

ENVIRONMENTAL PERMITTING REFORM

Reduce Bureaucracy – Not Environmental Protection – to Fast Track Infrastructure Improvements

Action Needed:

Tell Congress to support reforms to the environmental permitting process and hold federal agencies accountable for roadblocks and delays.

Background:

The Current Permitting System is About to Get a Whole Lot Worse. Recent legislation may be limited in its effect due to increased bureaucratic overreach at federal agencies. The promises to deliver timely and sorely needed infrastructure under the Infrastructure Investment and Jobs Act and the Inflation Reduction Act will be significantly challenged if projects are delayed and, in turn, face steep cost increases that block their construction. These delays will make it harder to achieve climate change goals, to make infrastructure more resilient, and to better prepare and protect communities from natural disasters, especially disadvantaged communities.

Currently, agencies are working on rules and guidance to expand and further complicate the federal permitting and environmental review processes. This additional red tape is putting further stress on the process as well as supply chains—which could impede the very projects needed to enhance infrastructure resilience and improve efficiency.

AGC Message:

- **Implement Streamlining Provisions Passed by Congress.** Congress passed AGC-supported reforms that reduce the time invested to complete the environmental approvals required for large infrastructure projects. AGC-supported reforms include making FAST-41 permanent, One Federal Decision, better coordination, deadlines and page limits for environmental review reports, transparency, and accountability. The regulatory agencies need to actually begin to implement these reforms.
- **Nullify Recent Regulatory Changes to the NEPA Process.** AGC supported a joint resolution of disapproval over recent changes to the National Environmental Policy Act (NEPA) in the Council on Environmental Quality's (CEQ) Phase I rulemaking. These changes add bureaucratic steps in an already onerous and slow process, require more time-consuming analyses, increase litigation risk for project decisions, and encourage agencies to impose requirements that go beyond CEQ regulations and would slow agency decision-making and discourage the transformational investments needed across the economy.
- **Reduce Regulatory Uncertainty.** The federal agencies are not just making changes to NEPA, they are systematically reversing all streamlining reforms from recent years as well as introducing additional requirements that will delay projects. This can be seen in the major permitting programs such as Clean Water Act section 404 permitting, section 401 water quality certifications, threatened and endangered species, and migratory birds.