



November 16, 2021

Brenda Mallory

Chair

Council on Environmental Quality

730 Jackson Place NW

Washington, DC 20503

*Submitted electronically via regulations.gov*

**Re: Docket No. CEQ-2021-0002, Council on Environmental Equality, National Environmental Policy Act Phase 1 Rulemaking,**

The League of Women Voters of the United States (LWVUS) supports the complete restoration of the *National Environmental Policy Act* (NEPA) to its essential form before modifications were made by the Trump Administration and finalized on July 16, 2020.

LWVUS supports climate policies consistent with the best available climate science and that ensure a stable climate for future generations. The use of such policies is especially urgent as climate change impacts increase, modifying coastlines with sea-level rise, increasing flooding, firestorms, droughts, and other weather extremes. We must look ahead, especially on long-lived federal projects that could be adversely affected by climate impacts. Changes made by the 2020 NEPA Rule dramatically limit science-based decision-making from the federal review process.

Public understanding and cooperation are essential to the responsible and responsive management of our nation's natural resources. The public has a right to know about pollution levels, dangers to health and the environment, and proposed resource management policies and options. The public has a right to participate in decision-making at each phase in the process and each level of government involvement. Efforts must include those who often suffer disproportionate adverse effects of climate impacts. The 2020 NEPA Rule also stifles public input, thus threatening the country's health, safety, and well-being of people, animals, and the land they live on.

Officials should make a special effort to develop readily understandable procedures for public involvement and ensure that the public has adequate information to participate effectively. Public records should be readily accessible at all governmental levels. Adequate funding is needed to provide opportunities for public education and effective public participation in all aspects of the decision-making process.

LWVUS supports public education that provides a basic understanding of the environment and the social, economic, and environmental costs and benefits of environmental protection, pollution control, and conservation. Mechanisms for citizen appeal must be guaranteed,



including access to the courts. Due process must assure the rights of the affected public and private parties.

Specifically in the Phase 1 Rulemaking, LWVUS supports:

**Purpose and Need** of a project must include public interest, not just the goals of the applicant. NEPA was created to include public input. Evaluation should not bias the consideration of alternatives.

**Cumulative and Indirect Effects** are the primary ways the federal government considers the frequently disproportionate impacts that the siting of large-scale projects and facilities may have on people of color, indigenous people, and poor populations. Central to consideration of undue burdens is the review of cumulative impacts resulting from past, present, and reasonably foreseeable future actions and effects in a project area, including impacts of climate.

**Floor/Ceiling Language** – Regulations of the Council on Environmental Quality (CEQ) should be the minimum requirement for projects. Agencies should be free to develop procedures that are more protective and better meet the program requirements. In other words, the CEQ requirements should be the “floor.” Agencies should be able to develop more protective regulations.

LWVUS urges CEQ to fully restore provisions in NEPA that were in effect for decades before being modified in 2020. Returning to the wording in NEPA before the 2020 modifications recognizes the need for public information and input, not only serving the applicant’s goals. We also urge CEQ to move to a Phase 2 rulemaking to expand the participation of vulnerable communities more fully in the NEPA process. Climate impacts are long-term and must include cumulative effects in decision-making. Still, we must also consider the equitable implications for the safety and well-being of the very communities CEQ and NEPA should protect.

Sincerely,

Dr. Deborah Turner  
President  
League of Women Voters of the United States