



March 9, 2020

Submitted via regulations.gov
Council on Environmental Quality,
730 Jackson Place NW,
Washington, DC 20503

Re: Docket ID: CEQ-2019-0003
Comments in Response to Proposed Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act

On behalf of the Interfaith Center on Corporate Responsibility ([ICCR](http://www.iccr.org)), a coalition of faith-based and values-driven institutional investors representing \$500 billion in assets under management, we write in strong opposition to the Council on Environmental Quality's (CEQ) abovementioned proposed update of the regulations implementing the National Environmental Policy Act (NEPA).

NEPA is the cornerstone for the United States' environmental laws. NEPA ensures that federal agencies engage in fully informed and well-considered decision-making and in so doing, protects the right to a healthy environment, improves governance and assures that agency actions do not cause unnecessary harm to communities and the environment.

When properly conducted, NEPA review protects people and the environment from negative impacts ranging from increased carbon dioxide emissions, habitat loss, water pollution and degradation of wetlands and rivers to the destruction of historic buildings and the disproportionate condemnation of homes and businesses in low-income communities and/or marginalized communities including native American communities and communities of color.

We oppose the proposed amendments for the following reasons:

Compromising Communities' Right to a Healthy Environment

- Limiting Communities' Right to Participate in Decisions Impacting their Health and Environment

NEPA empowers local communities by providing a real opportunity for participation in government decisions that affect their environment. During the NEPA review process, the government must **accept any and all public comment** on proposed actions and agencies must respond to all comments in their final decision. The proposed amendment limits the public comment period to a maximum of 30 days and only comments submitted within this tight time frame can be considered by the federal agency. This means that affected communities who are not able to respond during this 30-day time period are prohibited from raising concerns and their comments, no matter how important, cannot be raised in any court challenge to the agency's action.

Limiting meaningful community participation in this way imposes huge financial, and reputational risks on business. In 2016, for instance, Energy Transfer Partners incurred extra costs of US\$3.8 billion (in addition to the

original total project cost of US\$3.7 billion), thus doubling the cost of the Dakota Access Pipeline project as a result of failing to properly consult with and account for the input of the local Standing Rock Sioux tribe.¹

- Exacerbating Environmental Racism

Low-income and minority communities are disproportionately exposed to pollution and toxins on the job, at schools and in their homes.² The negative impact of the proposed amendments in limiting the scope of NEPA analysis and limiting participation will be predominantly felt by marginalized communities that are most in need of NEPA's protection. These communities will again be rendered voiceless in decisions and policies that affect them.

- Reducing Timelines for NEPA reviews by Federal Agencies

The proposed changes impose time-limits on federal agencies to complete Environmental Assessments (EA) and Environmental Impact Statements (EIS) as well as page-limits on the length of these EAs and EISs. These restrictions may prevent federal agencies from spending the time needed to undertake the necessary analysis and outreach to affected communities as well as confining agencies from providing key details and data, especially for large and complex development projects.

- Narrowing the Scope of Projects and Actions subject to NEPA Review

The suggested revisions would exclude many projects from the definition of "major federal action," and would expand the ability of agencies to exclude a variety of actions from NEPA review altogether. Projects that have a significant environmental impact but do not qualify as a "major federal action" would not receive a NEPA review. These revisions would allow more projects to move ahead without being subject to review, further restricting community participation in decisions that directly affect their health and welfare.

- Allowing Private Contractors (Project Proponents) to Prepare Environmental Document for Agencies

An EIS for a proposed project is to be prepared by a federal agency, and current regulations specifically restrict private companies who sponsor projects from preparing these documents to ensure an impartial and thorough review of environmental risks and impacts. The proposed revisions would eliminate this restriction, expanding the ability of private contractors to prepare environmental documents for their proposed projects (subject to the oversight and review of the relevant agency). Clearly, this opens the door for self-dealing and lack of objective analysis. Affected communities would again be prejudiced as private contractors may rely on biased environmental documents that do not include objective community impact assessments.

Ignoring Climate Change and its Impact on Environment and People

- Eliminates the consideration of "indirect" and "cumulative" environmental impacts

The current regulations require agencies to take into account the "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions", and also require agencies to analyze effects that are "indirect," namely "effects caused by the action that are later in time or further removed in distance but still reasonably foreseeable." (see 40 C.F.R. §1508.7 and 1508.8(b)). This ensures that federal projects are reviewed holistically, taking into account all other sources of pollution that may combine with and interact with pollution from the particular federal action.

The net effect of the proposed amendment to exclude the consideration of cumulative, indirect effects, is the disregard for climate change considerations by federal agencies. Climate change is one of the world's greatest threats and is fueling more unpredictable, frequent and extreme weather events. Agencies would no longer have

¹ <https://earthier.gizmodo.com/the-dakota-access-pipeline-project-lost-billions-by-fai-1830884504>

² <https://protectnepa.org/environmental-justice/>

to consider the long term and pervasive threat that rising sea-levels, flooding, wildfires, extreme weather and other anticipated effects of climate change will pose to the project as well as to people and planet.

