens to bring legal actions in order to protect the water they drink, the air they breathe, the soils that provide their food, and health of their environment is wrong. It is in fact more appropriate to have a law where, in a limited number of cases, the pipeline companies have the option to pursue legal actions in order to secure a right to use public resources for their private gain, than to pass a law that requires the public to bring legal action to protect their right to the healthy environment

necessary to sustain their lives. In that regard, yes, it is about on whom the responsibility for pursuing the legal action rests – it is wrong for congress to place that burden on the public.

Second: as testimony made clear, only a very small percentage of pipeline applications are rejected under current law. As I and others testified, it is unclear what an automatic approval would mean under H.R. 1900, but it is very likely that the resulting approval would not include adequate environmentally protective measures that reflect what is required in the permits and certifications. As such, H.R. 1900 is likely to increase the number of legal actions that will be required to ensure compliance with existing environmental laws. It would be irresponsible, and in conflict with the spirit and expectations of elected officials, to pass a law that would knowingly increase the number of legal actions required to be brought by the public to protect their rights.

Respectfully submitted,

A handwritten signature in blue ink that reads "Maya K. van Rossum" followed by a horizontal line.

Maya K. van Rossum, the Delaware Riverkeeper
Delaware Riverkeeper Network