

FERC PROTEST: 200+ GROUPS DEMAND CHANGES TO TOOTHLESS PIPELINE REVIEW PROCESS

Protesters Post List of Eight Key Reforms to Ensure “Meaningful Fixes” to Approval Process at FERC Headquarters.

Washington, D.C.//January 18, 2018—Responding to the recent announcement by Federal Energy Regulatory Commission (FERC) Chairman Kevin McIntyre that the agency would be reviewing the agency’s pipeline review process, representatives of more than 200 community organizations nationwide concerned with FERC-approved fracked natural gas pipeline impacts on health, property, communities, and the environment presented the FERC’s Commissioners with eight key reforms that the agency should enact in order to value people and the environment in the pipeline review process. Representatives sought to hand-deliver the document to Commissioners and post them on the agency’s doors as a way of giving the agency public notice of their demands.

FERC Chairman Kevin McIntyre announced in December 2017 that the Agency will review its 1999 policy statement on how it issues permits to interstate fracked gas pipelines as part of an overall plan “to take a fresh look at all aspects of the agency’s work.” The reforms sought by the impacted communities, including hearings for those directly affected, reflect the growing opposition to natural gas pipelines nationwide that has led to increasing protests, lawsuits, and actions by state and local governments and community groups to block fracked gas pipelines. The demanded reforms are also proposed at a time when the fossil fuel industry is pushing to expedite the pipeline review process, which would further trample the rights of people and the environment.

The eight reforms presented to FERC Commissioners in a document titled “Time for a Pipeline Review Process Where People and Our Environment Really Matter” are the following:

- 1. To ensure that FERC identifies a full spectrum of truly meaningful fixes to its pipeline review and approval process, FERC’s Commissioners need to hear directly from the communities impacted by pipeline infrastructure.** FERC should begin the 1999 Policy Statement review process with no less than six public hearings held in affected communities across the nation that are dedicated to the impacted public testifying directly to the FERC Commissioners about their experiences with the pipeline review and approval process.
- 2. FERC must mandate a genuine demonstration of an end-use need for a project that is objectively verified by experts and that** cannot be fulfilled by renewable energy options.
- 3. FERC must respect state and local authority** and expertise by deferring to state and local environmental authorities’ findings regarding the environmental, community, and economic impacts of pipelines.
- 4. FERC must respect the authority of other state and federal agencies** by instituting a policy that prevents FERC from approving pipeline infrastructure and/or allowing any element of construction to proceed until all state and federal reviews/permit processes have been finalized and approvals/permits granted.
- 5. FERC must end the use of tolling orders, which** place people in legal limbo and **prevent communities from accessing justice before a pipeline company exercises the power of eminent domain to take property rights and inflicts irreparable harm through significant stages of**

construction. If tolling orders are not prohibited, then other mechanisms for addressing the problem include

- Prohibit pipeline projects from advancing in any way, shape, or form, including eminent domain and/or construction, if there is an outstanding rehearing request/tolling order; or
 - Mandate FERC response to rehearing requests within 30 days and prohibit projects from advancing in any way, shape, or form during that period.
6. **FERC must commit to removing bias from the process** by no longer hiring consultants with demonstrated conflicts of interest (i.e., those who are representing a pipeline company seeking Commission approval), and by prohibiting Commission staff or Commissioners from working on/deciding upon any pipeline infrastructure project in which they have a direct or indirect financial stake or have worked to represent the company within the previous 5 years.
 7. **FERC must end the practice of using segmentation to skew** environmental and community impact reviews.
 8. **FERC must commit to a complete analysis of the costs and benefits of proposed pipelines, with a full and fair implementation of NEPA, including, but not limited to**, fully evaluating social justice impacts; climate change impacts of pipeline construction and operation; community, environment, and climate change impacts of increased natural gas exploration, fracking, and methane emissions resulting from pipeline infrastructure operations; economic analyses that include costs, not just asserted benefits; alternatives not limited to alternate routes but that also include alternative energy sources; and robust health-and-safety impact analyses.

These requests have been advanced by over 200 community-supported organizations representing impacted communities in states across the nation.

“History tells us that this announced review by FERC will not result in more protections for communities and our environment,” said Maya van Rossum, leader of the regional Delaware Riverkeeper Network which is currently battling over a dozen FERC fracked gas pipeline projects. **“It will in fact result in an easier review and approval process for the pipeline companies and the fracking industry they serve. If Chairman McIntyre truly wants a better process, then he will honor all 8 of our demanded reforms. But, if this is just another dog and pony show designed to serve the industry, we are making clear that we are engaged, informed, active, and will fight to protect our environment and communities, for both present and future generations.”**

“FERC is saying that it is willing to take a fresh look at the pipeline review process,” said Todd Larsen, executive co-director of consumer and corporate engagement at Green America. **“Communities nationwide that have borne the brunt of FERC’s consistent kowtowing to the fossil fuel sector are presenting the agency with a completely reasonable list of reforms that would ensure that FERC acts in the public interest and creates an energy future that values people and the planet over corporate profits.”**

“If you know FERC’s history, there are many reasons to be skeptical about this announced review,” said Ted Glick, organizer for Beyond Extreme Energy. **“The Commissioners could weaken this skepticism if they announced that they intend to hold open, public hearings in different parts of the country to hear from those who have experienced FERC’s rubber-stamping ways. If it’s all just for show, it’s time for members of Congress to look seriously at replacing FERC with an agency whose mandate is to shift rapidly from fossil fuel energy to renewables, from 20th century to 21st century energy sources.”**

“We in the Hackensack River watershed are worried about a Williams-Transco pipeline expansion proposed last summer,” says Occupy Bergen County member Sally Jane Gellert. **“The application focuses on the temporary effects of the construction process, but the real concern should be ongoing operation of compressor stations in residential neighborhoods as well as the long-term effects on wildlife and wetlands. The permitting process is complicated, yet there is no real opportunity for local comments—we need public hearings at times and places when local residents may be heard. FERC must travel to the areas of proposed projects to hear from local residents.”**

“Our skepticism about the review proposed by Chairman McIntyre is based on our experience with the Commission and the draconian cuts to environmental protections already made by the same administration that has proposed an expansion of FERC’s authority,” said Karen Feridun, founder of Berks Gas Truth. **“We urge the Commissioners to do a proper review of the process that begins with hearings in affected communities and incorporates the recommendations we presented to FERC today.”**

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Media Contacts:

Maya van Rossum, the Delaware Riverkeeper, (215) 801-3043 (cell).

Max Karlin, for Green America, (703) 276-3255 or mkarlin@hastingsgroup.com.