For the reasons stated above, ICCR strongly opposes the proposed updates that undermine the stated purpose of NEPA: to protect both the environment and communities. The suggested revisions will result in fewer NEPA reviews that will shut down a crucial avenue for local residents to voice their concerns on federal actions that impact their health and community. Many negative impacts would become apparent only after the project completion, dramatically increasing the cost of remediation and resulting in irreversible harms.

Federal projects are of both great size and complexity and impact thousands of communities, ecosystems and cultural sites. It is critical that federal agencies offer a meaningful process for due diligence with sufficient time to ensure the voices of communities are adequately considered and not suppressed by powerful economic interests.

We urge the Council on Environmental Quality to withdraw the proposed revisions.

Sincerely,



Josh Zinner, CEO
Interfaith Center on Corporate Responsibility

Supported by:

Marilyn Llanes, Adrian Dominican Sisters, Portfolio Advisory Board

Andrew Friedman, AJF Financial Services Inc.

Michael D. Birdsell, American Baptist Home Mission Society

Frank Rauscher, Aquinas Associates

Andrew Behar, As You Sow

Jerry Judd, Bon Secours Mercy Health

Lauren Compere, Boston Common Asset Management

Colleen Scanlon, CommonSpirit Health

Brother George Schmitz, Congregation of Holy Cross, Moreau Province

Ruth Battaglia, Congregation of Sisters of St. Agnes

Karen Watson, Congregation of St. Joseph

James McRitchie, CorpGov.net

Robert Wotypka, Province of Saint Joseph of the Capuchin Order

Ann Roberts, Dana Investment Advisors

Sister Teresa George, Daughters of Charity, Province of St. Louise
Corey Klemmer, Domini Impact Investments LLC
Eileen Gannon, Dominican Sisters
Sister Mary Brigid Clingman, Dominican Sisters, Grand Rapids
Chris Meyer, Everence and the Praxis Mutual Funds
Sister Jean Sliwinski, Felician Sisters of North America
Ahmed Aljuboori, Figure 8 Investment Strategies
Sr. Gloria Oehl, Franciscan Sisters Of Allegany NY
Susan Ernster, Franciscan Sisters of Perpetual Adoration
Margaret O'Grady, Good Shepherd Mid North America
Diane Bardol, Grey Nuns of the Sacred Heart
Sarah Nash, Justice, Peace and Sustainability Office
Rev. Ted Penton, Jesuit Committee on Investment Responsibility
Josh Fader, Karner Blue Capital LLC.
Very Rev Paul Frechette, Marist Fathers and Brothers
Mary Minette, Mercy Investment Services, Inc.
Luan Jenifer, Miller/Howard Investments, Inc.
Jamie Bonham, NEI Investments
Mari Schwartzner, NorthStar Asset Management, Inc.
Judy Byron, Northwest Coalition for Responsible Investment
Keith Doxtator, Oneida Trust Enrollment Committee
Thomas McNamara, Our Lady of Sorrows Church
Julie Gorte, Pax World Funds
Ethan Birchard, Prentiss Smith & Company, Inc.
John Koelle, Province of St. Mary of the Capuchin Order
Racine Dominican Socially Responsible Investment Committee
Josie Chrosniak, Region VI Coalition for Responsible Investment
Sanford J Lewis
Lorin Silverman, SC Group
Natalie Wasek, Seventh Generation Interfaith, Inc.

Mary Beth Hamm, Sisters of Bon Secours USA
Joanne Burrows, Sisters of Charity of Cincinnati
Carol De Angelo, Sisters of Charity of New York
Sister Barbara Aires, Sisters of Charity of Saint Elizabeth
Teresa Hadro, Sisters of Charity, BVM
Ann Kasperek, Sisters of Mary Reparatrix
Sister Colleen Dauerbach Sisters of Saint Joseph of Chestnut Hill, Philadelphia, Pa
Sr. Joan Agro, Sisters of St. Dominic of Blauvelt, New York
Kari Pohl, Sisters of St. Joseph of Baden, PA
Betty Cawley, Sisters of St. Joseph of Boston
Veronique Wiedower, Sisters of the Holy Cross
Toby Lardie, Sisters of the Humility of Mary
Linda Hincken, Sisters of the Order of St. Dominic
Sr. Linda Pleiman, Sisters of the Precious Blood
Sr. Barbara King, Sisters of the Presentation of the Blessed Virgin Mary, New Windsor
Ruth Geraets, Sisters of the Presentation of the BVM of Aberdeen, SD
Anna Falkenberg, Socially Responsible Investment Coalition
Mary Ellen OBoyle, Srs. of Charity
Carmen Schnyder, St. Mary's Institute
Katie Carter, The Committee on Mission Responsibility through Investment of the Presbyterian Church U.S.A.
Susan Baker, Trillium Asset Management, LLC
Cathy Rowan, Trinity Health
Rachel Kahn-Troster T'ruah: The Rabbinic Call for Human Rights
Andrew McGeorge, Unitarian Universalist Association
Herbert Waldren, Unitarian Universalist Congregation at Shelter Rock
Sarah Adams, Vert Asset Management