September 10, 2025

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

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

Re: Legislative Hearing on H.R. 4776 (Rep. Westerman), "Standardizing Permitting and Expediting Economic Development Act" (The "SPEED Act"); H.R. 4503 (Rep. Johnson), "ePermit Act;" H.R. 573 (Rep. Yakim), "Studying NEPA's Impact on Projects Act."

Dear Representative,

On behalf of the undersigned organizations and our millions of supporters and members, we write to express our firm opposition to Chair Westerman's "Standardizing Permitting and Expediting Economic Development Act" (The "SPEED Act") under consideration in today's legislative hearing in the House Committee on Natural Resources. The proposed legislation would enact sweeping, severe changes to the National Environmental Policy Act (NEPA) and prioritize private profit over the public interest, reduce government accountability, and disregard the voices and welfare of communities impacted by federal decisions. **We strongly oppose this proposal and urge you to OPPOSE the SPEED Act.**

Better transportation systems, more affordable housing, semiconductor fabrication facilities, transmission lines, renewable energy, and more are critical to meeting the needs of the public and addressing the climate crisis with the speed and scale required. The urgency many feel to accelerate this buildout is well founded, but the SPEED Act takes exactly the wrong approach. We cannot simply deregulate our way to a smarter permitting system. Stripping away safeguards does not create better processes or stronger projects. It only invites more mistakes, conflict, and harmful development. Real progress comes from resourcing agencies, improving coordination, and giving communities a voice in the process so projects can move forward quickly and durably. We urge the committee to focus on these real solutions rather than false shortcuts. This administration and this Congress, however, are reversing progress that was being made to improve permitting of critical infrastructure.

Just a few months ago, in July, due to the passage of the budget reconciliation bill, Congress rescinded long-overdue funding to key agencies to provide essential staff and resources for permitting under NEPA. In the months since, this administration has decimated agency staffing, blocked clean energy development, established permitting hurdles for renewables, rubber stamped fossil fuels under a sham "energy emergency" declaration, and, most relevant to today's hearing, shattered regulatory certainty by revoking the NEPA regulations and forcing over 80 agencies in the federal government to issue their own competing and patchwork NEPA implementing procedures.

NEPA has long been an indispensable tool to ensure that taxpayer dollars and public lands and resources are managed for the public interest and to uphold our national commitment to a healthy environment for current and future generations. The promise of the NEPA process is simple and is at the heart of

democracy – the government will consider the environmental and health impacts of its decisions, it will disclose those impacts to those affected, and it will ensure the public has a meaningful opportunity to weigh in on those decisions, and when government fails to meet these responsibilities, it will be subject to judicial review.

We have long supported legislative and administrative efforts that are responsive to known causes of permitting delay and bottlenecks. For over a decade, many of our organizations have called for better management and oversight of the permitting process generally and NEPA specifically. It has long been known that agencies suffer from chronic lack of resources, staff, and training needed to review and permit projects efficiently. We have likewise called for and supported legislation that modernizes the NEPA process by leveraging technology to allow agencies to improve agency coordination, accelerate information-sharing, and strengthen public engagement.

Congress has already made major changes to update permitting over the past ten years. Any serious conversations around ways to improve NEPA implementation must begin with an acknowledgement of what has already been done and what problems remain. The legislative changes enacted over the last four years are especially significant: the permanent reauthorization of FAST-41 in the Infrastructure Investment and Jobs Act of 2021, which created a Permitting Council to implement a streamlined NEPA process for any infrastructure project requiring over $200 million in investment; the inclusion of over $1 billion for NEPA implementation in the Inflation Reduction Act of 2022; and well the first statutory changes to NEPA in over 50 years in the Fiscal Responsibility Act of 2023, which included enforceable timelines on reviews.

Despite these changes, current discussions around NEPA "permitting reform" completely ignore these recent updates and instead rely on outdated permitting timelines from a very different regulatory and legal landscape. Many of these reforms, both legislative and administrative, have led to significant reductions in timelines. For example, in January of this year, the White House Council on Environmental Quality (CEQ) issued a factsheet and an updated report on environmental review timelines documenting these changes across federal agencies. Overall, the data shows that agencies have been completing more reviews significantly faster in recent years – in the case of the Department of Energy, timelines for Environmental Impact Statements were cut in half in the previous administration. CEQ attributed this to the alignment of new legislative resources, community engagement improvements, and stronger senior-level management and oversight of permitting.

