

The National Environmental Policy Act (“NEPA”) is a procedural statute that requires the federal government to consider environmental impacts in its decision-making. There are no substantive environmental protections in NEPA. However, it has become a ubiquitous tool for delays and litigation (or even the threat of litigation) that can stall a project for years—if not indefinitely.

It is difficult to track NEPA activity because there are so many sources of information and there is no comprehensive repository for litigation. We analyzed NEPA litigation from 2001 to the present using published secondary sources alongside independent data collection. The results were astounding: From 2001 through 2024, more than 2,160 NEPA cases were filed in the federal district courts. An additional 673 appellate cases were filed during that same period. In total, we estimate the federal courts heard more than 2,833 NEPA cases from 2001 to the present.

NEPA permitting, red-tape and litigation seldom has a positive affect on the environment. Rather, it simply adds years of delays and millions of dollars in expenses that are ultimately passed along to the consumer or end-user. The end result, as President Ronald Reagan once said, is that “[G]overnment costs more and delivers less.”