

August 26, 2026

The Honorable Josh Shapiro

Governor of Pennsylvania

Dear Governor Shapiro,

Your Executive Order 2026-05 – Protecting Pennsylvania Consumers from Data Center Impacts left many questions unanswered and raised still more. The Better Path Coalition and No False Climate Solutions PA have prepared a list of some of those questions that we are submitting to you for your response. We ask that you respond in writing by September 3.

In the preamble of your Executive Order (EO), you acknowledge that “the Constitution of the Commonwealth of Pennsylvania and the laws of the Commonwealth recognize Pennsylvanians’ right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment,” yet your next recital and the comments you made at the signing event refer only to Pennsylvanians’ right to clean air and pure water. You fail to acknowledge the right to the natural values of the environment, nor do you recognize the duty of all government officials in the state to serve as a trustee of the state’s natural resources with a duty to conserve and maintain those resources for present and future generations. Data centers have a heavy footprint on our Pennsylvania environment, including when it comes to impervious surfaces, greenhouse gas emissions, noise, vibration, light pollution, and electronic waste. Noise pollution gets a single mention at the top of your EO. The many other forms of pollution and environmental devastation associated with data centers do not get a mention at all. What safeguards does your EO provide from the threats and harms to the environment? What level of environmental protection satisfies your obligations under Article 1, Section 27, in your opinion?

Under the first section of your EO, you say, “The Department of Environmental Protection (DEP) shall develop a template Consent Order and Agreement that developers of any data center with peak demand of over 25 MW must execute and submit for the review process described in Paragraph 1(b).” The process described in that section says that for applicants who sign a Consent Order and Agreement, DEP will 1) “review their applications for permits or authorizations on a rolling basis,” and 2) “issue any qualifying permits or authorizations on a rolling basis only after the applicant has provided documentation to DEP demonstrating that the project is consistent with the local comprehensive plan and that the project has received all local or municipal approvals.” Does this mean that the DEP will

proceed with taxpayer-funded reviews of applications that may never be considered because local approval is not granted? If local approval is granted, does it mean DEP may be prepared to immediately issue the permits and authorizations, meaning that community members seeking to appeal the municipality's approval will be in the untenable position of having to appeal the DEP's decision at the same time? What consideration is being given to neighboring communities that may want to contest an approval? In the section on transparency, your EO says, "DEP shall create a publicly accessible map with current permitting information about all proposed data center projects known to DEP or DOR." Will this map include details of the reviews taking place on applications that have not yet received local approval?

Your EO makes no mention of your Streamlining Permits for Economic Expansion and Development (SPEED) program that was enacted two years ago. Are you calling on the legislature to repeal it or amend it to exclude data centers, power plants, and other related infrastructure?

Under the transparency section, your EO provides details of the bill passed with the budget requiring annual reporting of water and electricity consumption. What good is a damage-done report issued halfway through the next calendar year? How is it actionable? People whose wells dry up on January 1 will not have to wait a year and a half for the report to know something happened.

The annual report includes reporting of natural gas consumption. Why does it not include any reporting of emissions associated with the consumption or production of the natural gas, as those emissions are exacerbating the climate crisis? And, again, why would you not require real-time reporting of emissions when something could be done to prevent damage, rather than simply record it for posterity? How does this after-the-harm-is done reporting help protect Pennsylvanians and the environment?

Another impact of natural gas not captured in consumption reporting is the waste generated during production. The DEP's waste report has been lacking for years, not requiring drillers to list even when or where they disposed of their waste. And the agency's review of compliance by conventional drillers revealed that 86% of them do not file waste reports at all. Another longstanding problem with drilling waste is radioactivity. Twelve years ago, we learned that waste trucks were setting off alarms at landfills because of their radioactive loads. Problems with managing radioactive waste persist today. Why doesn't your EO take these waste issues into consideration if you are supportive of the use of natural gas to power the data centers you promote?

Your EO makes no mention of the RESET board you proposed as part of your Lightning Plan. The EO puts a lot of emphasis on local control over data centers, something that already exists. Do you still support your RESET plan that would strip municipal governments of siting authority over the large-scale energy projects that would support them?

