

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2251

In the Matter of)	PETITION TO INTERVENE BY
)	BEYOND TOXICS; NAACP
NORTHWEST NATURAL GAS COMP)	BRANCH 1119; OREGON
ANY, dba NW NATURAL,)	PHYSICIANS FOR SOCIAL
)	RESPONSIBILITY; 350.ORG
Application for Approval of Eugene)	EUGENE; and SIERRA CLUB
Hydrogen Project.)	
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Pursuant to ORS 756.525 and OAR 860-001-0300(2), Beyond Toxics, NAACP Branch 1119, Oregon Physicians for Social Responsibility, 350.Org Eugene, and Sierra Club (“Petitioners”) petition to intervene in this proceeding. In support of this petition, the following is provided:

1. The contact information of the petitioners are as follows:

Name: Teryn Yazdani
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Name: David De La Torre
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Name: Patty Hine
Company: 350.Org Eugene
Street Address: 1430 Willamette St., #474
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Name: Jim Dennison
Company: Sierra Club
Street Address: 1650 38th Street, #102W
City, State, Zip: Boulder, CO 80301
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2. Petitioners will be represented by Jan E. Hasselman from Earthjustice and Carra Sahler from the Green Energy Institute of Lewis and Clark Law School. Their contact information for inclusion in the service list is:

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(pro hac vice application pending)
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3. Petitioners also request that Adam Hinz, paralegal at Earthjustice, be included on the service list:

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4. Beyond Toxics is a statewide environmental justice nonprofit that works on community-based, grassroots organizing to ensure environmental protection and health for all communities in Oregon. Its mission is to uplift voices from Oregon communities disproportionately impacted by pollution and climate change. For over 20 years, Beyond Toxics has led successful policy, legislative, and legal initiatives centering around climate justice, environmental justice, public health, clean energy, air toxics, land use, pesticide reform, and climate-smart resilient forestry. This organization also educates community members on public processes and preparing testimony, hosts community forums and workshops, and organizes door-to-door community campaigns. Beyond Toxics has over 4,000 members throughout Oregon and reaches thousands more through its communications and social media platforms. Beyond Toxics has a longstanding relationship with the people of West Eugene and consistently advocates to keep dirty industrial polluters from perpetuating harm in this community. Beyond Toxics is deeply invested in climate justice and climate policies that promote decarbonization and prioritize environmental justice principles. Its programmatic work in this sector includes: (1) participation as a steering committee member in both the Fossil Free Eugene and Fossil Free Lane County coalitions, coalitions of grassroots organizations and community members calling on the City of Eugene to lead a just transition away from fossil fuels and follow through with its climate change goals; (2) participation as a steering committee member of the Oregon Just Transition Alliance, a coalition organizing to move Oregon towards an economy that values workers and the environment on the frontlines of climate change, economic exploitation, and environmental racism; (3) sitting on the rulemaking advisory committee for the development of Oregon's Climate Protection Program; (4) intervening as part of a coalition in defense of the Climate Protection Program against industry challenge; and (5) continuing research and project

development for upcoming local and state policies to prioritize public health and reduce reliance on a fossil fuel economy. Beyond Toxics has also participated in coalitions related to the Cleaner Air Oregon DEQ Rulemaking, the Oregon Air Quality Permitting DEQ Rulemaking, and the Oregon Climate Action Plan. Intervention in this matter fits squarely within Beyond Toxics' body of work since this project will threaten the health, safety, and economic stability of the Bethel community in West Eugene. This intervention also relates directly with Beyond Toxics' work to center and uplift community voices and ensure equal access to clean energy, healthy and safe communities, and economic equality.

5. Oregon Physicians for Social Responsibility ("Oregon PSR") is an organization of health professionals and public health advocates working collaboratively with community partners to educate and advocate for societal and policy change that protects human health at the local, state, national, and international level. Guided by the values and expertise of healthcare and public health, Oregon PSR works to protect human life from the gravest threats to health and survival by striving to protect our climate, end the nuclear threat, promote peace, and advance justice. We are a membership-based organization consisting of 2,420 total members in Oregon, many of these members purchase utility services and reside in Oregon. Oregon PSR is concerned about the proposal's health and safety impacts on its members and residents of Eugene, and residents across Oregon as this pilot program could lead to larger hydrogen projects. Oregon PSR is committed to healthy climate and climate justice, and has opposed fossil fuel infrastructure over the years in Oregon and the region. We have worked to educate health professionals and the public on the dangers of gas stove appliances in Oregon through presentations, ads, media, and conferences. We are members of the Build/Shift coalition, a grassroots group of BIPOC Portlanders who are working in collaboration with the City of

Portland on a set of building standards that center healthy housing, equitable energy, anti-displacement, resilience, and temperature. Our engagement in this effort aligns with our mission and values, as we work with our community partners to support and promote clean, renewable energy that is protective of human health.

