

SUMMARY

Comments on Possible Revisions to the National Environmental Policy Act Implementing Regulations August 10, 2018

On June 20, 2018, the White House Council on Environmental Quality (CEQ) issued a public notice seeking input on whether the 1976 regulations implementing the National Environmental Policy Act of 1969 (NEPA) should be revised to provide greater efficiency, more cooperation among federal agencies and better coordination of NEPA's environmental review process. NEPA is the country's foundational national environmental policy; it requires federal government agencies to work together to conduct assessments of the environmental effects of their proposed actions and reasonable alternatives before making decisions with input from other federal, state, local and tribal governments and the public. Through graduated levels of review created by NEPA implementing regulations, federal agencies integrate environmental considerations into their decision-making and focus on proposed actions that have the potential for significant adverse impacts. NEPA directs agencies to avoid and, if not possible, minimize impacts, to enhance beneficial impacts and seek productive harmony between the natural and built environments.

Members of the Environmental Protection Network, a volunteer organization of EPA alumni and others who work to preserve the nation's bipartisan progress toward clean air, water, land and climate protections, submitted detailed comments to CEQ summarized below:

- EPN supports the goals of efficiency and avoiding unnecessary delays in the environmental review process.
- NEPA's implementation has prevented costly and sometimes irreversible mistakes, and has improved federal agency decision-making and responsiveness to the public, benefits that must be preserved in any consideration of changes to the CEQ NEPA implementing regulations.
- Existing NEPA regulations already promote efficiency, cooperation among federal agencies, meaningful public involvement, and a focus on significant information needed for decision-making in considering a reasonable range of alternatives.
- Greater efficiencies and improvements can and should be achieved by federal agencies by more effectively implementing existing regulations and applying lessons learned from years of actions taken under the law to improve its implementation, including investments in new technologies to enhance timely access to information, public accountability and careful consideration of alternatives and impacts of decisions.
- EPN cautions that changes to the NEPA regulations are unnecessary and counterproductive. Changes would likely result in litigation that could cause more delays and uncertainty and reduce its effectiveness in protecting people's health and the natural environment.
- NEPA and the permitting processes that it implements have been wrongly accused of being the primary cause of unwarranted project and infrastructure delays, even though numerous independent studies have attributed most significant infrastructure delays to uncertain financing and changing priorities.
- CEQ should avoid proceeding on the assumption that the regulations need to be revised, as indicated by its omission in the request for comments of examples of why current regulations might need to be changed.
- EPN strongly recommends that CEQ exercise greater leadership to:
 - Ensure the nation continues to benefit from NEPA, while working to make the process more efficient.
 - Build upon efforts by this and prior administrations to improve NEPA implementation.
 - Secure the human, fiscal and technological resources needed to improve efficiency, public accountability, coordination and follow-through.
 - Help federal agencies better align their implementation procedures with the direction and intent of the existing NEPA regulations.
 - Recognize the need to tailor and coordinate actions on a project-specific basis, rather than apply a one-size-fits-all timetable for synchronizing actions of multiple agencies.

To read EPN's full public comments please select the following link:

<https://www.environmentalprotectionnetwork.org/epn-comments-on-nepa/>

For more information, please email EPN at info@environmentalprotectionnetwork.org or call 202-656-6229.

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