

March 9, 2020

Mary B. Neumayr  
Chief of Staff  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503

Re: Public Comments on Council on Environmental Quality, Notice of Proposed Rulemaking, Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (Docket Number CEQ-2019-0003) (January 10, 2020).

Dear Ms. Neumayr:

As a coalition of diverse faith traditions, we are united across theological lines by our commitment to be stewards of creation and our call to serve vulnerable communities. We have come together out of a deep concern for the environment and for people who suffer most from the ill effects of pollution, climate change, and the destruction of our natural world.

The existing CEQ regulations implementing NEPA have played an important part in assuring that the purposes of NEPA are fulfilled. But when we look at the proposed revisions to the regulations, we have to wonder why such significant changes are being considered. We fear the single-minded focus on expedited review has blinded CEQ to the central purposes of NEPA.

Among those purposes are two that people of faith hold especially dear: that the government should be a trustee of the Earth and its natural resources for the benefit of future generations, and that it should encourage meaningful participation in government decisions by communities affected by federal agency action. This is especially critical because we know that vulnerable communities struggling with poverty and racism often bear the brunt of health problems caused by or contributed to by poorly-planned federal projects. **As communities of faith, we cannot sit by silently as these protections are withdrawn.**

**In light of the great number of unacceptable changes described in the NPRM, we urge CEQ to withdraw this proposal and leave in place the current regulations. Below are several of the most serious deficiencies.**

**1. The proposed changes will reduce opportunities for affected communities to be heard.** CEQ itself has made clear that “[e]arly and meaningful public participation in the federal agency decision making process is a paramount goal of NEPA.” Regrettably, the proposed Rule will sharply limit the ability of communities to participate in federal decisions, contrary to the intent of the statute. This will encourage conflict and litigation rather than engagement and mutual agreement. Worse, the proposed Rule will permit many damaging federal actions to escape analysis from community participation entirely, and will limit the scope of analysis for actions still subject to NEPA in ways that ensure that important deleterious effects are ignored. **This unacceptable result is manifested in several of the proposed revisions by:**

a. Expanding categorical exclusions. The proposed revisions will encourage agencies to find new ways to exclude their actions from any form of NEPA review, leaving affected communities with no chance to have their voices heard. As a result, communities will be barred from any participation in decisions that affect their health and welfare.

b. Placing unrealistic constraints on the public's ability to comment. The proposed Rule would limit the public comment period for both Environmental Impact Statements (EISs) and Environmental Assessments (EAs) to 30 days. This is a substantial departure from present practice and is unreasonably stringent.

c. Creating inflexible time limits for preparation of NEPA documents. The proposed time frames (one year for EAs and two years for an EIS) ignores that many federal projects are of great size and complexity, affecting thousands of potentially vulnerable communities, ecosystems and cultural sites. For complex projects, both the agencies and the public will be deprived of adequate opportunity to fully understand the environmental implications of projects.<sup>[[SEP]]</sup>

These limitations ignore the fact that frontline communities impacted by federal decisions often lack the financial and organizational resources needed to quickly analyze the implications of proposed federal actions for their health and well-being and to respond effectively. Indigenous communities are likely to face additional barriers of language, culture and geographic distance that will make compliance with these strict and formalistic requirements impossible in many cases.

**2. The proposed changes will create unwise and unauthorized limits on the scope of analysis of impacts.** NEPA was enacted because federal agencies were narrowly focusing on programmatic objectives while neglecting the effects of their actions on health and the environment. Since its enactment, both CEQ and the courts have emphasized that, to achieve the goals of NEPA, agencies must broadly consider environmental values and examine a range of alternatives, including alternatives that avoid environmental degradation. **The proposed Rule goes in the opposite direction by permitting agencies to restrict their analysis in ways that are bound to hurt the environment generally and communities that already suffer from pollution by:**

a. Removing the requirement to consider cumulative and indirect effects of actions. Climate change is the clearest example of a problem that demands consideration of the cumulative effects of multiple actions and decisions by federal and non-federal entities. It is low income communities and communities of color that are likely to suffer the most from global warming's negative impacts, since their neighborhoods are most at risk from larger floods, stronger hurricanes and more catastrophic wildfires. Refusal to consider the most significant environmental problem of our time, global warming, is inconsistent with the purpose of NEPA.

b. Narrowing the consideration of alternatives. Consideration of alternatives is the heart of the NEPA process. Despite the importance of considering alternatives, particularly to communities that would suffer from adoption of poorly-analyzed alternatives, CEQ is proposing to constrain the range of alternatives that Environmental Impact Statements must consider. Limiting the consideration of alternatives is counter to NEPA's purpose of preserving the environment for the public in general.

**We urge CEQ to withdraw this proposal and leave in place the current regulations.**

Sincerely,

Christian Reformed Church Office of Social Justice

Church World Service

Columban Center for Advocacy and Outreach

Creation Justice Ministries

Faithful America

Franciscan Action Network

Friends Committee on National Legislation

Interfaith Power & Light

Jesuit Conference Office of Justice and Ecology

Leadership Conference of Women Religious

Maryknoll Sisters Eastern Region USA

Mennonite Central Committee U.S. Washington Office

Presbyterian Church (U.S.A), Office of Public Witness

Sisters of Mercy of the Americas Justice Team

Union for Reform Judaism

Unitarian Universalist Association

Unitarian Universalist Service Committee

Unitarian Universalists for Social Justice

United Church of Christ, Justice and Witness Ministries

United Methodist Women