

February 18, 2022

Senator Bill Cassidy
520 Hart Senate Office Building
Washington, D.C. 20510

Via Electronic Mail to: James Quin, Senator Chief of Staff, james_quinn@cassidy.senate.gov.

cc: Michael Regan, Administrator, US. Environmental Protection Agency, Regan.Michael@epa.gov. Dr. Earthea Nance, Administrator U.S. Environmental Protection Agency Region 6, Nance.Earthea@epa.gov. Radhika Fox, Fox.Radhika@epa.gov, Victoria Arroyo, Associate Administrator for Policy, US Environmental Protection Agency, Arroyo.victoria@epa.gov. Brenda Mallory, Chair of White House Council on Environmental Quality, Brenda.mallory@ceq.eop.gov. Peggy Shepherd, Co-Chair White House Environmental Justice Advisory Committee, Peggy@weact.org. Richard Moore, Co-Chair White House Environmental Justice Advisory Committee, ljinemexico@gmail.com.

Senator Cassidy,

The undersigned Louisiana organizations vehemently disagree with your plan to hold all Environmental Protection Agency confirmations until the “completion” of Louisiana’s application for primacy for Class VI wells for the purpose of injecting captured carbon. This action is an attempt to subvert the federal regulatory process, bypass public input and community engagement, and see your preferred outcome, not to simply expedite the application process.

The pending nominees to the EPA are essential for the agency to fulfill its mission of protecting public health and the environment, and that mission should never be a political bargaining chip. Furthermore, the processes of capturing, transporting, and permanently storing massive amounts of carbon emissions underground or below the seabed have not been demonstrated at anything close to the scale now being proposed, in Louisiana or anywhere else. There is far too much at stake for the people of Louisiana and for the world, to put such enormous local and global responsibilities into the hands of a notoriously underfunded, understaffed, historically weak and client-captured agency such as the Louisiana Department of Natural Resources. The industries, regulators, and politicians who are responsible for much of the loss of Louisiana’s wetlands and the public health crisis that is [Cancer Alley](#) should not be put in charge of experimental and unproven technologies to manage the waste generated by their own activities.

LA’s DNR has proved itself incapable of administering its oil and gas well regulatory programs, let alone one as complex as the federally-structured program Class VI UIC. LDNR lacks the financial and human resources and the permitting, monitoring, and enforcement expertise necessary to administer this program with the requisite level of competence required for a federal primacy designation. Even if CCS and UIC technology and business practices were well established and uncontroversial (in fact, the opposite is true), then delivering the administration of the Class VI UIC program into the hands of a state agency as unfit as LDNR only *increases* the likelihood that your professed concerns will be fully realized – the state’s environment will be further degraded and the health of its poorest and most vulnerable citizens will – yet again – be sacrificed on the altar of petrochemical business investment.

These very industries and processes are in fact driving the climate crisis, and the EPA and elected officials’ priorities should be on ending this harm to Louisiana’s communities, not perpetuating it.

If you care about the health and environment of Louisiana and its residents, we ask you to work to ensure that LDNR has the kinds of economic and human resources it needs to be worthy of Class VI UIC primacy administrative responsibilities. Instead, by blocking the nomination hearings of four extraordinarily capable and well-credentialed experts in their fields, this is a choice to cripple a critically important federal agency that is actively considering the need for economic development and business investment with environmental protection and the public health...and, in so doing, making the entire country suffer.

The White House Council on Environmental Quality (CEQ) Chair Brenda Mallory [stated](#) on February 15, “Federal agencies can play a key role in ensuring that projects are done right and in a way that reflects the needs and inputs of local communities.” To that end, we ask that the needs and inputs of Louisiana communities and all Americans are honored in this process.

Last May, the White House Environmental Justice Advisory Committee issued [recommendations](#) on President Biden’s Justice 40 and Climate and Economic Justice Screening tool, and listed Carbon Capture and Sequestration as a type of project that will “not benefit a community.”

Just a few months ago EPA Administrator Regan traveled to the Gulf South on a Journey To Justice and saw exactly why many Louisianans are rightfully concerned that state agencies that have done little to protect our health and safety are asking for even more undeserved responsibility. It is unclear if Louisiana has the resources, expertise or even willingness to faithfully oversee the development of this technology. This block is an abuse of power, and suggests the EPA should look the other way when it comes to possible risks to our people, land, and water.

We demand the Environmental Protection Agency be allowed to conduct its due diligence on this matter, and fulfill the Biden Administration’s promise to defend marginalized communities who have been targeted by polluting industries in Louisiana for decades. This state, with fragile wetlands and threatened coastline must not become the default dumping ground for the nation’s toxic carbon waste.

We insist that Governor John Bel Edwards, elected with the support of many in already overburdened communities, stand up for residents, and encourage the EPA to fully conduct its robust process, allowing residents their opportunity for real engagement.

As a doctor and a professional, you know better...and you know that this is an abuse of process and power for political gain, not the protection of Louisiana’s environment and its residents’ health and welfare.

Signed,

Sierra Club,

Darryl Malek-Wiley, Senior Organizing Representative, Environmental Justice

Greater NOLA Climate Reality Project,

Peter Digre, Co-Chair

A Community Voice,

Beth Butler, Executive Director

Concerned Citizens of St. John,
Robert Taylor, Executive Director

Coalition Against Death Alley,
Elizabeth Soychak, Volunteer Organizer

Inclusive LA,
Gail LeBoeuf, Co-Director

Louisiana League of Conscious Voters,
Sylvia McKenzie, Executive Director

350 New Orleans,
Vickie Boothe, Retired EPA/CDC Epidemiologist

Center for Progressive Reform,
Katlyn Schmitt, Policy Analyst

Healthy Gulf,
Cynthia Sarthou, Executive Director

Foundation for Louisiana,
Flozell Daniels, CEO

Gulf Coast Center for Law & Policy
Kendall Dix

Greater New Orleans Interfaith Climate
Coalition (Pastor Gregory Manning, Founder and President of Board of Directors and Jonathan Sebastian Leo, Member, Board of Directors)

Alliance for Affordable Energy,
Logan Burke, Executive Director

Deep South Center for Environmental Justice,
Monique Harden, Assistant Director of Law and Public Policy

Greater New Orleans Housing Alliance,
Andreanecia Morris, Executive Director

RISE St. James,
Sharon Lavigne, Founder