

United States Senate

WASHINGTON, DC 20510

February 26, 2020

The Honorable Mary B. Neumayr
Chairman
Council on Environmental Quality
730 Jackson Place, NW
Washington, DC 20506

Dear Chairman Neumayr,

The National Environmental Protection Act (NEPA) is one of the only laws that allows communities that would be affected by federal projects to voice their concerns and opposition to projects that could harm their health, environment, and future. However, on January 9, 2020, the Trump administration issued a proposed rule to roll back key parts of the NEPA process. The attempt to roll back this bedrock environmental law is an attack on environmental justice, undermining the intent of NEPA so severely that it violates the language of the statute. It would endanger environmental justice communities in Massachusetts and take away opportunities for residents in our state and across the country to oppose federal projects such as oil and gas pipelines or major highways.¹ This proposed rule would silence local community input and we urge you to abandon the Trump Administration's proposed attack on this bedrock environmental law.

Since the Nixon administration signed NEPA into law in 1970, this statute has ensured that agencies consider the environmental impact of projects that receive federal funding or permits. A key component of this process is direct engagement with affected communities. Any attack on NEPA is an attack on the environmental justice communities that already struggle to be heard in the planning process for projects that disproportionately affect their health and environment. In Massachusetts, an environmental justice community is defined as a community where households earn 65 percent or less of the statewide household median income, 25 percent or more of the residents identify as nonwhite, or 25 percent or more of the residents lack English language proficiency.² Around one-third of Massachusetts cities and towns include an environmental justice community.³

These communities have historically been marginalized and ignored while having to bear the worst burdens of our fossil fuel addiction and corporate pollution. We must right those wrongs,

¹ Council on Environmental Quality. NEPA Modernization. January 2019. <https://www.whitehouse.gov/ceq/nepa-modernization/>

² Massachusetts Department of Environmental Protection, *Environmental Justice Communities in Massachusetts*, <https://www.mass.gov/info-details/environmental-justice-communities-in-massachusetts>

³ MA Executive Office of Energy and Environmental Affairs. 2002. Environmental Justice Policies. https://www.rd.usda.gov/sites/default/files/UWP_MA01-CVEC_Brewster_EA-App5.pdf

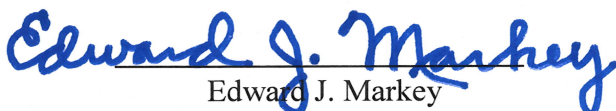
including by placing those communities at the center of any decisions that would affect them. But instead, the Trump Administration's proposed NEPA rollback would even further endanger and harm these communities.


In this rulemaking, the administration proposes to eliminate the need for agencies to consider the cumulative impacts of projects—including on the climate, air quality, water quality, or other environmental factors—when assessing their environmental impact. Under this proposed rulemaking, the cumulative impact of multiple sources of water pollution will not be taken into account when evaluating a new project—only the pollution that can be closely linked to the project under consideration. This could have devastating effects in a city like Haverhill, Massachusetts, which already has water pollution problems due to combined sewer overflows. It is unacceptable, anti-democratic, and against the NEPA statute to ignore and cover up a project's environmental impacts at the expense of local communities.

The NEPA process has helped Massachusetts residents weigh in on projects that would have a serious impact on their lives and on the environment around them. For example, Kinder Morgan had to reconsider and eventually cancel its plan to build a massive new natural gas pipeline across Massachusetts in large part due to increased public awareness of and opposition to the impacts it would have had on public health, endangered species, and all affected communities, including environmental justice communities.⁴ The NEPA process is a major avenue by which the public can consult on projects and drives companies' outreach efforts, so taking that outlet away will further limit local communities' ability to stand against projects that are harmful and not necessary for Massachusetts, such as the Kinder Morgan Northeast Energy Direct Pipeline.

When considering federal projects, a holistic view of all cumulative environmental impacts must be taken into account. Local communities, especially environmental justice communities, need an opportunity to provide thorough input and the NEPA process is an essential tool to ensure that these communities can be heard and no longer marginalized when it comes to decisions that will affect them for decades. We urge you to reconsider and reject this extreme rollback of a bedrock environmental law, which currently protects vulnerable communities in Massachusetts and across the United States.

Sincerely,


Edward J. Markey
United States Senator


Elizabeth Warren
United States Senator

⁴ [The Commonwealth of Massachusetts Office of the Attorney General Energy and Environment Bureau. Scoping Comments on the Northeast Energy Direct Project Docker No. PF 14-22-000. October 16, 2015.](#)