

# Myths vs. Facts on NEPA Modernization

The Council on Environmental Quality's (CEQ) proposal to streamline the National Environmental Policy Act (NEPA) is designed to bring more certainty and efficiency to the permitting process for the nation's infrastructure, including highways and bridges, manufacturing facilities, natural gas and oil production and renewable energy projects. Contrary to misleading headlines, the proposed NEPA reforms maintain important environmental reviews and support robust public input in the process.



**MYTH: The proposed rule eliminates all requirements for agencies to consider the environmental effects of greenhouse gas emissions.**



**FACT: Consistent with U.S. Supreme Court precedent, the proposed rule requires agencies to consider ALL EFFECTS OR IMPACTS specific to the construction and operations of a proposed project.**



The proposed rule **retains the requirements** for agencies to consider all ecological, natural resources, aesthetic, historic, cultural, economic, social, and health effects.



Some courts have required agencies to **consider greenhouse gas emissions beyond the footprint of a project**, finding such emissions to be reasonably foreseeable and related to the project. The proposed rule retains that analysis.



**MYTH: The proposed rule limits public participation in the NEPA process.**



**FACT: The proposal maintains ROBUST PUBLIC INPUT and directs agencies to provide clearer guidelines for the comment period.**

The proposed rule reaffirms existing requirements that agencies "affirmatively solicit comments in a manner designed to inform those persons or organizations who may be interested in or affected by the proposed action" and includes new guidelines on the content of comments. It also adds **new requirements** that agencies should:



"Include a request for comments on potential alternatives and impacts, and identification of any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment ..."



Submit environmental impact statements for public review "(a)s soon as practicable after determining that a proposal is sufficiently developed ..."



"Provide for electronic submission of public comments, with reasonable measures to ensure the comment process is accessible to affected persons."



**MYTH: NEPA reform will impede the development of renewables and other lower-carbon forms of energy.**



**FACT: NEPA reform is VITAL FOR RENEWABLE ENERGY DEVELOPMENT, including solar facilities on federal lands, wind farms in offshore federal waters, and hydroelectric facilities. It will also help bring more clean natural gas to markets to generate electricity when those intermittent sources do not.**

*"It is time to update and modernize the permitting process. Infrastructure projects, including land-based and offshore wind energy and transmission development, have encountered unreasonable and unnecessary costs and long project delays."*

- Amy Farrell, senior vice president of Government Affairs, American Wind Energy Association

*"When you think about all of the infrastructure that needs to be financed, permitted, and built to drastically reshape our energy system, there is no doubt our current regulatory framework is not designed to facilitate that kind of transition. It doesn't really matter if you are calling for a massive spending plan or an aggressive carbon tax. There is a rationale for doing this, and it's not nefarious."*

- Sasha Mackler, director, Energy Project, Bipartisan Policy Center

*"We have to get better at building big projects. Since the Hoover Dam, it's been a serious problem."*

- Christy Goldfuss, former CEQ managing director under President Obama

*"The growth of renewables in this country is a great story. They have come from a relatively small base and they have a huge growth opportunity. Along with that, comes, obviously, their reliability challenges. If you want to grow renewables in this country, you have to do it with natural gas. We are the natural companion to allowing for a more sustainable future."*

- Karen Harbert, president and CEO, American Gas Association



**MYTH: The proposed rule exempts fossil fuel projects, like pipelines, from environmental reviews.**



**FACT: The proposed rule MAINTAINS ENVIRONMENTAL REVIEWS for all energy projects, including pipelines.**



While the proposal seeks to allow an agency to use exceptions implemented by other agencies – known as “categorical exclusions” – it creates **no new exceptions or other special treatment** for pipeline or other fossil fuel projects. Generally speaking, categorical exclusions do not apply to fossil fuel projects such as onshore and offshore leasing, construction of interstate natural gas pipelines, or construction of liquefied natural gas facilities.



Federal agencies have already developed over 2,000 categorical exclusions, many of which address routine agency activity such as internal directives and procurement of office supplies.