Our organizations have long been committed to the development of a permitting system that is efficient, fair and, critically, responsive to the climate crisis. It is well documented that we need both clean energy and the transmission infrastructure to unleash the terawatts of renewable power waiting in the queue. Many of our organizations released a set of solutions outlining policy and legislative reforms needed to achieve those goals. Furthermore, it is absolutely essential for this committee to double down on the solutions we know are driving success – adequate staff, funding, and resources for agencies; improved management and oversight of critical infrastructure projects; and regulatory certainty. At a minimum, Congress should extend and expand - rather than rescind - the agency funding to improve NEPA implementation which was included in the Inflation Reduction Act (IRA) and which has led to documented positive results.

H.R. 4766, the "Standardizing Permitting and Expediting Economic Development Act" or the "SPEED Act."

As drafted, this legislation would radically limit the scope of reviews by federal agencies and essentially eliminate government accountability when agencies fail to adequately consider the health, environmental, or economic impacts of their decisions. If passed, this legislation would fundamentally undermine the purpose of NEPA, codify climate denial, and effectively silence the voices of frontline communities and local governments.

As this committee considers the SPEED Act, it is worth noting that the persistent myth that NEPA reviews are the primary cause of permitting delay is demonstrably false. This theory has been comprehensively examined and thoroughly debunked by administrations of both parties through numerous studies, including those conducted by the Congressional Research Service (CRS), the Government Accountability Office (GAO), the U.S. Department of Treasury, and other federal agencies and academia.[1] CRS has repeatedly concluded that NEPA is not a primary or major cause of delay in project development. Instead, CRS identified causes outside the NEPA process, such as lack of project funding, changes in project design, and other factors.

This is not to say NEPA implementation cannot be improved. Subsequent studies have confirmed that where delays occur, the causes lie in lack of staff and funding – a problem that Congress began addressing in the IRA by including historic investments for environmental review. Building a more robust federal environmental review workforce is an essential reform needed to ensure the timely permitting of projects. Even after the historic investments made by the IRA, agencies responsible for permitting and environmental review still lack sufficient staff capacity. Instead of weakening environmental protections that ensure responsible permitting, we urge this Committee to advance legislation to help agencies better recruit, retain, and pay the staff needed to meet growing demands for environmental reviews.

Concerningly, this bill would also essentially eliminate meaningful judicial review. The ability to challenge violations under NEPA and obtain an injunction before a project impacting the health, economy, and environment of frontline communities and the broader public is essential to accountability and the underlying purpose of requiring environmental review. An environmental review process without meaningful judicial review would strip communities of their ability to hold agencies accountable, allowing agencies to ignore public input with impunity. Meanwhile, legal challenges to NEPA decisions are rare. Agency data and a review of court filings demonstrate that less than 0.25% of actions subject to NEPA result in litigation. The vast majority of actions subject to NEPA proceed without challenge.

Despite these facts, this proposed legislation would make sweeping changes to NEPA that overwhelmingly tip the scales in favor of project approval above informed decision-making, putting private profits above the public interest. The list of problems with this bill is extensive, but several merit particular attention. The proposed legislation:

- **Dramatically Narrows Application of NEPA and Limits the Scope of Reviews** – The bill would radically limit the application of NEPA by redefining when NEPA applies and threshold considerations of what is a "major federal action" for the purposes of NEPA. Section 2(b) codifies the so-called "functional equivalence" doctrine, which courts created as an extraordinarily narrow exception rarely applied. The SPEED Act broadens this beyond any reasonable application

without any sideboards to ensure the purposes and policies of NEPA are fulfilled. Further, Section 2(f) excludes federal loans, loan guarantees, and other forms of financial assistance from NEPA, which could allow projects such as coal-fired generating facilities and concentrated animal feeding operations to evade any review or public scrutiny.

