

LCV OPPOSES EXTREME PERMITTING BILLS

LCV opposes the extreme permitting bills being advanced in the U.S. House of Representatives because they:

- ❶ **Fail to address the challenges** holding back clean energy deployment;
- ❷ **Put far too restrictive criteria for public input** and redress, and timelines for project approvals, that will mean local residents will no longer have a say or be able to seek legal remedies to address concerns with projects in their backyards;
- ❸ **Advantage polluting** and expensive fossil fuel projects.



LCV OPPOSES THE STANDARDIZING PERMITTING AND EXPEDITING ECONOMIC DEVELOPMENT (SPEED) ACT (H.R. 4776) BECAUSE IT:

- ▶ **Reclassifies the National Environmental Policy Act** as solely procedural, or box checking, in direct conflict with congressional intent that it deliver improved environmental outcomes and community engagement in the design and completion of large projects.
- ▶ **Restricts what federal agencies can consider** when evaluating the environmental and public health consequences of major proposed projects, including climate and environmental justice impacts, which would further advantage costly and dirty fossil fuel projects, including by:
 - Removing agencies' ability to incorporate new scientific analysis during reviews meaning decisions could be forced to be made on outdated knowledge;
 - Limiting agencies' environmental analysis to near-term and proximate impacts of projects;
 - Weakening environmental protection standards from proving "no foreseeable significant impact" to "not likely to have foreseeable significant impact";
 - Limiting when NEPA gets triggered by greatly narrowing the definition of a "Major Federal Action";
 - Giving project sponsors the power to deny an agency's request to extend deadlines for environmental reviews.
- ▶ **Limits public input and legal recourse** by imposing narrow procedural requirements that make it much harder for impacted parties and communities to raise concerns or challenge flawed environmental reviews or permit decisions in court. The bill:
 - Dramatically narrows standing and reduces window for filing lawsuits from 6 years to 150 days, effectively denying communities and affected stakeholders their day in court and allow unlawful or harmful projects or federal decisions to go unchecked;
 - Bars legal challenges to the establishment of a categorical exclusion, the designation for a variety of types of projects that are supposed to have minimal impact and as a result, very little scrutiny;
 - Prohibits courts from questioning agency environmental findings;
 - Redefines agency actions so completing NEPA documents or determining a categorical exclusion applies is no longer an "agency action";
 - Removes the ability to challenge environmental analyses until final permit decisions are made, as opposed to when analyses are finalized.

LCV OPPOSES THE PROMOTING EFFICIENT REVIEW FOR MODERN INFRASTRUCTURE TODAY (PERMIT) ACT (H.R. 3898) BECAUSE IT:

- ▶ **Includes nearly 20 different provisions that weaken pollution controls in the Clean Water Act** and shields industrial dischargers who pollute or destroy our streams, lakes, wetlands, and other waters from responsibility and accountability;
- ▶ **Hamstrings states' and Tribes' ability to prevent harm to their critical water bodies** from projects such as oil and gas pipelines;
- ▶ **Fast-tracks activities that destroy vast amounts of wetlands and streams** without ensuring these harms are avoided, minimized, or mitigated;
- ▶ **Prevents the EPA from exercising its longstanding, rarely used authority to stop large projects** that would irreversibly harm entire watersheds.

NEPA FAST FACTS

- The National Environmental Policy Act (NEPA) was passed with overwhelmingly bipartisan support and signed into law by President Nixon in 1970 in order to ensure the environmental and public health impacts of major proposed federal actions are responsibly considered.
- NEPA provides guidance on how federal agencies must conduct their environmental reviews and requires open comment periods to members of the public who would be affected by the proposed federal action.
- Early and effective community engagement creates opportunities to address conflicts that could derail projects, and helps to identify improvements and alternatives that benefit the project and the local community.
- NEPA has already been significantly reformed—starting with FAST-41 in 2015 and most recently with the Fiscal Responsibility Act in 2023.
- Documented improvements in NEPA permitting timelines in 2023 and 2024 resulted from increased staffing and resources and implementing legislative changes.
- This progress has been reversed with the Trump administration indiscriminately firing staff and tossing out rules and guidance that had previously provided certainty and stability for project sponsors, and Congress cutting the increased funding for reviewing projects.
- Fewer than 1% of projects are even subject to NEPA's full, detailed environmental review process. In fact, 95% of all NEPA analyses qualify under categorical exclusions (CEs).
- Litigation related to NEPA decisions is exceedingly rare—a 2019 study found that just one out of 450 NEPA decisions was challenged in court. Litigation against clean energy projects is even more rare. Over a 12-year period, only 28 federal cases involved wind projects, and only 8 involved solar.
- Of the more than 71,000 civil cases filed against the U.S. government in 2024, only 0.54% were environmental or lands-related—a figure that includes industry lawsuits. And when environmental groups do sue, research shows that environmental plaintiffs win more often than any other class of NEPA litigants, confirming these suits are based on legitimate claims, not delay tactics.



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