



Council on Environmental Quality (CEQ)

Revision of National Environmental Policy Act (NEPA) Implementing Regulations

PRESENTATION TO NATIONAL ASSOCIATION OF ENVIRONMENTAL PROFESSIONALS
OCTOBER 27, 2021

CEQ's Approach to Revising NEPA Regulations

- Phase 1 focuses on a narrow set of targeted amendments to provisions that are posing near-term implementation challenges. Phase 1 generally restores select regulatory provisions from the 1978 NEPA Regulations.
- Phase 2 will take a broader, comprehensive look at additional changes to help ensure full and fair public involvement in the environmental review process; meet environmental, climate change, and environmental justice challenges; provide for an efficient process and regulatory certainty; and promote better decision-making.

Goals of Phase 1

- Restores three core provisions of the NEPA regulations to provide communities and decision makers with complete information about proposed actions, associated impacts, and their alternatives.
- These proposed reforms are guided by fundamental principles of:
 - Informed and science-based decision making;
 - Transparency; and
 - Public engagement.

Key Changes Proposed in Phase 1

(1) Restore the requirement that Federal agencies evaluate all the relevant environmental impacts of the decisions they are making.

The proposed changes at 40 CFR 1508.1(g) would:

- Make clear that agencies must consider the “direct,” “indirect,” and “cumulative” effects of a proposed decision; and
- Promote evaluation of a full range of impacts, including climate change impacts and impacts on communities already overburdened by environmental concerns, such as polluted air or dirty water.

Key Changes Proposed in Phase 1

(2) Restore the full authority of agencies to work with communities to develop and analyze alternative approaches that could minimize environmental and public health costs.

The proposed changes at 40 CFR 1502.13 and 40 CFR 1508.1(z) would:

- Give agencies the flexibility to determine the “purpose and need” of a proposed action based on a variety of factors; and
- Allow agencies to work with project proponents and communities to mitigate or avoid environmental harms by analyzing common sense alternatives.

Key Changes Proposed in Phase 1

(3) Establish CEQ's NEPA regulations as a floor, rather than a ceiling, for the environmental review standards that federal agencies should be meeting.

The proposed changes at 40 CFR 1507.3 would:

- Restore the ability of Federal agencies to tailor their NEPA procedures to help meet the specific needs of their agencies, the public, and stakeholders.

Public Comment & Next Steps

- Public comment period closes on November 22, 2021.
- CEQ hosted two virtual public meetings on October 19 and 21.
- Public comments will be used to inform the final Phase 1 rule.
- Opportunities for additional engagement on Phase 2.

Questions?

- More information can be found at www.nepa.gov.