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VIA ELECTRONIC FILING

The Honorable Mary Neumayr, Chair
White House Council on Environmental Quality
730 Jackson Place NW
Washington DC 20503

March 10, 2020

RE: Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act Proposed Rulemaking (Docket ID CEQ-2019-0003-0001)

On behalf of the Pennsylvania Chamber of Business and Industry (PA Chamber), the largest, broad-based business advocacy organization in the Commonwealth of Pennsylvania, thank you for the opportunity to comment on the Council on Environmental Quality's Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act proposed rule. The PA Chamber is adding its voice to the nationwide host of chambers of commerce, construction, manufacturing, utility, homebuilding, and clean energy advocates who are going on record in support of this important reform.

When the National Environmental Policy Act was enacted more than fifty years ago, Congress declared it a matter of national policy to "encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; [and] to enrich the understanding of the ecological systems and natural resources important to the Nation." As commendable as these goals may have been, in practice much of what has been borne out through five decades of NEPA implementation is not the enrichment of the understanding of natural sources and biological systems, but the enrichment of counsel for plaintiff's attorneys and non-governmental organizations who use NEPA as a platform for excessive litigation against any and all manner of interstate infrastructure projects. It is time that the regulatory system that implements this important environmental law be modernized and streamlined for the 21st century.

The PA Chamber commends the White House Council on Environmental Quality for commencing this rulemaking, and encourages a swift promulgation of a final rulemaking. As CEQ's 2018 survey of federal agencies¹ noted, the average time to complete an environmental impact statement (EIS) is four and a half years – and one quarter of EIS reviews took more than six years.

Whether the EIS is for a pipeline, an electric transmission project, a harbor expansion or new highway infrastructure, this is simply too long to wait, regardless of the infrastructure being proposed. As our energy system undergoes a shift, new generation resources are brought online, and more coordination across state lines and grids is needed, it is imperative that new energy infrastructure can be built and developed efficiently. Further, no longer able wait on the federal government to increase investment in infrastructure, Pennsylvania was one of several states in the past decade whose legislative branch enacted an increase in fuels taxes to pay for sorely needed investment. These dollars should be committed to their purpose of expanding and maintaining roads, bridges, ports, rail, and multimodal systems – not diverted for expenditure while reviews are bogged down in years of unnecessary field surveys and legal bills. That

¹ Fact Sheet: CEQ Report on Environmental Impact Statement Timelines. December 2018.
https://ceq.doe.gov/docs/nepa-practice/CEQ_EIS_Timelines_Fact_Sheet_2018-12-14.pdf

the federal government almost always prevails in NEPA litigation makes clear the goal of litigation against interstate infrastructure projects is not a better-informed decision-making process, but obstruction for the sake of delay.

Reforming NEPA will foster a regulatory environment that improves public safety, enhances America's economic competitiveness, and protects the environment. On behalf of our large and diverse membership, the PA Chamber thanks CEQ for its leadership on this issue and urges swift finalization of a rulemaking to modernize NEPA implementation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Sunday". The signature is written in a cursive style with a large initial "K" and "S".

Kevin Sunday
Director, Government Affairs