

Sign-on letter opposing Trump Administration's rollback of climate consideration in NEPA

Dear Colleague,

We invite you to join us in expressing our strong opposition to the Trump Administration's plans, announced today, to revise the regulations implementing the National Environmental Policy Act (NEPA) in a way that, among other things, ignores the full extent of the climate crisis.

NEPA, signed into law by President Richard M. Nixon on January 1, 1970 after passing Congress on an overwhelmingly-bipartisan basis, is often referred to as the Magna Carta of Environmental Policy. Under NEPA, federal agencies are required to make science-based assessments of the environmental effects of proposed major federal actions. Also, critically, NEPA is one of the only statutes that empowers the public to challenge proposed federal actions when made on the basis of inaccurate information or in a way that skirts the government's legal obligations. Since its enactment half a century ago, NEPA has been the foundational mechanism by which the United States has addressed the often-unintended impacts federal decisions can have on complex environmental systems.

On January 9, the Trump Administration proposed a broad weakening of the regulations promulgated under NEPA. One of the most critical aspects of the proposed revisions is the removal of the requirement that agencies analyze cumulative impacts under NEPA, which would have the effect of removing any analysis of climate impacts. In particular, under the proposal, the NEPA regulations would be revised to state that "Effects should not be considered significant if they are remote in time, geographically remote, or the product of a lengthy causal chain." The very nature of the climate crisis, of course, is that climate change impacts – such as sea level rise – can be quite remote in time and geography from the human causes of climate change, including the combustion of natural gas, oil and coal, and the clear-cutting of forests. Climate change, as complex as it is, is exactly the kind of environmental problem NEPA was intended to address.

With billions of dollars in damage already being inflicted on our homes, businesses and infrastructure from storms, floods, and wildfires exacerbated by human-caused climate change; with health impacts already being experienced from increased heat waves, pollution and disease vectors; and with threats to our national security already being amplified by climate impacts in other countries, turning a blind eye towards climate change is exactly the wrong direction for federal policy to take.

If you have any questions or would like to join us in objecting to these revisions by signing onto the following letter, please have your staff contact Nikki Roy (nikki.roy@mail.house.gov) in Rep. DeGette's office or Corey Schrodtt (corey.schrodtt@mail.house.gov) in Rep. Rooney's office. The deadline for signatures is Friday, January 17, 2020 at 12 noon.

Sincerely,

Diana DeGette
Member of Congress

Francis Rooney
Member of Congress

[Letter text:]

Mary B. Neumayr
Chairman
Council on Environmental Quality
730 Jackson Place, N.W.
Washington, DC 20503

Dear Chairman Neumayr,

We write to express our strong opposition to the administration's proposal to ignore the full extent of the climate crisis in implementing the National Environmental Policy Act (NEPA).

NEPA was signed into law by President Richard M. Nixon on January 1, 1970 after passing Congress on an overwhelmingly-bipartisan basis. Under NEPA, federal agencies are required to make science-based assessments of the environmental effects of proposed major federal actions. Also, critically, NEPA is one of the only statutes that allows for public participation and input into major federal decisions, as the public is empowered to challenge federal actions. Since its enactment half a century ago, NEPA has been the foundational mechanism by which the United States has addressed the often-unintended impacts federal decisions can have on complex environmental systems.

Human-caused climate change is exactly the kind of complex environmental problem NEPA was intended to address. A decade ago, the Council on Environmental Quality, consistent with the NEPA statute, issued draft guidance on how to determine a federal action's effects on worsening of and vulnerability to climate change. This guidance was finalized on August 1, 2016, but unfortunately revoked on April 4, 2017, ignoring the need to ensure that actions we take today do not exacerbate the climate crisis.

On January 9 of this year, the Trump Administration proposed a broad weakening of the regulations promulgated under NEPA. One of the most critical aspects of the proposed revisions is the removal of the requirement that agencies analyze cumulative impacts under NEPA, which would have the effect of removing any analysis of climate impacts. In particular, under the proposal, the NEPA regulations would be revised to state that "Effects should not be considered significant if they are remote in time, geographically remote, or the product of a lengthy causal chain." The very nature of the climate crisis, of course, is that climate change impacts – such as sea level rise – can be quite remote in time and geography from the human causes of climate change, including the combustion of natural gas, oil and coal, and the clear-cutting of forests. The proposal ignores both the reality of climate change and the critical role NEPA plays in addressing complex problems like climate change.

The NEPA statute states that "it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the

Nation may *fulfill the responsibilities of each generation as trustee of the environment for succeeding generations*" (emphasis added). We are already suffering billions of dollars in damage to our homes, businesses and infrastructure from storms, floods, and wildfires exacerbated by human-caused climate change; we are already suffering the health impacts of increased heat waves, pollution and disease vectors; and we are already seeing threats to our national security amplified by climate impacts in other countries, as cited by the Department of Defense; but today's problems pale in comparison to the climate-related threats that our children, grandchildren and succeeding generations will face as a result of poor federal decisions today.

We appreciate the value of rationalizing and, where appropriate, hastening federal decision-making, but any attempt to "modernize the Federal environmental review and decision-making process," as called for in the President's message on the 50th anniversary of NEPA, must heed, rather than ignore, the latest warnings science is giving us about the effects that federal actions can have on the stability of our climate. Furthermore, far from streamlining the NEPA process, the regulatory changes being proposed are so clearly out of step with the spirit and letter of the NEPA statute that they can lead only to further delay and inefficiency in federal decision-making. The federal courts have repeatedly ordered agencies to consider the effects of climate change in their environmental reviews. Hampering agencies' ability to account for climate change could delay much needed projects from taking place.

We stand ready to work with the administration to improve the NEPA process, including by basing it on the best climate science. In either event, we urge you not to go forward with the revisions that have been proposed.

Sincerely,