

August 21, 2023

Submitted via <https://www.regulations.gov>

Amy Coyle
Deputy General Counsel
Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20503

Re: Proposed Rule, Council on Environmental Quality, “National Environmental Policy Act Implementing Regulations Revisions Phase 2,” 88 Fed. Reg. 49924 (July 31, 2023)

Dear Ms. Coyle:

The undersigned organizations respectfully urge a comment period extension of at least 45 days on the Council on Environmental Quality’s (“CEQ’s”) proposed rule to amend the procedural provisions of the National Environmental Policy Act (“NEPA”), including the implementation of the Fiscal Responsibility Act’s significant amendments to NEPA.

The undersigned organizations represent many sectors of our economy. Our industries drive economic growth, from telecom to ports, airlines to automakers, energy, construction and labor, real estate, mining, trucking, manufacturing and more. We are grateful that Congress and the Administration have made the most significant infrastructure investments in a generation, from the Infrastructure Investment and Jobs Act, the CHIPS and Science Act, and the Inflation Reduction Act. We are ready to go to work. But without positive reforms to make our permitting process more efficient, transparent, and predictable, the nearly \$2 trillion of projected public and private sector investments spurred by these bills may not come to fruition.

CEQ has proposed a complex rule that would impact the federal review process for multitudes of projects and activities, large and small. It is vital that the Agency gets it right. Given the scope of the rule, the current comment period is simply not sufficient. As proposed, the rule would immediately impact all NEPA processes begun after the effective date of any final rule, and could also immediately impact any “ongoing activities and environmental documents” begun before the effective date of the final rulemaking. The broad scope of the proposed requirements and their potential impacts demands additional time for the business community and other affected parties to respond more comprehensively with constructive comments.

The proposed rule raises many complex and important practical questions concerning topics such as costs, feasibility, and timelines, which would benefit from additional time for project sponsors to evaluate the proposed rule. Sorting through the practical implications of the proposed revisions requires careful evaluation, as the proposed rule would make significant changes not only concerning the complex projects that have traditionally required the development of an environmental impact statement, but also concerning projects and

activities that have not been subject to NEPA or have been categorically excluded from NEPA review. Due to the breadth of such effects, more time will help to better understand the impact of the proposed changes and allow the public to offer more informed feedback to CEQ on the proposal.

In light of these considerations, a minimum of 45 days of additional commenting time is needed to ensure that affected members of the business community and other stakeholders are able to provide CEQ with adequate information and appropriately detailed comments on the proposal to inform the development of any final rule. Thank you for considering our request, and please contact us if you would like any additional information.

Sincerely,

Agricultural Retailers Association
American Association of Port Authorities
American Chemistry Council
American Exploration & Production Council
American Public Gas Association
American Road & Transportation Builders Association
Associated Builders and Contractors
Association of American Railroads
Consumer Energy Alliance
Federal Forest Resource Coalition
The Fertilizer Institute
GPA Midstream Association
Hardwood Federation
Independent Petroleum Association of America
National Cattlemen's Beef Association
National Mining Association
National Ocean Industries Association
National Rural Electric Cooperative Association
National Stone, Sand, & Gravel Association
Public Lands Council
U.S. Chamber of Commerce