



U.S. Chamber of Commerce

# Statement of the U.S. Chamber of Commerce

Public Comment on the Council on Environmental Quality's (CEQ's)  
Proposed Rule entitled  
"National Environmental Policy Act  
Implementing Regulations Revisions Phase 2"

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September 11, 2023

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Thank you for the opportunity to speak today. I am Chad Whiteman and I am speaking on behalf of the U.S. Chamber of Commerce.

We fully support the goals of the National Environmental Policy Act (NEPA) to inform federal decision-making and the public's understanding of the potential environmental impacts of federal actions to foster effective engagement in the federal decision-making process. America's environmental statutes provide critical protections and have contributed to better stewardship over the decades. But over time the interpretation and implementation of NEPA have added complexity in ways that empower project opponents – of all types – to delay action through the regulatory process and the courts.

A fair and efficient federal permitting system that meets NEPA's goals is essential for timely investment to meet a wide array of critical needs. To name a few key priorities, those needs range from addressing the digital divide in rural and large urban areas; to facilitating construction of public transit to connect communities to job centers; to upgrading ports and interstate highway infrastructure to improve supply chain efficiency; to meeting the needs of the domestic agricultural production; to mining critical minerals, building out the thousands of miles of pipelines and a million miles of transmission lines estimated needed to make progress on the climate challenge and meet energy demand.

The United States has shown that we can be a nation of builders and doers. But overly burdensome permitting requirements that offer endless opportunities for litigation will only serve to slow down the buildout of new, more resilient infrastructure needed to move the people, energy, goods, and information that make our economy go. Project developers and financiers need more certainty about the permitting process.

Respectfully, CEQ's proposal is a step in the wrong direction – and would harm our country's competitiveness. Despite all the momentum to enact meaningful permitting reform in Congress and supportive statements from the Administration, the proposed rule would needlessly slow down permitting. It adds new subjective requirements and increases litigation risks. In addition, the proposed rule only covers some of the permit streamlining measures required by the Fiscal Responsibility Act (FRA). The proposed rule's provisions run contrary to the intent and mandate of the FRA, which is to create less complexity and unpredictability in the federal review process, rather than more.

Of significant concern are the myriad of proposed provisions that would further delay project approvals for nearly \$2 trillion in public investments made through the bipartisan infrastructure bill, CHIPS and Science Act, and Inflation Reduction Act. The permitting process is already overcomplicated, takes too long, and allows for endless legal challenges. Some valuable projects never see the light of day because of permitting roadblocks.

The proposed rule's additional requirements will make it increasingly challenging to meet the FRA's direction to agencies to complete NEPA reviews in the timeframes allowed. The current average NEPA review time of 4.5 years is far too long. Most troubling is that many projects take far longer. According to government data, roads and bridges take an average of 7.4 years and for public transit, 5.3 years. And the permitting process for electric transmission lines can take a decade or more.

To close, the proposed rule would increase the complexity and reduce the efficiency of decision-making, and block critical investments in our infrastructure and economy.

We look forward to providing additional feedback in written comments.