



STATE OF CONNECTICUT

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Link to Comments: portal.ct.gov/CEQ/Publications/Environmental-Reviews

Connecticut's Council on Environmental Quality Critical of Proposed Revisions to NEPA Regulations

HARTFORD – March 5, 2020

The Connecticut Council on Environmental Quality (CEQ) is in some ways similar to the federal Council on Environmental Quality. Among its responsibilities is the requirement that it inform the public about state actions that could have an environmental impact as defined by the Connecticut Environmental Policy Act (CEPA).

The Connecticut CEQ submitted comments in opposition to the revisions, proposed by its federal namesake, to the regulations that guide implementation of the National Environmental Policy Act (NEPA).

NEPA was enacted into law in 1970 with the intent that the potential environmental consequences of proposed federal actions would be analyzed, considered and modified, if needed, before the action is initiated. “The proposed changes to the NEPA regulations appear to sanction less rigorous scrutiny of actions that ultimately would be detrimental to Connecticut,” according to Susan Merrow, Chair of the Connecticut CEQ.

The stated intent of the proposed changes to the NEPA regulations is to “modernize and clarify the regulations to facilitate more efficient, effective, and timely NEPA

reviews by federal agencies”. “The irony is inescapable that some of the measures advanced in the draft regulations may delay projects, cause economic stress, raise costs and create environmental damage if implemented”, said Peter Hearn, Executive Director of the Connecticut CEQ.

The Connecticut CEQ noted that the proposed revisions reference consideration of the economic benefits of proposed actions. This change is contrary to NEPA’s legislative intent since it establishes an equivalency or possible outweighing of economy over environment. “These proposed changes to NEPA appear designed to make it easier for projects to get federal approval if it’s good for the economy, not necessarily good for the environment” said Merrow. “I think we need to remember, this is the National **Environmental** Policy Act, not the National Economic Policy Act.”

The proposed revisions would eliminate the requirement to consider indirect effects or cumulative effects in environmental analyses. In Connecticut, ozone pollution is predominantly a consequence of pollution generated to its west and southwest. Under the proposed changes, the air pollution consequences of projects that will increase ozone transport can be ignored.

The Connecticut CEQ observed that secondary impacts are not limited to geographic effects. They can include climate effects, such as sea level rise that are remote in time. Connecticut and other northern coastal states are experiencing a more rapid rate of rise than the rest of the country.

The Connecticut CEQ noted also that the draft changes increase uncertainty regarding which “actions” are subject to NEPA review interjecting a degree of ambiguity that would allow a worrisome amount of administrative discretion. The changes would undo much prior case law that has generally been protective of the environment, thereby raising costs and increasing uncertainty, as established precedents would have to be re-litigated.

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About the Council

Established in 1971, the Council on Environmental Quality submits Connecticut’s

annual report on the status of the environment to the Governor pursuant to section 22a-12 of the Connecticut General Statutes. Additional responsibilities of the Council include review of construction projects of other state agencies, publication of the twice-monthly Environmental Monitor, and investigation of citizens' complaints and allegations of violations of environmental laws. The Council is a nine-member board that is independent of the Department of Energy and Environmental Protection (except for administrative functions). The chairman and four other members are appointed by the Governor, two members by the President Pro Tempore of the Senate and two by the Speaker of the House. All serve without compensation.

Information on the Draft Regulations, including how to submit comments by the March 10, 2020 deadline can be found at:

<https://www.whitehouse.gov/ceq/nepa-modernization/>

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