

NATIONAL ENVIRONMENTAL POLICY ACT

January 2023

The National Environmental Policy Act (NEPA) is one of our most fundamental environmental and public health and safety protections. Passed with bipartisan support and signed into law by President Nixon in 1970, NEPA requires the U.S. government to study and analyze the potential impacts of major federal decisions and actions on our environment and public health.

WHY IS NEPA SO IMPORTANT TO COMMUNITIES?

Before NEPA, the U.S. government could make decisions without having to consider their effects on the environment, often leading to decisions that polluted a community's air or water. Today, we see the harmful environmental justice issues caused by those decisions, especially in low-income communities, communities of color, and Indigenous communities, which bear a disproportionate burden of industry's pollution.

Under NEPA, the U.S. government prepares an Environmental Assessment (EA) or Environmental Impact Statement (EIS) for federal actions or decisions that may significantly impact the environment and communities. This process discloses impacts and gives affected communities the opportunity to weigh in on the proposed action or suggest preferred alternatives.

NEPA's public input process strengthens government and industry transparency and accountability.

KNOW THE NEPA FACTS



NEPA IS NOT A MEANINGFUL CAUSE OF DELAY.

According to the [Congressional Research Service](#), 95% of public infrastructure projects are excluded from NEPA review through the categorical exclusion process. Delays are more often caused by lack of funding or state and local laws, not NEPA.



NEPA IS NOT A SIGNIFICANT CAUSE OF LITIGATION.

According to a [2020 study](#), only one out of every 450 NEPA reviews are ever challenged in court.

IS NEPA AT RISK?

Yes. Republicans and polluting industries have repeatedly and relentlessly attacked NEPA, deceptively referring to these efforts as “permitting reform” or “streamlining.”

In general, Republicans' and polluting industries' attacks on NEPA seek to:

- Set limits on NEPA's public input and environmental review standards.
- Exempt NEPA review entirely, making it easier for industry to advance harmful polluting projects without appropriate disclosure, mitigation, or consideration of alternatives.

DEMOCRATS AT WORK!

Increasing the funding and staff for federal agencies' permitting offices can make permitting processes significantly more effective and efficient in a responsible way. In 2022, Democrats championed a historic investment of more than \$1 billion for federal permitting offices through the Inflation Reduction Act.