You said, "If the local community doesn't approve a project, the state won't approve it either." Does that mean local governments have the right of refusal? Does anything in your EO shield municipal governments from lawsuits or bullying tactics? The popular interpretation of the Municipalities Planning Code's language on this is that local governments cannot ban industries operating legally within the state. Has that changed with your EO?

Your EO says state agencies cannot enter into NDAs. Will you terminate the ones that already exist? Will you make them available to the public? Does this mean that you and members of your staff cannot enter into NDAs, as well? NDAs of concern to Pennsylvanians include the ones entered into by municipal officials. What action are you taking to stop those NDAs?

The section on Protecting Consumers says that your special counsel and the PUC will "ensure that utilities do not classify a data center as critical load exempt from curtailment during pre-emergency or emergency events." What are the definitions of pre-emergency and emergency events? Would the nearly perpetual drought conditions in southeastern and southcentral PA count under either category? How are your counsel and PUC reckoning with the fact that the state is likely to experience more extreme weather conditions as a result of the climate crisis the state continues to ignore?

The section on best practices says, "DEP shall identify mechanisms to expedite permitting and remove permit-related barriers for new clean, reliable, affordable energy generation and storage facilities on brownfield and previously developed sites and facilities, including Commonwealth sites." You previously emphasized reliable, rather than renewable, energy in your Lightning Plan, which you defined as coal, oil, and gas. Reliable is a term typically used by climate deniers as a barb against renewable energy, suggesting that it is unreliable. They use reliable to refer to coal, oil, and gas. Indeed, natural gas was in the clean column in your Lightning Plan. Are we to infer that the use of the term reliable energy in your EO means expedited permitting and the removal of barriers would pertain to natural gas facilities? Furthermore, your EO does not require that these brownfield sites require full remediation. Why not?

Your EO says “The Department of Community and Economic Development (DCED) shall prepare best practices on zoning standards and community benefit agreements that municipalities and other local governments could use in their engagement with data centers.” DCED is the agency that negotiates data center deals behind closed doors. The DCED Secretary emailed Amazon the morning of your budget address to give the company a heads-up that you would be announcing GRID, telling them not to worry because it would be voluntary. Why should an agency that has never been transparent with the public and clearly acts in the best interests of the industry it serves be taken seriously when it delivers best practices on zoning and Community Benefit Agreements to the public?

In your remarks at the signing event, you mentioned being a “hell no” on Brian O’Neill’s project in Montgomery County and said, “This is an example of one of the many projects that I’m a hell no on - and they won’t happen on my watch.” Please list the many projects that are on your hell no list. Does a Hell No list even exist?

Other than the few people in a curated group you assembled in Archbald to announce your GRID plan was ready to go, who are the Pennsylvanians you claim to have spoken with? You ignored thousands of invitations to attend the grassroots-led town hall two weeks before your meeting in Archbald. We are unaware of any attempt on your part to hear from affected residents. Will you start responding to meeting requests and actually hear from the people?

A representative of the Natural Resources Defense Council spoke at your signing event. Will you stop misleading the public by trotting out a small number of cherry-picked environmental organizations to give the impression the environmental community writ large supports your policies?

When asked by a reporter about a statewide moratorium at the EO signing, you said you preferred your approach. Why? Shouldn’t you move forward with the approach that the majority of Pennsylvanians are calling for, as many polls indicate? Will you admit that there is insufficient research on data centers and their impacts to assess what effect they will have on Pennsylvanians, their health, safety, quality of life, and environment? Will you further admit that the questions we have asked, that represent a fraction of the questions left unanswered by your EO, demonstrate the information gaps that exist and the insufficiency of the terms of the EO to fill them? If so, how do you justify the rush to allow data center development here when so little is known, and Pennsylvanians are so broadly, and justifiably, opposed? Why is a more measured approach, like a moratorium, not the better option? How do you justify your claim that yours is the strictest policy on data centers in the country? How is it stricter than New York Governor Hochul’s statewide moratorium?

Are the GRID standards still voluntary?

We look forward to your responses.

Respectfully,

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