



June 27, 2023

The Honorable Tom Carper  
Chairman  
Committee on Environment and Public Works  
410 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment and Public Works  
410 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito,

The Natural Gas Council, on behalf of the companies who produce, transport, and deliver natural gas across the nation, writes in support of S. 1449, the Revitalizing the Economy by Simplifying Timelines and Assuring Regulatory Transparency (RESTART) Act, which would expedite natural gas infrastructure permitting processes.

Expanded usage of natural gas has been essential to reducing energy sector emissions and should continue to do so by providing a reliable, flexible, and dispatchable fuel to backstop renewable resources. According to the [Energy Information Administration](#), between 2005 and 2019, carbon dioxide (CO<sub>2</sub>) emissions from the U.S. power sector declined by 33 percent. The shift to natural gas, which is commonly used for electricity generation, commercial and residential building space and water heating and industrial processes, accounted for more than half of those reductions. The switch to natural gas in the electric power sector has prevented nearly 3.4 billion metric tons of CO<sub>2</sub> from being emitted, which represents roughly 58 percent more savings than all zero-carbon emission sources combined over the same period.

Although the recent passage of the Fiscal Responsibility Act will lead to important permitting improvements, further legislation is needed to site and approve critical new and expanded natural gas infrastructure. Additional modifications to the National Environmental Policy Act (NEPA) and broad reforms to the Clean Water Act (CWA) are needed to address ongoing permitting challenges, which continue to discourage private sector investment, pointlessly delay new projects, and undermine the value of taxpayer investments. The RESTART Act would streamline the agency review process with enforceable timelines, set limits to prevent frivolous legal challenges, and modernize current laws while preserving environmental protections.

While NEPA continues to help protect our natural resources, the law's bureaucratic implementation and procedural requirements unnecessarily delay critical energy infrastructure. The current process requires agencies to consider an extensive array of indirect environmental effects, which leads to long and unduly burdensome reviews. S. 1449 would codify and restore efficiency in the NEPA

process by clarifying that agencies should only analyze reasonably foreseeable environmental effects of the proposed project, consider only alternatives that are technically feasible and within the jurisdiction of the reviewing agency, allow agencies to adopt categorical exclusions recognized by other agencies, and establish enforceable deadlines that, if unmet, deem the NEPA requirements for the project fulfilled. By stipulating that an agency's review would not need to account for effects governed by another regulatory body, the proposal complements the provisions contained in S. 1456, the Spur Permitting of Underdeveloped Resources (SPUR) Act.

In addition, the RESTART Act would reform the CWA Section 401 certification process, which certain states have employed to delay and block federally-approved energy infrastructure projects based on state policy preferences. S. 1449 would properly scope CWA Section 401 state reviews and ensure that agencies use the process only to protect water quality. The proposal would also provide regulatory certainty by maintaining existing Nationwide Permits, which are essential for the development of critical energy projects, under CWA Section 404.

Finally, S. 1449 curbs unnecessarily protracted litigation by establishing a reasonable schedule for agency NEPA review, judicial review of environmental documents or records of decision, and agency action following judicial remand, where applicable.

The Natural Gas Council and the companies we represent urge Congress to work in a bipartisan manner to enact these RESTART Act permitting provisions that would enable development of the energy infrastructure necessary to continue delivering the benefits of natural gas to the American people.

Sincerely,



Amy Andryszak  
President & CEO  
Interstate Natural Gas Association of America




Karen Harbert  
President & CEO  
American Gas Association



Jeff Eshelman  
President & CEO  
Independent Petroleum Association of America



Dustin Meyer  
Senior Vice President  
American Petroleum Institute

A handwritten signature in black ink that reads "Dena E. Wiggins". The signature is written in a cursive style with a large, looped initial "D" and a long, sweeping underline.

Dena Wiggins  
President & CEO  
Natural Gas Supply Association