

Congress of the United States
Washington, DC 20515

April 15, 2021

The Honorable Joe Biden
President of the United States
The White House
Washington, D.C. 20500

The Honorable Kamala Harris
Vice President of the United States
The White House
Washington, D.C. 20500

Dear President Biden and Vice President Harris,

We are writing today because we believe a re-examination of the issuance of a United States Army Corps of Engineers' Nationwide Permit 12 (NWP12) is appropriate as it relates to the construction of large fossil fuel pipelines, such as the Byhalia crude oil pipeline proposed to plow through Black neighborhoods in Memphis, TN. This project threatens the drinking water of a community already burdened by decades of environmental injustice.

The nationwide permitting process allows applicants to obtain fast-track permission to cross rivers and streams, avoiding public input as well as project-specific scrutiny of environmental harm. While such a process might be appropriate if a project truly has limited impact, the threat to communities wrought by new large-scale fossil fuel infrastructure makes the Corps' use of NWP12 an inappropriate tool, particularly in a growing climate crisis.

The proposed Byhalia crude oil pipeline is an unfortunate case in point. The pipeline route cuts through the historic Boxtown community, which got its name after formerly enslaved people used scraps of materials and wood from train boxcars to build homes there in the late 19th century. The southwest Memphis community—including Boxtown—is already burdened by dozens of industrial facilities, and community cancer rates are four times the national average. The pipeline would cross through a municipal wellfield that provides this community's drinking water. Subjecting this Black community to more environmental degradation is wrong.

The Corps' February decision to verify the Byhalia pipeline's use of NWP 12 perpetuates an unfair approach to siting fossil fuel infrastructure by cutting communities out of the permitting process. The Corps purports to have satisfied all public participation obligations for use of NWP 12 on the Byhalia pipeline in 2016—years before the pipeline was proposed. We must provide forums for communities across the country such as Boxtown. Their concerns must be heard and heeded. We believe the Corps must require an individual permit for large fossil-fuel pipelines, so that specific environmental and community concerns with each project are addressed.

Your leadership is instrumental to protect the rights of our communities and ensure that they have access to clean drinking water and a livable climate. As your Administration continues its work to center environmental justice in our nation's response to the climate crisis, we believe you should immediately reevaluate the recent permit issued by the Army Corps for the Byhalia Pipeline project and reevaluate the propriety of the use of Nationwide Permit 12 for new oil and gas pipeline infrastructure across the country.

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We appreciate your attention to this matter and look forward to working with you on these important issues.

Sincerely,



Steve Cohen
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



Alan Lowenthal
Member of Congress



Ann McLane Kuster
Member of Congress



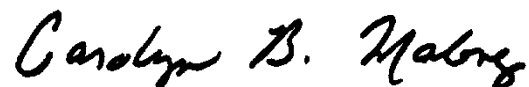
Ayanna Pressley
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Barbara Lee
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Bonnie Watson Coleman
Member of Congress



Carolyn B. Maloney
Member of Congress



Cori Bush
Member of Congress

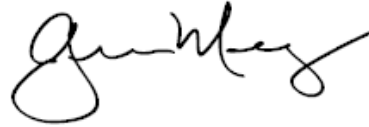


Eleanor Holmes Norton
Member of Congress

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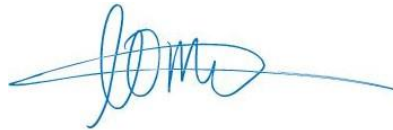
Emanuel Cleaver, II
Member of Congress



Grace Meng
Member of Congress



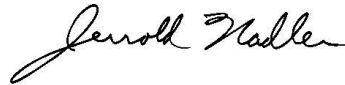
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Member of Congress



Jerrold Nadler
Member of Congress



Jesús G. "Chuy" García
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Jim Cooper
Member of Congress



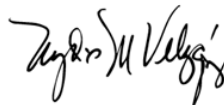
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