

STATE OF NEW JERSEY

GOVERNOR PHIL MURPHY

## AG GREWAL CHALLENGES FEDERAL GOVERNMENT'S INADEQUATE REVIEW OF NATURAL GAS PIPELINES

*From the New Jersey Office of the Attorney General:*

*AG Joins Comments Urging Federal Energy Regulatory Commission to Focus on Climate Change Impacts When Approving New Pipelines*

**TRENTON** – Arguing that the Federal Energy Regulatory Commission (FERC) has failed to protect the public interest when approving natural gas pipelines, Attorney General Gurbir S. Grewal today called on FERC to consider the impact of new pipelines on increasing greenhouse gas emissions and contributing to climate change.

Attorney General Grewal joined the Attorney General for Massachusetts, four other states and the District of Columbia in telling FERC its present policy for pipeline review and certification “does not fully satisfy its vital obligations ... to protect the public interest” under the federal Natural Gas Act (NGA) and the National Environmental Policy Act (NEPA).

“The law is clear – the Federal Energy Regulatory Commission needs to put the public interest first whenever it decides to approve a new pipeline,” **said Attorney General Grewal**. “But unless FERC considers how a new pipeline contributes to climate change, it cannot fulfill its statutory mission, because there is nothing more critical to the public interest. FERC recently announced that it will refuse to consider greenhouse gas impacts of new pipelines, and I’m proud to stand with so many states in explaining why that’s the wrong call.”

“And that’s not all FERC has gotten wrong,” **Attorney General Grewal added**. “Although FERC must consider ‘all factors bearing on the public interest,’ it approves pipelines without considering the full range of environmental impacts. As the Attorney General for a state impacted by natural gas pipeline approvals, I know that FERC needs to be much more careful its overall approach to new pipelines.”

“Now is the time for FERC to act to analyze and reduce environmental harms,” **said New Jersey Department of Environmental Protection Commissioner Catherine R. McCabe**.

“Reducing and responding to climate change is a priority for the New Jersey DEP,” **Commissioner McCabe said**, “and there is an urgent need for FERC to improve its review process to account for all environmental harms.”

Specifically, the group of Attorneys General note in their comments that FERC has declined to consistently and thoroughly assess and quantify the greenhouse gas emissions from new pipelines. For that reason, the letter notes, FERC has failed to meet its duty under NEPA to consider all the environmental impacts of its decisions, and violated its “broader statutory obligation under the NGA to evaluate the public interest in Certificate decisions by balancing project benefits against a full accounting of adverse environmental and socioeconomic impacts.”

In addition to highlighting FERC’s failure to consider climate change, the multi-state letter recommends a range of significant changes, including that FERC:

- Assess the need for a new pipeline on a comprehensive, regional basis before approving that pipeline, and not simply depend on whether the company applying for a certification has reached some agreements with other companies or affiliates to sell the gas.
- Do a more comprehensive job of looking at the regional impacts of, and alternatives to, a proposed pipeline, and consider “clean energy” and other non-pipeline alternatives.

Today’s action is the latest in a series of decisions by Attorney General Grewal aimed at preventing the federal government from weakening rules that address climate change. Among other actions, Attorney General Grewal has fought rules that would roll back vehicle emission standards and the penalties for violating national fuel economy standards, and joined letters and multi-state comments opposing the expansion of offshore drilling off New Jersey’s coast. The Attorney General has also filed an ongoing lawsuit in the U.S. Court of Appeals for the D.C. Circuit challenging FERC’s decision to grant a certificate authorizing PennEast Pipeline Company, LLC, to move forward with its plans to build a natural gas pipeline into New Jersey.

FERC\_Multi-State\_Comments.pdf ([https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_t.e2ma.net\\_click\\_7e1uw\\_nrrdit\\_fp2cmf&d=DwMFAQ&c=4BTEw-1msHjOY4ITcFLmDM6JB8x6ZgbU2J24IH0HZLU&r=xF3DPDNEH8rwpTwktOjb4MHQ0EgF6v3M0zt3hszQvyU&m=5eOXQBwETBTOccDfJdU8dJw3qZCX4vk81WJ2\\_nOGfQs&s:fjI4K7Wiv-TuwM&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__t.e2ma.net_click_7e1uw_nrrdit_fp2cmf&d=DwMFAQ&c=4BTEw-1msHjOY4ITcFLmDM6JB8x6ZgbU2J24IH0HZLU&r=xF3DPDNEH8rwpTwktOjb4MHQ0EgF6v3M0zt3hszQvyU&m=5eOXQBwETBTOccDfJdU8dJw3qZCX4vk81WJ2_nOGfQs&s:fjI4K7Wiv-TuwM&e=))

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