

From: [Paula Rotondi](#)
To: [PDS Planning Commission](#)
Cc: [Council](#); [Paula](#)
Subject: The Commerce Clause
Date: Tuesday, October 08, 2019 9:19:59 PM

Dear Planning Commissioners,

Virtually every day as you travel around Whatcom County you see with your own eyes that what the fossil fuel corporations' are telling you about the Commerce clause is untrue. Throughout Whatcom County you see for yourself that tobacco and alcohol commerce is regulated, restricted and sometimes prohibited. The Courts have determined that the Commerce Clause does not prevent states and local governments from having the authority to regulate interstate commerce when the regulation is for a legitimate and reasonable interest in protecting public health and safety. The Courts have determined that state and local governments' interest in regulating for the benefit of public health *outweighs* interstate commerce concerns. The primary duty and responsibility of the Whatcom County Council is to protect the public's health and safety. Tragically Washington State and Whatcom County have had multiple firsthand, experiences with the public health and safety consequences that accompany fossil fuel infrastructure – including accidents involving pipelines, refineries, fossil fuel trains, fossil fuel ships and fossil fuel transshipment facilities. Whatcom County Council has a legitimate and reasonable interest in protecting public health and safety from new and expanded fossil fuel infrastructure and the proposed Whatcom County Code Amendments do not violate the Commerce Clause.

I urge you to support the proposed code amendments - Whatcom County Council Resolution 2019-037. The proposed amendments encourage the existing Cherry Point industries to proceed with all modifications, maintenance and repairs to improve the safety of their operations. The proposed amendments protect the existing refinery workers' jobs by preventing the export of fossil fuels not refined or processed by workers at Cherry Point. And, while the proposed amendments would protect the refinery workers' jobs, they also would encourage the County's transition to providing good jobs in America's fastest growing energy sector – renewable industries.

Sincerely,
Paula Rotondi