The Daily Dish

Reforming NEPA

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Eakinomics: Reforming NEPA

I'm willing to bet that few people have any idea about the National Environmental Policy Act (NEPA). I'm equally willing to bet that many are in favor of new infrastructure projects in the United States and are frustrated by how long it takes to build anything. If I'm right about both, you may be interested in the White House's Council on Environmental Quality's (CEQ's) recently proposed update to its NEPA regulations. AAF's Dan Bosch and Ewelina Czapla have all the details; here's the short version.

When a federal agency is involved with providing a permit for any project that affects the environment – a road or bridge, for example – NEPA kicks in and requires a scrub of the environmental implications, the most detailed of which is called an environmental impact statement (EIS). CEQ puts the number at about 170 projects each year. Unfortunately, those same data put the average time to complete an EIS at more than four years. The EIS is at the heart of many delays in much-needed infrastructure projects.

CEQ's proposed reforms are part of the Trump Administration's One Federal Decision, which called for cooperation among federal agencies in conducting NEPA review. The goals of this proposed rule are to (a) reduce the time it takes do an EIS, and (b) reduce the amount of litigation that further delays projects. Bosch and Czapla are more optimistic about the changes reducing delays through the two-year deadline for an EIS than the changes clarifying the terminology and rules enough to significantly reduce lawsuits.

Alas. One of the ironies is that infrastructure is one of the pet ideas on the left, but any proposed revision to NEPA is met with howls of outrage. Since existing NEPA regulations were issued in the late 1970s, it might be time for them to change their tune and support modernizing the EIS procedures.