



H.R. 2021: “Jobs and Energy Permitting Act of 2011”

H.R. 2021, The “Jobs and Energy Permitting Act of 2011,” would block the U.S. Environmental Protection Agency (EPA) from regulating dangerous air pollution from offshore oil drilling, including America’s Arctic Ocean. America’s Arctic Ocean, located off the north coast of Alaska, is warming at twice the rate of the rest of the world and is one of the most vulnerable regions in the country. At its core, this bill gives Shell Oil – the world’s second largest corporation, with profits upwards of \$8.7 billion in the first three months of 2011 alone – exemptions to important air pollution controls and a free pass to pursue risky and aggressive oil drilling in the Arctic Ocean on its own terms by severely limiting public and judicial review during the oil and gas permitting process. What’s more, by stripping the EPA of its authority to protect Arctic communities from air pollution, it sends the message to the people who live on the Arctic coast that the oil industry is more important than they are.

Why the “Jobs and Energy Permitting Act of 2011” is bad for America’s Arctic

- ❖ **Gives oil companies a pass to pollute.** The legislation exempts offshore drilling companies from applying pollution control technology to vessels, such as ice breakers, which can account for up to 98 percent of air pollution from drilling. It also opens a loophole for drill ships to pollute with no limits while the ship moves into place. And, instead of measuring the pollution at the source itself, the legislation allows oil companies to measure the impacts at the shore – resulting in more air pollution overall.
- ❖ **Poses health risks to the surrounding communities.** Pollution from the offshore oil industry includes high levels of solid, air-borne pollutants (fine particulate matter: smoke, fumes, dust, ash, soot) – including black carbon which contributes to climate change and is potentially radioactive. These pollutants can cause severe lung problems and other major health issues. The oil industry on Alaska’s North Slope annually generates more than twice the amount of smog-forming pollution (nitrogen oxides) than the major metropolitan area of Washington, DC. In such a sensitive and vulnerable region, it makes no sense to provide a blanket exception to Clean Air laws that have saved more than 200,000 lives and prevented millions of asthma attacks, heart problems and other serious illnesses in just the past 20 years.
- ❖ **Eliminates third-party, expert decision making in the permitting process.** The Environmental Appeals Board (EAB) is an independent body within EPA that provides an expert, efficient and impartial review of agency permitting decisions. The legislation prevents only those affected by the offshore oil industry’s air pollution from appealing permit decisions to the EAB, instead it requires permit appeals to go before the District of Columbia Circuit Court of Appeals.
- ❖ **Denies communities rights to participate in the permitting process.** If this legislation became law, air permit applications for offshore drilling would be required to be granted or denied within six months of a completed application. This is an important environmental justice issue: in cutting the EPA’s permit review time for just these permits in half, this bill ignores the rights of the Inupiat people of Alaska’s North Slope and other Americans who may have complaints about pollution from the offshore oil industry.
- ❖ **Shell itself is responsible for its permitting problems.** Shell’s own attempts to avoid investing in pollution controls have caused the delays in the process, and Congress should not give it a free pass to pollute.

Background on Shell's Air Permits

In 2009, Shell applied for major source permits from the EPA for proposed drilling operations in the Arctic's Chukchi and Beaufort Seas. After applying tremendous pressure to EPA Region 10 to act quickly and issue lax permits, the agency caved in to Shell's demands and issued Shell its permits. These permits were declared unlawful by the Environmental Appeals Board (EAB) on December 30, 2010 and February 10, 2011. The "Jobs and Energy Permitting Act of 2011" would effectively revoke EAB's findings and give Shell the extremely lax permits to pollute.

Effects of Shell's Air Permits

- ❖ **Shell's 2010 plans could have caused significant pollution emissions, and Shell's 2012 plans are even worse.** Shell's 2010 operations in the Chukchi Sea alone would have released as much particulate pollution as: 825,000 cars driving 12,000 miles in a year (proposed plans for 2012 would double these figures); as much CO₂ as the annual household emissions of 21,000 people; over 1000 tons of NO₂; and, over 57 tons of PM_{2.5}. These pollutants could have significant health and climate impacts on surrounding communities of the Arctic Slope. The illegal permits would have allowed this much pollution by, among other things:
 - Excluding drillship emissions from the permit except for the time period when it is actually drilling;
 - Excluding emissions from required support vessels, such as icebreakers, which can account for as much as 98% of overall project emissions;
 - Exempt Shell from having to meet new standards for NO₂, carbon dioxide and fine particulate matter

- ❖ **Shell's plans could cause significant health problems for surrounding communities.** The EPA has recognized that the prevalence and severity of asthma is higher among Alaska Natives, and therefore these people are uniquely vulnerable to the health impacts of air pollution associated with offshore drilling. Already, the children and elderly of Arctic Slope communities are getting sick from air pollution related to onshore oil and gas activities. The Inupiat people spend a considerable amount of time on or close to Arctic Ocean waters, which means that offshore oil and gas activities would only make an already bad situation worse.

For more information, contact Leah Donahey, Western Arctic and Oceans Program Director, Alaska Wilderness League, at 202-544-5205 or leah@alaskawild.org.