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BORDER AND MARITIME SECURITY  
SUBCOMMITTEE ON COUNTERTERRORISM  
AND INTELLIGENCE

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SUBCOMMITTEE ON TERRORISM,  
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January 20, 2012

Hon. Nancy Sutley  
Chair  
The Council on Environmental Quality  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

**Re: USPS Buffalo Closure Plan Violates NEPA**

Dear Ms. Sutley:

Efforts by the United States Postal Service (USPS) to close the William Street Processing and Distribution Center in Buffalo, NY, clearly violate the National Environmental Policy Act of 1969 (NEPA). As such, I write today to request that the Council on Environmental Quality (CEQ) put the USPS on notice for its violation of the law and join me in demanding full compliance.

As you are aware, the National Environmental Policy Act of 1969, as amended and as interpreted through regulation and the courts, establishes a rigorous rubric with which to vet the decisions of federal agencies with regard to their environmental impact. NEPA sets forth that actions with adverse environmental impacts should be avoided, and if they cannot be avoided they should be mitigated. The environmental review required by the Act and its associated regulations calls for, at minimum, a rigorous and open alternatives analysis and a consultation with other stakeholder agencies within and without the federal government with an interest and/or expertise in the subject area. NEPA also vests the CEQ with responsibility for overseeing government agencies' compliance with NEPA.

I submit to you that there has been no transparent alternatives analysis in the USPS deliberations relative to this facility. The USPS has provided no evidence that consideration was given to any alternative consolidation arrangement. Further, there has been no consultation with stakeholder agencies such as the EPA, the US DOT, the NYS DEC, the NYS DOT, or the NYS Thruway Authority, as required by law.

The negative environmental impact of the USPS proposal is clear. Under this proposal, mail originating in and delivered within Erie County, NY would first be shipped back and forth some 70 miles to Monroe County, NY. Using standard estimators for pollution resulting

from diesel trucks<sup>1</sup>, it is evident that the proposed action would have a significantly negative environmental impact as it would introduce the following amounts of recognized pollutants into the atmosphere annually:

- Volatile Organic Compounds: 2,705 lbs.
- Carbon Monoxide: 10,627 lbs.
- Oxides of Nitrogen: 77,865 lbs.
- Particulate Matter: 1,642 lbs.
- Carbon Dioxide: 24,683 tons

In addition to violating NEPA, the proposed action also would be clearly contrary to the Postal Service's own stated environmental policy goals. Their "FY 2011 Strategic Sustainability Performance Plan" calls for a 20% reduction in "contracted transportation petroleum fuel use... by FY 2020"<sup>2</sup>. This action flies in the face of that goal.

Again, I respectfully request that the Council put the USPS on notice for its violation of the law and join me in demanding their full compliance with NEPA and its associated regulations. Thank you very much for your consideration and your leadership.

Sincerely,



Brian Higgins  
Member of Congress

Cc: Ms. Lisa P. Jackson, Administrator, EPA  
Ms. Judith A. Enck, Regional Administrator, USEPA Region 2  
Mr. Joseph Martens, Commissioner, NYS DEC

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<sup>1</sup> [http://www.fhwa.dot.gov/environment/air\\_quality/publications/effects\\_of\\_freight\\_movement/chapter07.cfm](http://www.fhwa.dot.gov/environment/air_quality/publications/effects_of_freight_movement/chapter07.cfm),

<http://www.dot.gov/affairs/2011/FactSheet08092011.html>

<sup>2</sup> United States Postal Service, FY 2011 Strategic Sustainability Performance Plan, June 3, 2011, p.43.

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