Congress of the United States
Washington, DC 20515

May 31, 2011

The Honorable Hillary Clinton
Secretary of State
Harry S Truman Building
2201 C Street, N.W
Washington D.C. 20520

The Honorable Lisa Jackson
EPA Administrator
Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

Dear Secretary Clinton and Administrator Jackson,

As members of the House of Representatives who are concerned about the nation's public health and environment, we write to express our concerns regarding the inadequacies of the Department of State's Supplemental Draft Environmental Impact Statement (SDEIS) for the Keystone XL Pipeline. We kindly request a meeting with officials from the Department of State to discuss our concerns and to ensure that the Department of State addresses these inadequacies prior to finalizing the Supplemental Environmental Impact Statement.

In June 2010, dozens of members of the House of Representatives sent the State Department a letter outlining numerous concerns with the permitting process for TransCanada's proposed Keystone XL pipeline. The letter expressed concern about the Department of State's failure to adequately consider the project's climate change impacts in the Draft Environmental Impact Statement (EIS). The letter also called for a full lifecycle assessment of the greenhouse gas emissions for tar sands and the cumulative greenhouse gas impacts of the proposed project.

In December of 2010, dozens of members of the House of Representatives sent the Department of State another letter expressing increased concern that the Department of State is inadequately evaluating the pipeline's full environmental impact. The letter urged the Department of State to undertake a Supplemental Environmental Impact Statement for the Keystone XL project to ensure that an objective and robust evaluation is conducted.

While we appreciate the Department of State's decision to issue a supplemental review, we are concerned that once again the Department of State has failed to appropriately address issues that were ignored or inadequately analyzed in the first environmental review. Additionally, several new substantive issues have been identified since the release of the first environmental review, and the State Department has a legal obligation to address these issues before the National Environmental Protection Act (NEPA) process is complete.

In addition to the many concerns that members of Congress have expressed, the Environmental Protection Agency (EPA) has articulated significant concerns, many of which have yet to be addressed. When the EPA reviewed the draft EIS last year, they found the assessment to be inadequate and asked that a new EIS be conducted. In fact, EPA gave the draft EIS its lowest possible rating. After reviewing the SDEIS, we still do not believe that the State Department has sufficiently addressed EPA's concerns.

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Therefore, we request that the permitting process continue only after the following conditions are adequately developed, assessed, and incorporated:

- The Department of State should analyze the cumulative greenhouse gas emissions impacts of the Keystone XL pipeline over its fifty year lifetime, not over twenty years. The SDEIS makes a good start in acknowledging that tar sands oil generates significantly higher greenhouse gas emissions from a lifecycle perspective than conventional oil. However, the SDEIS then finds that these emissions do not need to be considered.

- The Department of State should work with the Department of Energy (DOE) to assess the need of the pipeline and how permitting the pipeline aligns with the President's goal to reduce our oil imports. The SDEIS presupposes a need for the pipeline by assuming the U.S. needs more oil. However, there is more than enough existing pipeline capacity to import maximum levels of Canadian tar sands oil for at least the next ten years.

- The Department of State should fully analyze reasonable alternate routes for the project, as is required by NEPA. The SDEIS identifies several unreasonable routes and declines to fully review them. However, reasonable alternatives exist and include routes that are shorter and avoid environmentally sensitive regions. The Department of State should examine routes that begin east of Morgan, MT and should consider completely avoiding the sensitive Sandhills region of the Ogallala aquifer.

- The Department of State should work with the Department of Transportation (DOT) to adequately analyze the pipeline safety risks of diluted bitumen pipelines. The SDEIS analysis fails to analyze the specific environmental impacts of diluted bitumen spills as well as the impacts of diluted bitumen on pipeline material. The State Department should work with the DOT to conduct a thorough, technical safety review.

- The Department of State needs to adequately analyze the impacts of the project to minority and low income populations. The pipeline company TransCanada is willing to pay damages in the event of a spill and will provide alternative drinking sources. While providing compensation is important, it does not take away the requirement for an environmental justice analysis of how to prevent the anticipated contamination. Further, this liability is lower than the estimated cleanup cost for a single major spill. The analysis of the downstream emissions impacts and potential for refinery expansion in response to the project should be expanded.

- The Department of State should provide at least 120 days for public review and hold field hearings in each state through which the pipeline would pass. Without sufficient time for public review and comment and without field hearings, the State Department is failing to meet NEPA's goal of providing the best possible information for public participation.

