

DEBBIE DINGELL
12TH DISTRICT, MICHIGAN

116 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4071

HOUSE COMMITTEE ON
ENERGY AND COMMERCE
SUBCOMMITTEE ON
HEALTH
ENVIRONMENT AND CLIMATE CHANGE
CONSUMER PROTECTION AND COMMERCE

HOUSE COMMITTEE ON
NATURAL RESOURCES
SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS AND PUBLIC LANDS
WATER, OCEANS, AND WILDLIFE
ENERGY AND MINERAL RESOURCES

Congress of the United States
House of Representatives
Washington, DC 20515

DISTRICT OFFICES:

19855 WEST OUTER DRIVE
SUITE 103-E
DEARBORN, MI 48124
(313) 278-2936

301 WEST MICHIGAN AVENUE
SUITE 400
YPSILANTI, MI 48197
(734) 481-1100

WEBSITE: DEBBIEDINGELL.HOUSE.GOV

July 19, 2021

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

The Honorable Charles Schumer
Senate Majority Leader
United States Senate
S-230, U.S. Capitol
Washington, D.C. 20515

Dear Speaker Pelosi and Leader Schumer:

I write with concerns regarding provisions that are potentially being included in the Bipartisan Infrastructure Framework in the Senate which would seriously undermine the National Environmental Policy Act (NEPA).

As you know, NEPA was written 51 years ago and has proven to be one of the most effective laws to protect the environment as the federal government considers new projects. It's chief architects Congressman John D. Dingell (D-MI), the Member I succeeded in Congress, and Senator Scoop Jackson (D-WA), spearheaded this landmark legislation. As stated in the law, the purposes of NEPA are:

To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

To date, more than 100 nations around the world have enacted national environmental policies modeled after NEPA.

It is, therefore, deeply disturbing to learn that this Congress is entertaining major rollbacks of NEPA as part of the bipartisan infrastructure package. Reports of what are being potentially included would appear to include limiting the public review process, the opportunity for real and needed input, and would undermine the original intent of the law. Furthermore, these rollbacks of NEPA are occurring at the same time Congress and the Administration are being asked to provide more attention and care to the concerns from the environmental justice community, who have historically been marginalized and often bear the brunt of the environmental and community harms by decisions of the past. And the reality is, by limiting

valuable and critical input, these changes may contribute to increasing the factors contributing to global climate change rather than addressing the problems we are all trying to work together on in seeking very real solutions. We should be looking at ways to strengthen NEPA, not weaken it.

Let me share former Congressman John D. Dingell's own words about the importance of NEPA and the role it plays in our society:

Well, it's actually really quite simple. For federal projects, it requires the government to look before it leaps. For example, if the government is building a bridge, a road, a port, a building, or drilling, they simply have to provide an environmental impact statement, which lays out whether it will go through endangered species territory, an area that is ripe for pollinators to breed, or any other environmental impacts. If so, the environmental statement could propose an alternative location nearby that doesn't have those same issues. It further allows people the right to have a say in what is going on. It doesn't stop anything, it doesn't prevent anything – it simply says, 'We want to know about these things and if there is a palatable alternative, we ought to consider it.'

What is being considered, as I understand it, would undermine exactly this aim.

The National Environmental Policy Act paved the way for our country's existing environmental protections. NEPA protects people and communities by ensuring transparency in federal decision-making. Considered the "Magna Carta of environmental laws," both NEPA and the Magna Carta reflect the ideals of public participation and democracy by giving citizens a voice in government decisions. These hidden rollbacks in the bipartisan framework are a danger to critical work needed to protect our environment and ensure everyone has a voice.

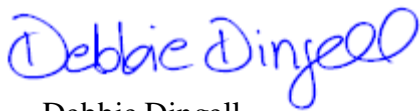
I, for one, understand the need to move quickly and complete the permitting and federal decision-making process in an expeditious manner. As a strong supporter and leader on electric vehicles in this Congress, I know we must find the critical minerals in this country for the batteries they will use, as well as ensure their sustainable and efficient development. But we cannot do that without public input and full transparency. We can have both. The following are among the purported rollbacks being considered by the Senate in the Bipartisan Infrastructure Framework negotiations:

- **Waivers for environmental review and public input under NEPA.** Legislative categorical exclusions like those included in the Surface Transportation Reauthorization Act and the Energy Infrastructure Act completely bypass environmental review and public input on projects with potentially severe health and environmental impacts.
- **Sweeping erosion of meaningful review and input under NEPA.** A litany of provisions in the bipartisan framework proposal coalesce to fundamentally undermine informed decision-making and meaningful review under NEPA.
- **Waiving environmental reviews and public comment for timber projects under 3,000 acres** (approximately 4.5 square miles).

- **Exempting natural gas and oil, pipelines, known as "gathering lines," on federal and tribal lands, from review and public comment under NEPA.** Gathering lines are those that transport oil and gas from the wellhead to the processing, refining, and interstate transmission lines. If enacted, tribal communities would have virtually no say should they happen to be near one of these proposed lines. This is real. In my district a few years ago, an energy company applied to waive odorization requirements for a natural gas pipeline that went past schools. Without odor added, children and their teachers outside at recess would have no idea if there was a leak and the air they were breathing was dangerous. The NEPA process ensured meaningful public engagement to identify and correct this project deficiency.
- **Codification of President Trump's "One Federal Decision" Executive Order.** The Trump Executive Order reduced the breadth and scope of certain environmental reviews and imposed arbitrary deadlines and page limits. The Biden Administration correctly revoked this flawed Executive Order, however, the bipartisan framework would make it permanent in statute.

Let me be clear: NEPA provides a common sense, “look before you leap” approach to Federal decision-making that has helped to protect clean air, clean water, and public health in communities across the country for more than a half a century. We cannot afford to erode progress made by including any such provisions as these without a clear understanding of the changes being considered and a transparent process that allows for the consideration of any impacts of these proposed changes. Please consider all the ramifications of many of these provisions being considered without clearly understanding what including them will result in long-term, and I urge you to reconsider any efforts that would negatively rollback NEPA.

Sincerely,



Debbie Dingell
Member of Congress