

**Written Statement of Mary B. Neumayr, Chairman
Council on Environmental Quality
Before the U.S. Senate Committee on Environment and Public Works
May 15, 2019**

Chairman Barrasso, Ranking Member Carper, and Members of the Committee, thank you for the opportunity to be here with you again. Last summer, I testified before you as the President's nominee to lead the Council on Environmental Quality (CEQ), and I am grateful for the opportunity to testify before you today as Chairman. I am pleased to update the Committee on several Administration priorities and directives that CEQ is currently implementing with respect to environmental review and permitting of new infrastructure; increasing the efficiency of Federal agency operations; and promoting the health and prosperity of our nation's oceans, Great Lakes and coastal communities.

The National Environmental Policy Act (NEPA) established CEQ in 1970, and one of its core responsibilities is to oversee implementation of NEPA's environmental review process by Federal agencies. As the Committee is aware, reviews under NEPA may involve numerous Federal agencies, overlapping statutory requirements, and can result in a lengthy, inefficient, unpredictable, and costly process. CEQ has compiled data relating to the timelines for Federal agencies to complete environmental impact statements (EISs) under NEPA. CEQ found that across the Federal government the average time for an EIS completed during the period 2010 through 2017, measured from issuance of a Notice of Intent to prepare an EIS to issuance of a Record of Decision (ROD), was four and a half years.

To promote more timely environmental reviews and the development of modern, resilient infrastructure, President Trump signed Executive Order 13807, titled "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects," in August of 2017. This Executive Order seeks to reduce unnecessary burdens and uncertainties of the Federal regulatory process that can delay major infrastructure projects and hold back the economic, social, and environmental benefits of improved infrastructure. This Executive Order builds on the efforts of prior administrations to streamline permitting without compromising important environmental protections.

Executive Order 13807 establishes a One Federal Decision (OFD) policy for Federal environmental reviews of major infrastructure projects. The Executive Order defines a major infrastructure project as a project for which multiple authorizations by Federal agencies are required to proceed to construction, the lead Federal agency has determined that it will prepare an EIS under NEPA, and the project sponsor has identified the reasonable availability of funds needed to complete the project. For such projects, the Executive Order directs Federal agencies to work collaboratively to develop a joint schedule, referred to as a “Permitting Timetable,” prepare a single EIS and a single ROD, and ensure that they have processes in place to elevate and resolve issues that may result in schedule delays in a timely manner. The Executive Order sets a goal for completing environmental reviews within two years, and directs Federal agencies, with limited exceptions, to issue necessary authorizations within 90 days of issuance of the ROD.

CEQ has convened an interagency working group to implement the Executive Order,¹ and in March of 2018, CEQ and the Office of Management and Budget (OMB) issued guidance for Federal agencies on implementation of the OFD policy. Pursuant to that guidance, on April 9, 2018, eleven Federal agencies and the Federal Permitting Improvement Steering Council (established by the FAST Act) signed a Memorandum of Understanding (MOU) committing to implement the OFD policy for major infrastructure projects. In September of 2018, OMB, in consultation with CEQ, also issued guidance establishing an accountability system to track compliance with the OFD policy. CEQ and OMB have also issued OFD guidance where a State, tribal, or local agency has been assigned NEPA responsibilities under the Surface Transportation Project Delivery Program.

Pursuant to Executive Order 13807, Federal agencies are identifying major infrastructure projects to be processed under the OFD policy, and the schedules for the environmental reviews for these projects are being made publically available.² Agencies will continue to identify major infrastructure projects to be processed under the OFD policy going forward, and CEQ will work

¹ Information relating to CEQ’s implementation of Executive Order 13807, and links to all guidance and reports cited in this testimony is available at <https://www.whitehouse.gov/ceq/initiatives/>.

² A list of major infrastructure projects and links to their schedules are available at <https://www.permits.performance.gov/projects>, and this list will be updated on an ongoing basis.

with OMB to promote increased Federal agency coordination and transparency for the environmental reviews and authorization processes for these projects.

In addition to establishing the OFD policy, Executive Order 13807 also directs CEQ to undertake such actions that it deems necessary to modernize and enhance the environmental review and authorization process, including through issuance of regulations and guidance. As many of you know, NEPA was enacted nearly 50 years ago and CEQ's implementing regulations were issued over four decades ago. While CEQ has only substantively amended those regulations once in one very limited respect in 1986, CEQ has issued over 30 guidance documents relating to implementation of NEPA.

Pursuant to Executive Order 13807, and given the amount of time since its regulations were promulgated, last summer CEQ issued an Advance Notice of Proposed Rulemaking requesting comment on potential revisions to update its regulations to ensure a more effective, timely, and efficient process for decision-making by Federal agencies. CEQ received over 12,500 comments, including from states, localities, trade associations, environmental organizations, NEPA practitioners, academia, and interested members of the public. CEQ is currently considering potential revisions to its regulations informed by those comments.

CEQ has also sent draft guidance to the OMB for interagency review relating to the consideration of greenhouse gas (GHG) emissions when conducting NEPA analyses. On March 28, 2017, President Trump issued Executive Order 13783, which directed CEQ to rescind prior guidance issued in August of 2016 relating to consideration of GHG emissions under NEPA. CEQ withdrew this final guidance for further consideration on April 5, 2017. Following completion of the pending interagency review, CEQ intends to publish its draft guidance in the Federal Register for public comment.

To further promote transparency and increase coordination across Federal agencies, CEQ has also compiled a comprehensive list of Federal agencies' categorical exclusions (CEs). CEs are actions that a Federal agency, in consultation with CEQ, has determined do not normally have a significant impact on the environment. CEs are not exemptions from NEPA, but rather they are a form of NEPA review that reduces paperwork and allow agencies to focus their resources on actions that may significantly affect the environment. The CE list is intended to provide Federal agencies, project applicants, States, Tribes, and the public with a single database

for Federal agencies' CEs, and to promote consistency as Federal agencies update their NEPA procedures.

Another priority of the Administration has been to ensure compliance by Federal agencies with statutory requirements relating to energy and environmental performance. In May of 2018, President Trump issued Executive Order 13834, titled "Efficient Federal Operations," which directs Federal agencies to manage their buildings, vehicles, and overall operations to optimize energy and environmental performance, reduce waste, cut costs, and to meet relevant requirements in a manner that increases efficiency, optimizes performance, eliminates unnecessary use of resources, and protects the environment. CEQ recently issued implementing instructions to provide Federal agencies with detailed guidance, including planning and reporting requirements, metrics to measure progress and performance, and resources for implementation. CEQ plans to make progress data for agency performance, and implementation updates publically available.

Finally, I know the health and prosperity of our nation's oceans, Great Lakes and coastal communities is a priority for many Members of the Committee. In June of last year, President Trump signed Executive Order 13840, titled "Ocean Policy to Advance the Economic, Security and Environmental Interests of the United States," which streamlines Federal agency coordination on ocean related matters through the establishment of an interagency Ocean Policy Committee (OPC), co-chaired by CEQ and the Office of Science and Technology Policy. The Executive Order establishes a number of priorities for agencies, including engagement with Regional Ocean Partnerships, interagency coordination related to research, technology, and ocean resource management, and expanded public access to Federal ocean-related data. CEQ looks forward to continued collaboration through the OPC with Regional Ocean Partnerships, marine industries, environmental organizations, the ocean science and technology community, and other ocean stakeholders.

Thank you again for the opportunity to testify here today. I would be happy to answer any questions and I look forward to continuing to work with this Committee to advance environmental protection.