



1411 K Street N.W.,
Suite 900
Washington, D.C. 20005
202-525-5717

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July 17, 2025

The Honorable Bruce Westerman
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Jared Huffman
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Westerman, Ranking Member Huffman, and members of the Committee:

Thank you for your decision to hold a hearing on July 22, 2025, titled “Permitting Purgatory: Restoring Common Sense to NEPA Reviews.” My name is Philip Rossetti, and I am a Senior Fellow for Energy and Environment at the R Street Institute. My research focuses on free-market policy solutions that improve economic and environmental outcomes for the United States.

The ability to deploy capital and build new infrastructure or other projects is a key component of economic growth in the United States. However, artificial barriers to the market entry of capital stock hold back growth and entail an environmental harm through the continued reliance on less-efficient incumbent infrastructure. Of interest in this policy area are protracted permitting timelines under the National Environmental Policy Act (NEPA), the framework through which the federal government permits many projects.

The R Street Institute has conducted considerable research on NEPA. Here are some of our key findings:

- Even though most projects that require approval under NEPA are exempted from the most onerous requirements, the largest and most economically significant projects in the United States are more likely to require extensive document preparation and thus lengthy approval timelines under NEPA.¹

¹ Philip Rossetti, R Street Policy Study No. 234, “Addressing NEPA-Related Infrastructure Delays,” July 2021.
https://www.rstreet.org/wp-content/uploads/2021/07/FINAL_RSTREET234.pdf.

- The timeline to approve environmentally significant projects through NEPA has grown. According to data, in 2010 it took an average of 3.4 years to permit a project requiring an Environmental Impact Statement (EIS), and that had risen to an average of 4.7 years as of 2019.²
- The cause for extended document preparation timelines under NEPA is likely due to litigation risk. R Street research backs this up, noting that there is a connection between document preparation time and judicial success.³ A key recent example of this can be seen in the Supreme Court's *Seven County Infrastructure Coalition v. Eagle County* decision in which the court determined that expansive litigation risk led the U.S. Surface Transportation Board to prepare a 3,600-page EIS for an 88-mile railroad.⁴
- R Street research has found consistently that there is an environmental harm attributable to litigation risk under NEPA because clean energy projects and their related infrastructure are more likely than fossil fuel projects to require the preparation of an EIS.⁵

Overall, we find that shortening NEPA document preparation timelines is an essential element of improving infrastructure—particularly energy-related infrastructure—in the United States. Doing so would deliver both economic and environmental benefits.

Thank you again for holding this important hearing and for your consideration of my views. Should you have any questions or wish to have further discussion, please do not hesitate to contact me.

Sincerely,

Philip Rossetti

/s/

Senior Fellow for Energy and Environment
R Street Institute

² Ibid.

³ Ibid.

⁴ Justice Kavanaugh, *Seven County Infrastructure Coalition v. Eagle County*, Opinion of the Supreme Court of the United States, May 29, 2025. https://www.supremecourt.gov/opinions/24pdf/23-975_m648.pdf.

⁵ Philip Rossetti, "The Environmental Case for Improving NEPA," R Street Institute, July 7, 2021. <https://www.rstreet.org/commentary/the-environmental-case-for-improving-nepa/>; Philip Rossetti, "Current Share of Energy Projects Requiring High-Level Review that Are Clean Energy," R Street Institute, Aug. 17, 2023. <https://www.rstreet.org/commentary/the-environmental-case-for-improving-nepa/>.