



September 29, 2023

The Honorable Brenda Mallory
Chair
Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20503

Submitted electronically via regulations.gov

Re: Comments on NEPA Implementing Regulations Revisions Phase 2
Docket Number: CEQ—2023—0003

Dear Chair Mallory,

On behalf of the League of Women Voters of the United States (The League), I write to offer comments on the Council on Environmental Quality's (CEQ's) proposed revisions to its regulations for implementing the *National Environmental Policy Act* (NEPA). The League applauds many of these proposed changes and urges select modifications to ensure that CEQ's revisions achieve their stated goals of including: consideration of climate change and environmental justice and their effects; full and fair public involvement; and better decision-making.

The League is a 103-year-old nonpartisan, nonprofit organization committed to ensuring that everyone is represented in our democracy. We are a grassroots group comprised of more than 500,000 members and supporters across more than 750 local and state Leagues nationwide. The League focuses on advocacy, education, litigation, and organizing to achieve our mission to empower voters and defend democracy.

The League believes that climate change is a serious threat facing our planet and supports climate policies that are consistent with the best available science and ensure a stable climate system for future generations. Governments must continue to address this issue while considering the ramifications of their decisions at local, state, regional, national, and global levels.

The League also believes that the public has a right to know about dangers to health and the environment, pollution levels, and proposed resource management policies and options, as well as to participate in related decision-making. The League supports public education that provides a basic understanding of the environment and the social, economic, and environmental costs and benefits of environmental protection, pollution control, and conservation.

NEPA and Agency Planning: *Public and Government Engagement* (§1501.9)



As defined by the US Environmental Protection Agency (EPA), environmental justice is the “fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to development, implementation, and enforcement of environmental laws, regulations, and policies.”¹ The League is pleased that CEQ’s proposed revisions codify environmental justice. Considering this vital addition to environmental policy, notification under Section 1501.9 (d)(2)(iii)(E) should include explicit reference to community organizations representing underrepresented and historically marginalized groups, including Black, Indigenous, and other people of color (BIPOC); immigrants; and individuals with low incomes.

Environmental Impact Statement

Purpose and Need (A§1502.13)

Given the federal government’s responsibility to consider the ramifications of its decisions, the environmental impact statement required of a federal agency should include not only the applicant’s goals but also the public’s interest. Such interests should include environmental justice objectives.

Alternatives Including the Proposed Action (§1502.14)

Requiring that an agency identify and include the environmentally preferable alternative of a project enhances the transparency of the NEPA process. The environmental impact statement of a federal agency should also be required to include a cost and benefits projection of each alternative.

Definitions: Effects and Impacts (§1508.1)

Indirect and cumulative effects are two of the primary ways the federal government considers the disproportionate impacts that large-scale projects and facilities may have on historically marginalized communities. As such, we are pleased to see CEQ’s proposed changes to the definitions of “indirect” and “cumulative effects,” including how a project may change the human environment less directly: later in time, farther in distance, and incrementally.

As climate change impacts across the globe and in the US increase, including storms, flooding, wildfires, droughts, and other weather extremes that devastate people’s homes, resources, and lives, we must act urgently to prevent foreseeable harm to the environment. Further, we must consider how long-lived federal projects could be adversely affected by such climate impacts.

As such, the League appreciates the opportunity to submit comments on CEQ’s proposed regulations revisions for implementing NEPA to ensure full and fair public involvement and foster science-based decision-making, accounting for environmental justice. We believe that the health of our democracy, country, and planet depends on it.

Sincerely,

A handwritten signature in black ink, appearing to read "Virginia Kase Solomón". The signature is fluid and cursive, written in a professional style.

Virginia Kase Solomón
CEO

¹<https://www.epa.gov/environmentaljustice#:~:text=Environmental%20justice%20is%20the%20fair,laws%2C%20regulations%2C%20and%20policies>