The recent proposals to rollback the National Environmental Protection Act (NEPA) of 1969 are fundamentally anti-democratic, anti-scientific, and anti-environment. The NEPA Act of 1969 was created by Congress and signed by the President Nixon on January 1, 1970 to assure that every person should enjoy a healthful environment. NEPA promotes our environmental justice by ensuring that communities are aware and informed of any possible threats to their health and environment. Another important aspect of NEPA is that is allows the public to provide valuable information and be involved with federal decision-makers. NEPA and the Council on Environmental Quality’s (CEQ) regulations also saves taxpayer money by forcing the government to gather all available information, consider project alternatives, and listen to local communities first. NEPA ensures that climate change remains an integral part of the federal governments decision-making process by requiring federal agencies to quantify the project’s anticipated carbon footprint and eventual contribution to greenhouse gases and climate change. NEPA remains the most widely imitated law, with more than 160 other countries adopting laws modeled after NEPA.

 I think the recent proposals are illegal and this is why: The current administration’s “streamlining” process will further entrench the Trump administration’s denial of climate science, severely weaken the environmental review process, and have devastating impacts on public input in federal decision-making. The proposals exclude climate considerations for projects such as oil and gas drilling and power plants. The proposals reduce the number of actions subject to environmental review and reduce public input. Furthermore, these proposals establish 2- year time limits for the environmental impact statements and 1- year timelines for environmental assessments regardless of project complexity or controversy. They also restrict any consideration of additional project alternatives that may provide better, safer solutions. Furthermore, they allow private corporations to conduct their own environmental reviews which seek to support false claims made by the corporations. Lastly, they restrict and marginalize public comment.

NEPA requires federal agencies to engage in a review process to identify any significant environmental, economic, social, or health impacts a project may have before decisions are made and construction begins. In many cases, NEPA is the only law that provides local communities the ability to weigh in on federal projects impacting their health and safety. It ensures that those who manage federal projects made informed decisions based on the best information while involving and informing the public. NEPA provides impacted communities the opportunity to object to a project and offer alternatives.

The CEQ’s rulemaking process is an attempt to simplify and rubberstamp permits for corporate polluters. This rulemaking process has been bought and paid for by an army of lobbyists and special interests in Washington who want to make it easier to bypass public input and approve permits for projects like oil and gas drilling, highways, and pipelines. Furthermore, NEPA applies to more than 50,000 federal actions each year. This rulemaking process has the potential to impact every American on the same level as healthcare of tax reform; although last year CEQ only offered an outrageously short 60-day public comment period. This is unconscientiousable! And, even worse, the CEQ is only expected to hold between one and three public hearings once the NPRM is released.

The CEQ’s rulemaking process is anti-democratic because of its blatant disinterest in public participation and commitment to speeding through this rulemaking process as fast as possible, which strives to roll back the NEPA process to silence the people and chill public participation.

Rolling back NEPA is one of the Trump Administration’s effort to entrench climate denial. NEPA requires federal agencies to study and disclose a proposed action’s direct, indirect, and cumulative impacts on climate change, including its anticipated carbon footprint and eventual contribution to climate change. In short, NEPA supports the recognition that you can’t just build a massive fossil fuel project and pretend that the impacts end at the property line. The result of this is a true accounting of climate and public health costs of dirty fossil fuel projects.

Environmental reviews make public infrastructure safer and more resilient to climate change. As sea levels rise and extreme weather events become more frequent, we must insist that our roads, bridges, and other infrastructure are engineered to be more resilient to the severe effects of climate change. NEPA requires that agencies analyze the impacts that climate change will have on federal projects, and ensure that critical infrastructure such as roads and bridges are built to last with the health, safety, and benefit of local communities as the primary goal.

By ignoring the potential impacts of an oil spill of the coast, a pipeline explosion, or a dam failure from flooding, it can have devastating effects on local communities. Shortcutting NEPA review process limits consideration of these risks to local communities.

Low income and minority communities are much more impacted by climate change than upper income and non-minority communities. NEPA provides a critical tool for civic engagement that these communities cannot afford to lose. Almost half of all Latinos live in this country’s most polluted cities. In 2008, 127 million Americans still lived in counties that exceeded national air quality standards.

Over 99% of projects are cleared with minimal environmental assessment. The federal government undertakes 50,000 actions every year subject to NEPA review, but only 500 draft EISs are prepared annually. A Federal Highway Administration study found that 1998 to 2004 , no more than 3.5% of all proposed transportation projects required a detailed environmental study.

The greatest cause for project delay has always been federal funding, not NEPA. For decades, Congress and the federal government have starved state and local governments of badly needed money to finance infrastructure upgrades, effectively stalling projects before they can even be started. The Army Corps of Engineers has $97 billion in projects that have cleared all environmental reviews but remain stuck because of a lack of funding. Currently, the Corps’ budget is $5 billion a year. The Treasury Department similarly noted that “a lack of funds is by far the most common challenge to completing” major infrastructure projects in December of 2016. The report listed three additional challenges to large-scale infrastructure projects in order of their impact on the project development process. The second largest challenge was lack of consensus when multiple public and private entities and jurisdictions are involved. The third largest challenge was capital costs increasing at a greater rate than inflation.

“Permitting reform” is the latest buzzword President Trump and fossil fuel developer friends are using in their attempts to circumvent responsible planning and management.

The Trump administration is not using the available toolbox to speed environmental reviews. Since 2012, Congress has enacted legislation on three separate occasions to modify the infrastructure permitting process. President Trump has numerous tools at his disposal to increase permitting efficiencies. They simply aren’t being used or properly implemented.

The Trump administration has also failed to provide funding - the most powerful tool speeding reviews. Rather than providing adequate funding for the Environmental Protection Agency, U.S. Army Corps of Engineers, DOT, and other permitting agencies, the Trump administration has proposed budget cuts that would only make it more difficult to fast-track permitting timelines.

A 2003 GAO report found that 69% of transportation stakeholders reported that both state departments of transportations and federal environmental agencies lacked enough staff to handle their workloads.

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