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NEPA "Core Values" Restored

CEQ Targets Trump Administration NEPA Rule Changes

On October 6, 2021, the White House Council on Environmental Quality (CEQ) announced its intention to reverse the Trump Administration's revisions to environmental reviews under the National Environmental Policy Act (NEPA). The announcement states that the action will restore essential safeguards for the protection of public health and the environment.

CEQ is proposing to restore three "core procedural provisions" of the NEPA regulations to provide communities and decision makers with more complete information about proposed projects, their impacts, and alternatives.

This "Phase 1" proposed rule is designed to restore three regulatory provisions:

1. **Emphasis on climate change.** Agencies must review all direct, indirect, and cumulative impacts, including climate change.
2. **Remove improper limitations.** Focusing on the "purpose and need" of a project, CEQ wants to ensure that agencies have full authority to work with communities to develop and analyze alternative approaches that could minimize environmental and public health costs. In its announcement, the CEQ submitted that the Trump Administration's 2020 NEPA rule changes improperly "limited federal agencies' ability to develop and consider alternatives that do not fully align with the stated goals of the project's sponsor."
3. **NEPA rules as a floor, not a ceiling.** The CEQ's revisions will set NEPA regulations as a floor, rather than a ceiling, for federal environmental reviews. The CEQ wants to ensure that federal agencies have the flexibility to tailor NEPA procedures to meet specific needs of agencies, the public, and stakeholders.

Two public meetings on the proposed rule will be held online on October 19, 2021 from 1:00-4:00 pm EDT and October 21 from 5:00-8:00 pm EDT. *See* http://nepa.gov.

CEQ intends to propose a broader "Phase 2" rulemaking designed to "ensure full and fair public involvement in the environmental review process."

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