- **Severely Restricts Science and Integrity of Information** - Section 2(b) adds language stating agencies are not required to undertake new scientific or technical research after receipt of an application for a proposed agency action. This runs against the history, purpose, and policies of NEPA and would turn NEPA on its head - the statute was designed to ensure government decisions were informed by the best available science. For reviews that do occur, it relieves agencies of any responsibility to undertake any new research necessary for informed decision-making and potentially prevents the consideration of upstream and downstream impacts of decisions. In addition, this section would bar agencies from even correcting known errors, which could impact water quality, air quality, or species survival unless forced to do so by a court.
- **Shifts Agency Responsibility From Deciding on the Basis of the Public Interest in Favor of Private Profit** - Section 2(c)(3) outrageously demands that the purpose and need of an agency action "shall meet the goals of the applicant." This fundamentally upends federal agency decisionmaking generally and undermines the goals congress outlined in NEPA. Over fifty years ago, Congress decided there was a national interest in a federal agency making a decision in the public's interest. The public interest is what the agency needs to be considering when conducting a NEPA analysis, not the goals of the applicant. To statutorily prioritize private profits over the public interest betrays the role of government in determining how taxpayer dollars and public resources are managed.
- **Essentially Eliminates Government Accountability in the Courts** – Section 113(a) of the bill would not only change the standard of review for actions subject to NEPA from arbitrary and capricious to the extraordinarily deferential abuse of discretion standard. Not only does this force a new standard of review, it also requires plaintiffs to positively demonstrate that the agency decision would have come out differently, which is essentially impossible. Worse yet, even in cases where these unreasonable standards are met, Section 113(c) states that erroneous agency actions will "remain in effect" on remand, thus allowing a flawed, and potentially dangerous agency decision in place. The challenge for impacted communities to hold the government accountable does not end there - Section 113(d) creates an absurd exhaustion requirement. As federal agencies in the Trump administration announce new NEPA procedures that potentially eliminate public comments on draft and final environmental reviews, this legislation requires substantive, sufficiently detailed, and "unique" comments related to the subject matter of the claim as a predicate to challenging a government decision. Requiring comment where no opportunity is provided is patently absurd.
- **Bars Challenging the Establishment of a Categorical Exclusion** - One of the more insidious provisions in the bill, Section 113(d) prohibits any legal challenge to the establishment of categorical exclusions. Categorical exclusions are by far the most common type of review under NEPA, generally accounting for 95% of actions subject to the law. They are intended for actions which an agency has demonstrated will not individually or cumulatively have a significant impact on the human environment. However, simply stating an action will not have a significant impact, does not make it so - the justification for such an exclusion should be substantiated by science and agency experience. It is worth noting that Deepwater Horizon was approved via a categorical exclusion. Under this bill, the categorical exclusion leading to the Deepwater Horizon tragedy could never be challenged. Barring challenge to the most common type of review under NEPA is a sweeping exemption and an invitation to further disasters impacting public health and safety.

This legislation would tilt the courts in favor of project sponsors, restricting meaningful review of federal actions while limiting public oversight. The net effect of this proposal is to ensure the environmental review process benefits project sponsors to the detriment of communities and, further, directs courts to ensure this bias persists. This legislation would dramatically transform NEPA from its original intent of requiring agencies to consider the impacts of their decisions with public input into a system where communities must first prove harm in court before agencies are even required to consider the impact of their actions. Instead of advancing legislation that increases government accountability and ensures projects are permitted efficiently and in the public interest, this legislation would require the public to shoulder the burden of conducting their own environmental reviews or suffer the consequences.

This legislation will only erode public trust, and result in worse environmental and public health outcomes for all Americans. Our organizations are eager to see a swift and equitable buildout of the critical infrastructure necessary to transition to a clean energy economy. However, the legislation under consideration by this Committee would make such a transition harder, slower, and less just. This bill is an extreme attack on government accountability, meaningful public input, and review under NEPA. There are meaningful permitting reform proposals before Congress that would protect communities and speed the clean energy transition. For instance, we would urge the Committee to instead consider legislation such as the "Clean Electricity and Transmission Acceleration Act" or the "A. Donald McEachin Environmental Justice For All Act," which ensures a transition to a just and equitable clean energy economy future.

