



The current administration is accelerating the data center buildout while national standards for our environment, public health, and energy grids remain absent. Without national protections, communities are left to defend themselves one project, one permit, and one town at a time.

KEY FACTS

- 1. The only federal law specifically governing data centers is expiring.** The **Federal Data Center Enhancement Act** is set to expire on September 30, 2026 with no confirmed extension, replacement, or expansion. This Act covers only the small percentage of data centers that operate for federal agencies, while largely excluding the private hyperscale facilities that are driving today's massive buildout.
- 2. There are no enforceable federal standards for private data centers.** No federal law requires facilities to measure their environmental impacts, disclose their resource use, protect public health, or pay the full costs they impose on the energy grid.
- 3. Federal policy is actively accelerating construction, while rolling back protections.** **Executive Order 14318**, signed in July 2025, expedites permitting and environmental reviews and opens federal lands like Superfund and Brownfield Sites to qualifying projects. It treats data centers as a national-security priority while providing no protections for our communities and ecosystems.
- 4. The administration is now intervening in court to protect data center operations from environmental lawsuits.** In June 2026, the Justice Department intervened to **seek dismissal of an NAACP lawsuit** alleging that xAI operated 27 gas turbines without required Clean Air Act permits, arguing that the facility is critical to the economy and the Department of War.
- 5. The strongest protections are coming from the local level.** New York is currently the only state with a statewide moratorium. Everywhere else, the resistance remains a patchwork of local bans, moratoriums, and ordinances, leaving some communities protected and others completely exposed. Statewide restrictions have been proposed in 15 states, but most are not progressing to become law.
- 6. A federal moratorium has been proposed, but not enacted.** The AI Data Center Moratorium Act, introduced by **Alexandra Ocasio-Cortez** and **Bernie Sanders**, would pause new and expanding data centers until national safeguards are adopted. It would mandate

QUESTIONS FOR LOCAL OFFICIALS

- Will you support a moratorium on new and expanding data centers until enforceable national safeguards are in place?
- Will you support extending and expanding the Federal Data Center Enhancement Act to cover private and hyperscale facilities?
- What will you do to require data centers to publicly disclose their water use, energy demand, emissions, wastewater, noise, and public-health impacts?
- Will you require developers and their shareholders, not ratepayers or taxpayers, to pay the full cost of grid upgrades, power generation, and public infrastructure?
- Will you protect the authority of local communities to restrict, pause, or reject data center projects without state or federal preemption?

Cautionary Example

In 2025, West Virginia enacted the **Power Generation and Consumption Act** to attract data centers and private power projects. The law preempted local regulation of land use, noise, and lighting within certain districts, stripping communities of their strongest tools for controlling development. Residents near a **proposed co-located data center and gas power plant in Tucker County** learned about the project only after an air permit notice appeared in the local newspaper. By then, state lawmakers had already removed their local government from much of the decision making process.



Proposed Fundamental Data site, Tucker County, West Virginia. Google Earth aerial image included in the West Virginia Department of Environmental Protection engineering evaluation of Fundamental Data LLC's air-quality permit application, June 17, 2025. Source: WVDEP.

Community Win

In July 2026, New York became the first state to pause new hyperscale data center development. The **one-year moratorium** applies to facilities of at least 50 megawatts and requires the state to study impacts on energy, water, and air quality before allowing further expansion. It proves that public pressure can force governments to slow the buildout and establish protections before projects move forward.

Call to Action

Demand that Congress pause new and expanding data centers until it passes enforceable national protections. Tell your elected officials to support the AI Data Center Moratorium Act, protect local decision making, and require developers- not our communities- to disclose their impacts and pay the full costs they create.