

DISMANTLING ENVIRONMENTAL SAFEGUARDS TO EXPEDITE APPROVAL OF OIL AND GAS AND OTHER PROJECTS

Failed: 49-50

SUMMARY:

The Senate rejected an amendment that would have approved the Mountain Valley Pipeline and significantly weakened multiple bedrock environmental laws, including but not limited to the Endangered Species Act, National Environmental Policy Act, Clean Water Act, and Clean Air Act, to expedite permitting approval for oil and gas and other projects. (*August 7, 2022, Roll Call No.300*)

BACKGROUND:

Under the Endangered Species Act and many other landmark Federal environmental laws, species are protected through a process by which proposed infrastructure projects are vetted and must obtain a permit verifying that the proposal would not be overly destructive. If a proposed project would prove particularly harmful to imperiled species or their habitat, plans may be modified to minimize negative impacts or rejected to prevent irreparable harm. These necessary safeguards can conflict with the goals of industry, such as oil and gas companies, who have long sought to weaken commonsense restrictions on their activities.

One particularly damaging proposed gas project is the Mountain Valley Pipeline, which was originally issued permits under the Trump administration. During construction, which was approximately half complete as of 2022, inspectors documented more than 1,500 instances of alleged violations of water quality regulations. The permits issued under the Trump administration were eventually overturned in federal court because they violated our federal environmental laws and threatened clean water, the ecosystem of a national forest, and endangered species. Local communities and farms have been harmed, yet there has never been any demonstrated need for the gas that would be transported. Completion of the pipeline would entail additional construction of more than 400 crossings of water bodies such as streams, rivers and wetlands.

The Trump administration aggressively pursued a broad agenda to weaken environmental protections related to Federal permitting, which would expedite the permitting process for stakeholders such as oil and gas companies, factory farms, developers, and the timber industry. The administration made drastic changes not just to the Endangered Species Act, but also to other bedrock laws like the Clean Water Act, Clean Air Act, National Environmental Policy Act. The Biden administration has worked to reverse and correct many of these rollbacks.

Sen. Shelley Moore Capito (R-W.Va.) offered an amendment to the Inflation Reduction Act, H.R.5376, that would have made numerous and monumental changes to undercut and weaken existing environmental protections related to permitting. The amendment

would have codified Trump-era changes to the Endangered Species Act and other laws and would have forced approval of the Mountain Valley Pipeline.

OUTCOME:

On August 7, 2022, the Senate rejected the Capito amendment, 49-50. "No" was the pro-conservation vote. Subsequently, the final Inflation Reduction Act agreed to by both Senate and House did not include any of these environmental rollbacks.