



**BUILDING PEOPLE POWER
FOR ENERGY & CLIMATE JUSTICE**

March 13, 2020

Honorable Roy Cooper
Governor of North Carolina
116 West Jones Street
Raleigh, North Carolina 27603

Subject: Declaring a statewide climate emergency to stop fossil fuel pipelines and new power plants

Dear Governor Cooper,

The undersigned organizations respectfully call on you to formally declare a climate emergency for North Carolina. As governor, you have broad authority under the N.C. Emergency Management Act, and we urge you to use it for proactive measures to protect state residents and our economy from the impacts of ongoing and accelerating climate disasters.

Recently, some 1,400 local and national governments have declared climate emergencies. You will be the first U.S. governor to do so, and your authority is broader than that of many of those who have already made declarations. In particular, we call on you to halt Duke Energy's massive expansion of gas via the stalled Atlantic Coast Pipeline (ACP) and its plans to build nearly 12,000 megawatts of new gas-fired power generation – the equivalent of 30 large gas-fired power plants – in the Carolinas. We also urge you to stop the proposed Mountain Valley Pipeline.

Such bold and unprecedented action is necessary because 1) North Carolina communities are already being devastated by serial climate disasters, 2) 11,000 of the world's scientists have declared climate change to be a global emergency, warning of “untold suffering” if urgent action is not taken, 3) the federal government and many energy corporations are failing their duty to the public, 4) the science is clear that expanding the use of gas is making the crisis worse, and 5) expanding the use of gas is economically reckless and totally unnecessary.

Our state has experienced three major hurricanes and other extreme flooding events since 2016, and many communities are embroiled in a constant state of recovery and rebuilding. Many of these disasters disproportionately impact communities of color or low-wealth populations who are least responsible for the emissions caused by high energy usage. To amplify the injustice, many of these communities are also targeted by Duke Energy through its ACP, a compressor station, a huge gas storage facility and new gas power plants – the very projects that would keep fueling the climate emergency.

Moreover, technology and economics are in favor of steadily phasing out coal- and gas-fired electricity, as shown in NC WARN's [Clean Path 2025](#) strategy and in climatologist Drew Shindell's [October 2019 letter](#) calling on you to lead a national moratorium on new natural gas

projects. Dr. Shindell and other leading scientists insist that building fossil fuel power plants and pipelines sharply clashes with global agreements to reduce greenhouse gas emissions.

Renewable power paired with energy storage is now beating new gas-fired plants on economics and reliability, as explained in NC WARN's [January 29 letter](#) to you. This approach also creates far more jobs than new gas while avoiding the local health and safety impacts associated with natural gas.

We appreciate that you have set out to be a climate leader by pledging to uphold the goals of the Paris Climate Agreement and by initiating Executive Order 80, which establishes goals of reducing greenhouse gas emissions and transitioning the state to a clean energy economy. However, all those efforts, if implemented, would be outweighed by Duke Energy's huge expansion of fracked gas.

You have the authority under the N.C. Emergency Management Act, N.C. Gen. Stat. §§ 166A-19 *et seq.*, to declare a State of Emergency as a result of the ongoing global climate emergency. Pursuant to your authority under the Act, including but not limited to N.C. Gen. Stat. § 166A-19.30(a)(1), among other legal authorities, a declaration of emergency would empower you to prohibit the further construction or expansion of natural gas-fired power generation facilities and pipelines.

According to N.C. Gen. Stat. § 166A-19.3(6), an emergency is “an occurrence or imminent threat of widespread or severe damage, injury, loss of life or property resulting from [among other things] any natural or man-made ... weather-related ... failure or accident.”

Under the Act, your powers are broad. Among other things, you would have authority “to utilize all available State resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services.” [See N.C. Gen. Stat. § 166A-19.30(a)(1)].

While the Act has traditionally been used to *respond* to disasters, it is not restricted to those occasions and, in fact, allows you to help *prevent* disasters – particularly when they have become essentially ongoing in nature. With so many North Carolinians still recovering from multiple hurricanes and other flooding, with the strong likelihood of worse disasters ahead, and with the science linking such disasters to the use of fossil fuels, we contend that “coping” with this ongoing emergency includes the authority to help *prevent* it from growing worse indefinitely.

While halting Duke Energy's gas expansion is the largest single measure you can take, we urge you to consider additional steps, for example, implementing components of your Clean Energy Plan through executive authority or by gaining and expediting cooperation with the legislature.

Clearly, now is the time for your robust leadership. With ACP construction stalled, with a strong appeal of the NC 401 water quality permit pending with your Department of Environmental Quality, and due to the factors noted above, cancellation of the pipeline is the

natural first step. Duke Energy leaders are trying to lock billions of gas infrastructure dollars into customers' future bills before the inevitable shift to clean energy occurs. As governor, you can stop this abuse of the public wellbeing.

The human toll is already severe and the climate emergency is growing worse. We urge you to seize this opportunity to make real your efforts to have North Carolina do all possible to help avert this existential threat to humanity and wildlife. Please let us know how to assist you.

Sincerely,



Jim Warren
Executive Director
NC WARN

Organizations endorsing this letter:

350 Charlotte
350 Triangle
350 Winston-Salem
Abundance Foundation
Allen Branch Farm
Alliance for Climate Education
Alliance to Protect Our People and the Places We Live
Appalachian Voices
Balance & Accuracy in Journalism
Beloved Community Center
Beyond Extreme Energy
Birch Meadow Garden Care, LLC
Blue Ridge Environmental Defense League
Buddha LLC
Carolina Biodiesel, LLC
Center for Biological Diversity
Chapel Hill Organization for Clean Energy
Chapel Hill Zen Center Eco-Dharma Group
Chatham Citizens Against Coal Ash Dump
Chatham Research Group
Citizens Climate Collaborative
Clean Air Carolina
Clean Path Action Team Durham
Clean Path Action Team Winston-Salem
Climate Reality Orange County Chapter
Community Roots
Concerned Citizens of Northampton

Concerned Citizens of Tillery
Crystal Coast Waterkeeper
Dogwood Alliance
Down East Coal Ash Environmental and Social Justice Coalition
Duke Climate Coalition
Environmental Working Group
Ethereal Balloon Company
Extinction Rebellion Chapelboro
Extinction Rebellion Durham
Food & Water Watch
Friends of the Earth
Good Stewards of Rockingham
Greensboro Earth Quakers
Haw River Assembly
Innovative Systems Group
Magic Tortoise Taijiquan School
Mothers Out Front, Asheville
Muslim Community Center, Charlotte
Nash Stop the Pipeline
NC Climate Justice Collective
NC Climate Solutions Coalition
NC Poor People's Campaign, Environmental Devastation Committee
North Carolina Environmental Justice Network
Protect All Children's Environment
Rachel Carson Council
RedTailed Hawk Collective
River Guardian Foundation
Solfarm Solar Company
SouthWings
Sunrise Movement Asheville
Sunrise Movement Boone
The Durham Originals
The John Riley Group, LLC
The Morning Sun Foundation
Triangle People Power
Trillium Wood Therapeutic Massage
UNC Student Environmental Action Coalition
Unitarian Universalist Church of Greensboro Justice Action Team
Unitarian Universalist Peace Fellowship, Raleigh
Weaver Street Realty
White Oak-New Riverkeeper Alliance
Women's International League for Peace and Freedom
Won Buddhism of North Carolina
Yes Solar Solutions