Sincerely,

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350 Bay Area Action
350 New Orleans
350 Wisconsin
350Hawaii
350NYC
Accountable.US/Accountable.NOW
Alaska Community Action on Toxics
Alaska Wilderness League Action
Berks Gas Truth
Better Path Coalition
Beyond Extreme Energy
Bold Alliance
California Environmental Voters
Cascade Forest Conservancy
Center for Biological Diversity
Center for Earth Energy and Democracy (CEED)
Chesapeake Climate Action Network (CCAN) Action Fund
Citizens Caring for the Future
Clean Air Council
Climate Intervention Environmental Impact Fund
Climate Justice Alliance

Concerned Citizens of Wagon Mound and Mora County
Concerned Health Professionals of Pennsylvania
Conservation Voters New Mexico
Dayenu: A Jewish Call to Climate Action
Deep South Center for Environmental Justice
Defenders of Wildlife
Earth Ethics, Inc.
Earthjustice
Earthworks
East Yard Communities for Environmental Justice
Environmental Law & Policy Center
Food & Water Watch
For a Better Bayou
Friends of the Earth
Habitat Recovery Project
Hip Hop Caucus
League of Conservation Voters
Long Beach Alliance for Clean Energy
Lobos of the Southwest
Los Jardines Institute
Los Padres ForestWatch
Mi Familia en Acción
Mi Familia Vota
Micah Six Eight Mission
Mothers Out Front
Natural Resources Defense Council
New Mexico Sustainable Business
Northeastern Minnesotans for Wilderness
New York Public Interest Research Group (NYPIRG)
Ocean Conservation Research
Ocean Defense Initiative
Oceana
Oilfield Witness
Our Revolution
Our Sacred Earth
Partnership for Earth Spirituality New Mexico
Patriots From The Oil & Gas Shales
Physicians for Social Responsibility
Physicians for Social Responsibility Pennsylvania
Physicians for Social Responsibility, Maine
Physicians for Social Responsibility, San Francisco Bay Area
Physicians for Social Responsibility, Texas
Plastic Pollution Coalition
Property Rights and Pipeline Center

Protect Penn-Trafford (PT)
Public Citizen
RISE St. James Louisiana
Rocky Mountain Wild
Save RGV
Sierra Club
Sisters of Saint Francis, Rochester MN
Southern Environmental Law Center
South Texas Environmental Justice Network
Sovereign Energy
Surfrider Foundation
The Alaska Center
The Greater New Orleans Interfaith Climate Coalition
The Wilderness Society
Third Act New Jersey
This Act Union
Turtle Island Restoration Network
U.S. Climate Action Network
Union of Concerned Scientists
WE ACT for Environmental Justice
Western Environmental Law Center
Western Watersheds Project
Wild Montana
Zero Hour

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[1] *See*, Linda Luther, The National Environmental Policy Act: Streamlining NEPA, Congressional Research Service, RL33152, 26 (2011) (citing study indicating "factors 'outside the NEPA process'" the NEPA process were identified as the cause of delay the majority of time); Bureau of Land Management Operations report available at https://www.blm.gov/sites/blm.gov/files/docs/2021-03/Table12_TimetoCompleteAPD_2020.pdf indicating that the agency spends more time waiting for information from operators than it spends reviewing oil well drilling permit applications; U.S. Government Accounting Office, GAO-09-611, Federal Land Management: BLM and the Forest Service Have Improved Oversight of the Land Exchange Process, But Additional Actions are Needed 15 (2009), indicating lack of qualified staff and shifts in agency priorities caused delay in the BLM review process; Toni Horst, et al., 40 Proposed U.S. Transportation and Water Infrastructure Projects of Major Economic Significance. AECOM, (2016) (finding that "a lack of funds is by far the most common challenge to completing" major infrastructure projects).

[2] John C. Ruple and Kayla M. Race, Measuring the Litigation Burden: A Review of 1,499 Federal Court Cases, Environmental Law Vol 50 486, 500 (2020).