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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

October 22, 2009

The Honorable Nancy Sutley
Chair
Council on Environmental Quality
Executive Office of the President
722 Jackson Place, NW
Washington, DC 20503

Dear Ms. Sutley:

We are seeking information on the activities of the Council on Environmental Quality (CEQ) with respect to advising other federal agencies on whether or how to incorporate greenhouse gas emissions and climate change impacts into National Environmental Policy Act (NEPA) analyses.

On February 28, 2008, the International Center for Technology Assessment, Natural Resources Defense Council, and Sierra Club filed a petition requesting that CEQ "amend its regulations to clarify that climate change analyses be included in environmental review documents." We are very concerned about the consequences of CEQ acceding to that request.

NEPA, of course, is a bedrock environmental statute, which requires federal agencies to consider how their actions could significantly impact the environment. It is not an appropriate tool to set global climate change policy. Any attempt to regulate greenhouse gas emissions must be debated on its merits and not regulated under laws that were never intended for such purposes. We firmly believe that NEPA should achieve environmental goals without unnecessarily obstructing economic development. Requiring analysis of climate change impacts during the NEPA process, especially at the project-specific level, will slow our economic recovery while providing no meaningful environmental benefits.

Projects across the nation are already experiencing delays or being cancelled due to inappropriate and inefficient implementation and litigation from existing environmental regulations. The National Surface Transportation Policy and Revenue Study Commission pointed out that the median time to complete environmental impact statements for highway projects in recent years has been as high as 80 months. The Commission noted that these delays can cause significant increases in project construction costs.

In light of these concerns and our responsibility to conduct oversight of these issues, we ask that you provide to us the following documents and information:

1. The specific steps CEQ plans to take in the coming months to respond to the 2008 petition, including CEQ's anticipated timeline and the expected format of that response;
2. All draft Federal Register notices, draft guidance documents, draft regulatory changes and other draft official communications drafted in response to the 2008 petition;
3. All e-mails and memos to and from you or CEQ staff, notes and call logs taken by or for you or CEQ staff and all other documents concerning the substance or format of a response to the 2008 petition;
4. All draft Federal Register notices, draft guidance documents, draft regulatory changes, letters, e-mails, notes, memos, call logs and other documents created by or for or made available to you or CEQ staff discussing the issues involved with incorporating greenhouse gas emissions and climate change impacts into NEPA analyses, even if not drafted in direct response to the 2008 petition. This includes all documents related to the preparation of the draft memorandum to all heads of federal agencies transmitted on October 8, 1997, as well as to the decision not to finalize the guidance document;
5. A list of all Federal, State and local government agencies, industry groups, non-profit groups, associations, advocacy groups, relevant stakeholders, contractors, consultants and private individuals that you or CEQ staff have met with or are scheduled to meet with regarding the 2008 petition or the issues raised by the petition from February 28, 2008, through the anticipated response date;
6. A detailed discussion of what role, if any, Carol Browner, her staff, other White House officials or CEQ staff have had in the process of developing a response to the 2008 petition.
7. A list of all NEPA documents, draft and final, that have incorporated greenhouse gas emissions or climate change impacts into the analyses.

Please provide the documents and information requested above by November 13, 2009. If you have any questions regarding this request, please contact us or have your staff contact Angie Giancarlo on Senator Inhofe's staff at 202-224-6176 or Brian Clifford on Senator Barrasso's staff at 202-224-6441.

Sincerely,



James M. Inhofe



John Barrasso