

**Healthy Gulf | 350 New Orleans | Alabama Rivers Alliance | Alliance for Affordable Energy  
Atchafalaya Basinkeeper | Audubon Mississippi | Bayou City Waterkeeper | Bucket Brigade  
Carrizo Comecrudo Tribe of Texas | Center for Biological Diversity  
Center for International Environmental Law | Citizens Against Widening the Industrial Canal  
Climate Reality | CLIMB CDC | Coalition Against Death Alley | Coalition to Restore Coastal Louisiana  
Collins Law Group | Deep South Center for Environmental Justice | Defenders of Wildlife  
Earthworks | Endangered Habitats League | Environment Texas | Environmental Integrity  
Farmworker Association of Florida | Gulf Coast Center for Law & Policy | Honor the Earth  
Justice & Beyond | Levees.org | Louisiana Bucket Brigade | M-W & Associates  
Mississippi River Collaborative | Mount Triumph Baptist Church, St. James, LA  
MS Chapter Sierra Club | No Waste Louisiana | North Gulfport Community Land Trust  
Operation HomeCare | Pearl Riverkeeper | Public Citizen | RESTORE  
Rio Grande International Study Center | Risestjames | San Antonio Bay Estuarine Waterkeeper  
Save RGV | Shorecombers LLC | Sierra Club | Sierra Club Miami Group | SPROUT  
Surfrider Foundation - Texas Coastal Bend Chapter | Texas Campaign for the Environment  
Turtle Island Restoration Network | Vayla New Orleans | WildEarth Guardians**

March 26, 2020

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Dear Gulf State Governors,

We are a diverse group of 52 conservation, environmental, social justice, community, and climate justice organizations representing thousands of Gulf State residents. We write to call upon you to require all executive

branch agencies to hold open all active comment periods at least 60 days beyond the lifting of any National Emergencies and States of Emergency declared by you or President Donald Trump in response to the COVID-19 pandemic.<sup>1</sup> Further, no new non-essential, proposed, or revised rules or regulations, nor environmental permits should be issued or finalized until Emergency declarations responding to the COVID-19 pandemic have been lifted. Gulf residents have enough to worry about without the potential of agency action or projects in their areas that could further impact their air, water, communities, and health.

As you are aware, public participation is a central hallmark of each of the Gulf States' regulatory system, and the notice, comment, and public hearing process has become the primary vehicle by which the public has been afforded an opportunity to make their view on new rulemakings and permits known to agency decision-makers. Indeed Section 553 of the Federal Administrative Procedures Act and state laws all enshrine these processes by requiring a robust public process. We do not believe that the legal requirements for a full and accessible public input process can be met under current circumstances. Without this opportunity for public participation, we risk lower-quality rules and permits, as well as a process that lacks sufficient public accountability and legitimacy.

The arrival of the COVID-19 pandemic threatens to deprive members of the public of the opportunity to meaningfully participate in open rulemakings and permit decisions. Community members throughout the Gulf South and the United States are being forced to socially distance, close businesses, and avoid face-to-face contact with friends, families, and civic organizations. This drastically reduces their ability to monitor open rulemakings and permit decisions. Delaying final agency decisions and keeping active public comment periods open or continuing them until these stakeholders are able to resume normal operations will ensure that affected communities are able to meaningfully participate in rulemakings and permit decisions.

It goes without saying that public hearings should be postponed until pandemic conditions have cleared. However, such postponement only makes sense if the accompanying agency decisions are delayed and associated public comment periods remain open. Further, moving to online-only public hearings is not an acceptable option. Far too many Gulf community members do not have easy access or training when it comes to live streaming, group chats, video conferencing, etc. Relying solely on this type of technology will disenfranchise some of the Gulf South's most vulnerable and at-risk communities.

The National Governors Association, along with nine other organizations representing state and local level officials recently submitted a letter requesting President Trump to "extend agency comment periods for a reasonable time."<sup>2</sup> We request that Gulf governors do the same regarding state-level rulemakings and permits.

The ongoing threat of the COVID-19 pandemic requires that we all do our part to protect ourselves and fellow community members against unnecessary risks of exposure to this deadly disease. As Governor and head of State executive agencies, it is your duty to ensure our opportunities for participatory governance remain properly balanced against the critical demands we now face to protect public health.

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<sup>1</sup> A National Emergency was declared on March 13, 2020 and States of Emergency were declared on the following dates: Texas: March 13, 2020 | Louisiana: March 11, 2020 | Mississippi: March 14, 2020 | Alabama: March 13, 2020 | Florida: March 9, 2020

<sup>2</sup> National Governors Association. "State and Local Government Organizations Seek Pause on Public Comments on Rulemaking Processes." March 20, 2020. Accessed March 23, 2020. <https://www.nga.org/letters-nga/state-and-local-government-organizations-seek-pause-on-public-comments-on-rulemaking-processes/>

We appreciate your thoughtful attention to these requests.

Sincerely,

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