



November 22, 2021

The Honorable Brenda Mallory, Chairman  
White House Council on Environmental Quality  
730 Jackson Place, N.W.  
Washington, DC 20503

RE: Docket No. CEQ-2021-0002, National Environmental Policy Act Implementing Regulations Revisions

Dear Chairman Mallory:

The Associated General Contractors of America ("AGC" or "we" or "our") appreciates the opportunity to comment in this docket, in which the Council on Environmental Quality (CEQ) proposes several changes to rules concerning the process for review of Federal actions under the National Environmental Policy Act (NEPA). Notice of Proposed Rulemaking (NPRM), 86 FR 55757 (October 7, 2021).

We do not support the adoption of the proposed rule. The proposed rule essentially would undo several rule changes adopted in 2020 and revert to the regulatory language that was in effect before the 2020 rules changes. However, should CEQ go forward with rule changes in this docket, CEQ should at least adopt modifications or make clarifying statements in any notice of final rule consistent with the suggestions we set forth below.

Briefly, in taking this position, we consider that the review process under 3 12 Tf1 0 0 1 492.58 32ETe17612 792 rev



In this docket, CEQ proposes a handful of changes to current NEPA rules

AGC of America to White House











For years, a major concern of the public, including non-Federal agencies and businesses, has been that the environmental review process takes too long.

Nothing in this NPRM directly addresses time limits, or goals for time limits, for completion of the environmental review process for a project. We note here, in advance of any future "phase" of CEQ's plan to revise the NEPA review process, that the CEQ should not erode current goals or requirements for prompt review that either are in place or which have been reinforced by enactment of the bipartisan infrastructure bill.

We note that in January 2020 then Transportation Secretary Chao commented that environmental impact statements for highways average seven years to complete. Seven years is far too long for EIS review of a class of projects with characteristics and impacts that are extremely well understood and used directly or indirectly by nearly all **Americans** every day. Such delays add to the cost of such projects that are ultimately approved and go forward.

Further, a slow review process, even if the average may be less than seven years at this time, discourages project proponents and can result in meritorious projects being set aside by their supporters.

A long process is not necessary to protect the public's interest in thorough environmental review, but a long process thwarts the completion of beneficial projects that would boost the economy, provide jobs, and improve mobility for people and commerce, and enhance safety, whether highway, water, energy or other infrastructure projects.

We urge that CEQ resolve issues in this docket and future dockets consistent with maintaining and advancing the benefits of a prompt but thorough review.

Further, when added capacity eases congestion, the freer-flowing traffic can result in reduce 1 433.75 359.71 Tm0 g0

