As Introduced

136th General Assembly
Regular Session
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S. C. R. No. 20

Senator Wilkin

A CONCURRENT RESOLUTION

To urge Congress to enact reforms to federal permitting policies to accelerate deployment of new energy infrastructure.

BE IT RESOLVED BY THE SENATE OF THE STATE OF OHIO (THE HOUSE OF REPRESENTATIVES CONCURRING):

WHEREAS, Ohio recognizes that abundant, resilient, and diversified domestic energy production in the United States enhances American national security, economic competitiveness, and energy independence; and

WHEREAS, The excessively complex federal permitting and environmental review processes that have built up around America's environmental laws, including the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), Clean Water Act (CWA), and dozens of other federal requirements, have grown to be so cumbersome that they often unnecessarily slow or prevent the construction of essential new energy infrastructure and therefore discourage domestic energy production without advancing the laudable goals of these laws; and

WHEREAS, Energy is produced in the United States at a much higher environmental standard than is typically the case in the countries from which energy is imported, so prevention of

domestic energy production undermines the goals of those very same environmental laws; and

WHEREAS, Delays caused by permitting inefficiencies inhibit the building of all of the essential components of a low-cost, reliable, and modern energy infrastructure that is needed to support economic competitiveness, to enhance reliability and prevent blackouts, to lower costs for consumers and businesses, and to achieve many of the goals of America's environmental laws; and

WHEREAS, After more than a decade of flat electricity demand, demand for electricity in the United States is projected to dramatically increase in the coming decades, requiring major increases in domestic energy production and a more than doubling of the domestic electricity transmission grid capacity; and

WHEREAS, Regulatory barriers today mean that more than two thousand gigawatts of energy production and storage, more than the entire current American electricity capacity combined, are stuck in electricity interconnection queues and the average amount of time to interconnect new energy resources has nearly doubled from about two years to nearly four years; and

WHEREAS, The average time it takes to process an environmental impact statement under the National Environmental Policy Act (NEPA) for major infrastructure projects has risen to an excessive length of four and one-half years; and

WHEREAS, The United States is highly reliant on China and other countries that do not share our interests to mine and process critical minerals, with demand for some of these minerals potentially growing by more than forty times by 2040; and

WHEREAS, Other developed nations that share our goals to protect the environment while producing abundant energy

resources, such as Canada and Australia, have shown that they can permit new mines within two to three years instead of nearly ten years, as is often the case in the United States; and

WHEREAS, Both linear infrastructure, such as pipelines and transmission lines, as well as energy generation infrastructure all face extraordinary and indefensible delays due to overlitigation, inappropriate blocking of nationally important projects by unrepresentative and often radical groups that hold those projects hostage, and excessive use of our court system to hamstring worthy projects; and

WHEREAS, Major delays in projects caused by inefficient permitting or overlitigation can dramatically increase costs and make projects less viable, costing consumers, businesses, and taxpayers money and making our energy system less reliable; and

WHEREAS, Unnecessary permitting and regulatory delays also increase American dependence on energy produced by foreign dictators and authoritarian regimes; and

WHEREAS, Unnecessary permitting delays limit investments made in modernizing our nation's infrastructure that would result in a more efficient energy system with reduced emissions and environmental impact; and

WHEREAS, Overlapping federal permitting requirements lack the flexibility to allow for efforts that reflect the spirit and intent of traditional environmental laws by protecting human health and the environment instead of procedural compliance with decades-old regulation; and

WHEREAS, Failure to reform federal permitting laws is already resulting in fewer jobs, reduced security, and higher prices for Americans without providing additional benefits for the environment; and

WHEREAS, Failing to reform these laws in the coming months

will result in even greater limitations on our energy infrastructure, costing even more American jobs while raising costs for consumers and businesses and leaving us vulnerable to unreliability, blackouts, and the resulting severe harm to the American people; now therefore be it

RESOLVED, That we, the members of the 136th General Assembly of the State of Ohio, urge federal legislators to work in good faith to enact legislation that reforms federal permitting and environmental review processes to promote economic and environmental stewardship by expediting the deployment of modern energy infrastructure; and be it further

RESOLVED, That these reforms should enable faster and lower-cost construction of modern energy infrastructure of all kinds, without prejudice, including by considering steps to limit excessive use of judicial processes to slow projects inappropriately, prevent inappropriate usage of the Clean Water Act and other laws to hamstring the lawful building of linear energy infrastructure, such as pipelines and transmission lines, enact reforms to plan, permit, and pay for the necessary build-out of regional and interregional electricity transmission infrastructure to support a more reliable energy grid that lowers costs for consumers and businesses, enable the domestic build-out of the full array of energy technologies essential to a modern system, including all affordable energy resources, and all other traditional and emerging sources needed to meet diverse energy demands; and be it further

RESOLVED, That these legislative reforms should also strive to ensure accountability for federal agencies conducting permitting and environmental review processes, including better data and more aggressive timelines for projects at all levels of environmental review, whether environmental impact statements, environmental assessments, or categorically excluded projects

under NEPA; and be it further

RESOLVED, That these legislative reforms must be accompanied by a redoubling of efforts to streamline federal regulations to support the efficient building of new energy infrastructure; and be it further

RESOLVED, That failure to act to update our federal permitting system to support building new energy infrastructure in a sustainable and effective manner will further harm consumers, workers, and businesses, while making our country less competitive and more vulnerable; and be it further

RESOLVED, That Congress must act with urgency in the coming months to fix our broken permitting system, and we are grateful to the members of Ohio's Congressional Delegation, including both United States Senators, for their support and prioritization of a federal permitting reform deal; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and the members of Ohio's Congressional Delegation.