As members of Congress, we are bound to protect the national interest of this country and its citizens. Given the significant criticism the State Department's environmental reviews have garnered, we encourage the Department of State to exercise due diligence and take the requisite time to adequately address all of the issues listed above. We look forward to meeting with Department of State officials to discuss this important subject.

Sincerely,

Steve Cohen
Member of Congress

Earl Blumenauer
Member of Congress

Jay Inslee
Member of Congress

Peter Welch
Member of Congress

Maurice Hinchey
Member of Congress

Jackie Speier
Member of Congress

Lynn Woolsey
Member of Congress

Barbara Lee
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Sam Farr
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Pete Stark
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Steve Rothman
Member of Congress

Mazie Hirono
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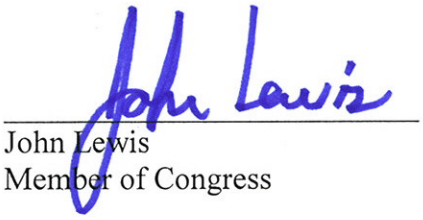
Jan Schakowsky
Member of Congress

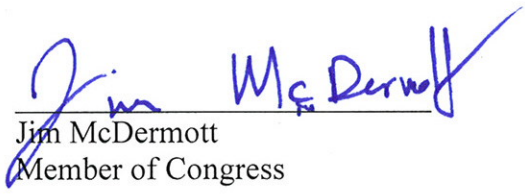
Bob Filner
Member of Congress

Rush Holt
Member of Congress

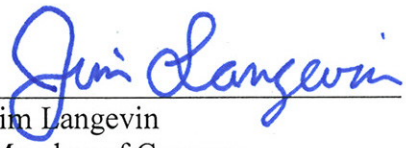
Jerrold Nadler
Member of Congress



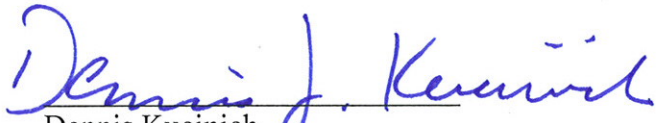
John Lewis
Member of Congress



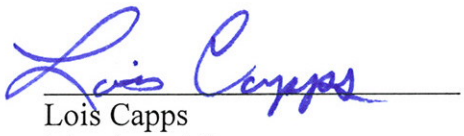
Jim McDermott
Member of Congress



Jim Langevin
Member of Congress

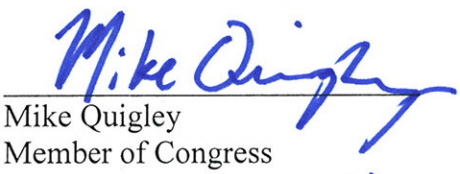


Dennis Kucinich
Member of Congress



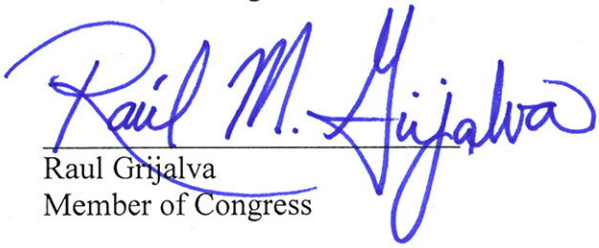
Lois Capps
Member of Congress

Rosa DeLauro
Member of Congress



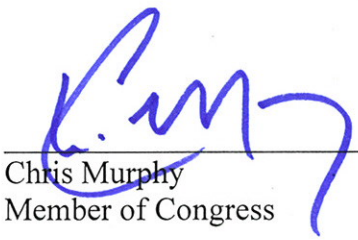
Mike Quigley
Member of Congress

David Wu
Member of Congress

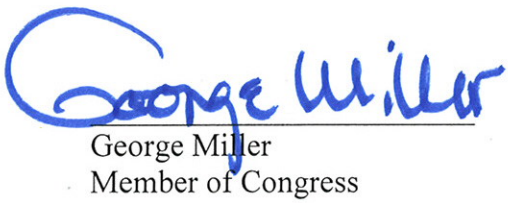


Raul Grijalva
Member of Congress

Joe Courtney
Member of Congress



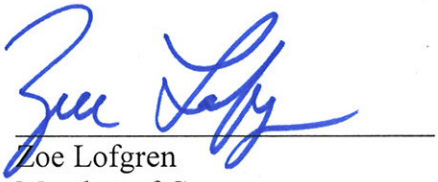
Chris Murphy
Member of Congress



George Miller
Member of Congress

Betty McCollum
Member of Congress

Keith Ellison
Member of Congress



Zoe Lofgren
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John Garamendi
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David Price
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Anthony Weiner
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