



OPPOSE H.R. 8 – North American Energy Security and Infrastructure Act of 2015

At a time when our nation needs a forward looking energy bill that will enable new clean energy technologies to smoothly integrate into the system; this bill will instead further prop up increasingly uncompetitive fossil energy. H.R. 8, the *North American Energy Security and Infrastructure Act of 2015* -- will set us back many years. It includes several flawed provisions that put the country on the wrong path to develop a comprehensive energy policy that embraces the promise of clean energy to meet our energy needs while cutting carbon and other pollution.

Undermines and blocks enforcement of critical environmental laws: Several provisions that are included in H.R. 8 will have long-term, deleterious effects. Proposals to alter the laws and processes that protect the environment and public health have no place in energy legislation.

- The committee print has added a provision to establish so called “National Energy Security Corridors” that eliminates the established federal review processes for approval of pipelines and affiliated infrastructure in National Parks and other federal lands. The provision is a giveaway of public resources to the oil and gas industries - eliminating environmental and public review of these land use changes and transferring authority of these lands to the Department of Energy, an agency with no practical experience in proper stewardship of federal lands.
- The hydropower provisions give the Federal Energy Regulatory Commission (FERC) sweeping new abilities to overrule tribes, states, and federal natural resource agencies, preventing them from using the Clean Water Act, the Endangered Species Act, and other laws to protect water quality, fish, wildlife, outdoor recreation, public lands, and other public resources when dams undergo the once-every-fifty-years relicensing process.
- Alters the current environmental review process for natural gas pipelines by moving the review under FERC direction, which has very little expertise in environmental issues and sets up a 90-day deadline for decisions that will expedite pipeline permits at the expense of thorough environmental review; and
- The provision on resolving environmental and grid reliability conflicts undermines the existing process for resolving such conflicts and instead allows the waiver of environmental laws during DOE “must run” orders for power plants. This section fails to acknowledge carefully designed environmental standards that prevent reliability/compliance conflicts from arising, and is otherwise exceptionally overbroad.

Reverses course on energy efficiency while ignoring renewable energy: Energy efficiency legislation that reduces waste and saves consumers money has long been a priority that enjoyed bipartisan support; however H.R. 8 has the potential to increase energy consumption and cost Americans billions. American Council for an Energy-Efficient Economy (ACEEE) roughly estimates

that the energy efficiency title would increase energy use compared to current base lines and result in a net cost to consumers of \$20 billion and increase energy use by 20 quads through 2040.

- The building energy codes provisions would weaken the current state and local building energy code development and adoption process and mandate a flawed, short-sighted metric in building energy codes costing consumers \$23 billion over the next 25 years; and
- The federal purchase requirement provision ignores any progress the federal government has made in increasing its share of renewable energy consumption and instead expands the definition of renewable energy to include waste heat from burning natural gas, which is not a renewable energy resource; and
- Energy Policy and Conservation Act (EPCA) technical corrections and clarifications provisions are biased in favor of manufacturer interests over those of consumers and the environment and would likely put the brakes on energy efficiency.

Locks in fossil fuel generation for decades to come: H.R. 8 contains a number of provisions that put a thumb on the scale in favor of dirty, fossil-fueled baseload generation to the detriment of clean energy, virtually ignoring the progress being made toward cutting carbon pollution and integrating clean energy resources in an affordable and reliable way.

- The provision on reliability and “performance assurance” in mandatory capacity markets favors an outdated, inflexible, and expensive definition of reliability that discounts the reliability values of cleaner energy and energy efficiency; it will lock in expensive and dirtier energy through permanent, inflexible market structures and impede clean energy development; and
- Repeals existing law that would phase out of fossil fuel generated energy in federal facilities, which represents the largest building owner and whose efficiency is crucial to reducing carbon emissions in the United States; and
- The Public Utility Regulatory Policies Act (PURPA) considerations that require states to consider resiliency and advanced technology are useful; however, the reliability provision is a not-so-veiled attempt to hardwire an outdated grid centered on fossil fuel generation as well as limit utilities ability to invest in customer side technology like electric vehicle infrastructure. Utilities, grid operators, and technology providers have come to realize reliability also can be provided more affordably and flexibly with new resources and without the air pollution of the past; this provision would slow that progress; and
- The Energy Diplomacy title encourages energy transfer and trade between countries, promoting energy security and economic interests at the expense of and without proper consideration for the environment.

Congress should be working to address our nation’s rapidly changing energy system to set the United States on a stronger path to a more sustainable and clean energy future. H.R. 8 harms existing environmental laws, ignores the impact of climate change, and lacks the necessary measures to help us meet our obligation to reduce carbon pollution and pass on a cleaner, healthier, safer planet to future generations. We urge Members of Congress to oppose this misguided and harmful legislation.