6. 350 Eugene is a grassroots, 501(c)(3) nonprofit organization, started in 2013, that works toward climate justice by organizing people to make deep system change; transitioning off fossil fuels; advocating for needed strong climate policies; and fostering resilient, just, and welcoming communities with creative, artful & positive outreach, education and events. While we do not have a formal membership, more than 650 community members engage with our information on a continual basis. In January 2022, we launched our Electrify Eugene Campaign, and our grassroots organizers have been working tirelessly to engage the public to build massive support for local building electrification policy. We have worked in coalition with many NW organizations to forward this work and have engaged our members in submitting testimony, to city council, county commission, and our local utility Eugene Water & Electric Board. We participate in the statewide effort Divest Oregon to move public retirement funds away from fossil fuel investments and towards more sustainable lower risk investments and were active with statewide coalition to pass the Clean Energy Jobs bill that did not pass due to Republican walkout but led to Governor Brown's Executive Order 20-04. As a climate organization, we do not support any expansion of natural gas usage, and we are concerned NW Natural's use of hydrogen in this planned project could continue to support its untenable fossil fuel infrastructure and possibly support expansion of natural gas use.

7. The Eugene/Springfield Branch of the NAACP (Branch 1119) is a non-profit, member-supported, public interest organization that promotes social justice initiatives aimed at

improving the lives of our BIPOC Community members by influencing public policy decisions—legislative, administrative, legal, and electoral. The Eugene/Springfield Branch of the NAACP has more than 600 members in the city. The NAACP’s 300,000 members nationwide are dedicated to the protection and preservation of the natural and human environment, including protecting public health. One of the Eugene/Springfield NAACP’s priorities is to advance smart and equitable clean energy solutions that address critical problems from the climate crisis, air pollution, and our dependence on fossil fuels.

8. Sierra Club, founded in 1892, is the nation's oldest non-profit, grassroots environmental organization. Sierra Club’s nearly 750,000 members nationwide are dedicated to the protection and preservation of the natural and human environment. Sierra Club petitions to intervene in this proceeding on behalf of itself and its more than 20,000 Sierra Club members who live and purchase utility services in Oregon, including 2,947 members of the Oregon Chapter’s Many Rivers Group, based in Eugene, many of whom are residential customers of NW Natural and will be directly impacted by any rate increases that result from approval of the proposed hydrogen pilot. Sierra Club's members in Oregon, including those in NW Natural's service territory, have advocated for years for a responsible and equitable transition away from reliance on fossil fuels and for the development of a clean, sustainable energy portfolio. Approval of NW Natural's proposal would impede these efforts by prolonging reliance on gas equipment and combustion, due to the inherent limitations that prevent hydrogen blending from offering a viable pathway to a fully decarbonized building sector. Sierra Club members in Eugene may be impacted by increased emissions of nitrogen oxides (NOx) that would result from blending hydrogen into parts of NW Natural's gas distribution system in Eugene. Sierra Club has extensive experience in the environmental benefits, the public health benefits, and the

associated utility economics related to the thoughtful use of renewable sources to replace fossil fuels. Sierra Club's Beyond Coal and Building Electrification campaigns advance the development of energy conservation, electrification, and renewable energy policies, which eliminate or reduce emissions of greenhouse gases and health-harming pollution, reduce utility bills, and expand access to affordable clean energy. Sierra Club's work also includes intervening in general rate cases across the country, participating in integrated resource planning, participating in efficiency, electrification, and renewable energy dockets at public utility commissions nationwide, and submitting comments in numerous state and federal agency energy-related proceedings and rulemakings.

9. **Interests of the Petitioners in this proceeding:** Petitioners are environmental, climate, health, and social justice organizations who represent the interests of thousands of members and supporters—many of whom are gas utility ratepayers in the State of Oregon, including within the NW Natural service area and indeed within the project footprint of this pilot. Petitioners have concerns with the proposal to blend hydrogen into a portion of its Eugene service area, where some of Petitioners' members live and work. Petitioners seek to intervene to raise issues about whether the project satisfies the requirements for approval under ORS 757.539, including: a) the high cost of the project in light of the modest decarbonization benefits it offers, especially in light of the availability of far more cost-effective decarbonization options; b) health and safety concerns associated with transporting hydrogen in infrastructure built for fossil methane, and burning it in homes in light of higher emissions of certain pollutants, especially NO_x; c) the modest role hydrogen will be able to play, even under the most optimistic scenario, in a decarbonization trajectory for existing gas infrastructure, and in light of state, local, and federal policies that will require shifting away from new investments in gas infrastructure in

the years ahead; d) environmental justice considerations of the siting of the project in a part of Eugene that already suffers from disproportionate impacts of pollution.

10. Petitioners have strongly supported decarbonization efforts and state policies to reduce the use of fossil fuels like methane, and continue to do so. Petitioners also recognize that there is likely a role for hydrogen in a future decarbonized energy system—particularly in applications that are difficult to decarbonize. Petitioners seek to intervene because it is already clear that burning hydrogen in homes and businesses for heat and cooking is expensive, potentially dangerous, and unwise in light of the availability of alternatives.

11. Based on the information provided above in accordance with the Commission's rules of procedure, Petitioners request to participate in this proceeding as intervenors. *See also* ORS 757.539 (Commission “shall” “provide interested parties with an opportunity to submit testimony in response to the proposed project and be heard.”). Petitioners will abide by all deadlines and not seek to expand or broaden the issues. Accordingly, Petitioners’ participation will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding. OAR 860-001-0300.

12. WHEREFORE, Petitioners respectfully request leave to intervene and request all the rights of a party in this proceeding.

Dated this 7th day of October, 2022.

Respectfully submitted,

/s/ Jan E. Hasselman
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