



AGC

THE CONSTRUCTION
ASSOCIATION

Council on Environmental Quality's (CEQ) Update to
the Regulations Implementing the Procedural
Provisions of the National Environmental Policy Act
(NEPA) Proposed Rule
Docket ID: CEQ-2019-0003

Public Hearing
Washington, D.C.
February 25, 2020

STATEMENT BY:

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My name is Leah Pilconis and I am here on behalf of the Associated General Contractors of America representing the commercial construction industry. Our members build everything but single-family homes. Many of their projects require a federal review before they can get to work.

Reforming the NEPA process is an essential first step to providing the American people with cleaner water, safer roads and bridges, and a more reliable energy system.

Let's be clear, under CEQ's proposal, AGC contractors would still have to comply with every substantive environmental requirement currently in place.

AGC supports these five important ways the proposal would improve the overly complex review process

ONE: It Would Clarify the Boundaries of NEPA. Projects with minimal federal funding or involvement, especially where the agency cannot influence the outcome in a way that would change the project's environmental effects, would not warrant a NEPA analysis – under the proposal. This makes sense.

TWO: It Would Simplify the Range of Effects Considered During NEPA Reviews. We need to stop the excessive speculation. The proposal codifies Supreme Court case law and simplifies the definition of effects to those that are both reasonably foreseeable and that have a close causal relationship to the proposed action or alternatives. Again, this makes sense.

THREE: It Would Refine the Range of Reasonable Alternatives. NEPA's goals are satisfied when an agency analyzes reasonable alternatives. The proposal would exclude alternatives outside of the lead agency's jurisdiction or statutory authority. It's a waste of agency resources to analyze alternatives that are not economically and technically feasible.

FOUR: It Would Reduce Duplication. The proposal would ensure that the environmental documentation collected during the NEPA process would satisfy the related federal environmental permits and approvals. It would stop wasting time and money redoing the analysis or recreating existing data.

FIVE: It Would Limit Needless Construction Delays. In addition to process efficiencies, the proposed revisions seek to resolve allegations of NEPA noncompliance or deficiencies as expeditiously as possible to prevent delays and stop work orders.

We can't build a better and greener future if projects designed to make our economy more efficient and resilient are stuck in never-ending federal reviews.

*Three-Minute Oral Statement Delivered on February 25, 2020
Public Hearing on CEQ's Update to its NEPA Regulations*