United States Senate
WASHINGTON, DC 20510

April 22, 2013

The Honorable Nancy Sutley
Chairwoman
Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

Dear Chairwoman Sutley,

We are concerned about recent reports indicating the Administration intends to finalize standards requiring agencies to address greenhouse gas (GHG) emissions under the National Environmental Policy Act (NEPA). Such a requirement would dramatically expand the scope of NEPA and is inconsistent with the intentions of the statute. Efforts to regulate GHGs using the NEPA process will cause significant delays in permitting projects and slow our nation's economic recovery.

On February 18, 2010, you released draft guidance outlining the Administration's vision for expanding NEPA to consider GHG emissions.[1] The draft guidance ignores the fact that NEPA is a procedural statute focused on giving federal agencies and the public a better understanding of the environmental impacts of a project. Instead of following its intended purpose, your draft guidance expands the scope of NEPA to suggest that it is a statute designed to mitigate GHG emissions.

We are also concerned about the feasibility of your approach. Courts have made clear that NEPA analysis is only required for issues that can be directly and proximately linked to the stated impact of the proposed action that is being examined.[2] Because it is impossible to directly and proximately link GHG emissions from a particular project to global climate change, requiring analysis and mitigation falls outside the scope of NEPA's purpose and process.

Congress has rejected all efforts to legislatively regulate the climate, and just last month during Senate budget votes twice rejected a carbon tax. Rather than accepting that such an effort will dramatically slow project delivery and job creation, the Administration is attempting to use NEPA as a backdoor method to pursue a policy preference that cannot be passed through Congress.

Throughout his term, President Obama has stated a desire to "streamline the permitting process." We note the catch phrase has repeatedly come under scrutiny. Moving forward with this guidance flies in the face of the President's publicly stated goal. Additionally, it adds a cumbersome and obtuse GHG requirement to the permitting process for projects that would not face similar scrutiny in nations with which the United States competes for investment, such as

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[1] http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/ghg-guidance
[2] *Metropolitan Edison v. People Against Nuclear Energy*, 460 U.S. 766, 774 (1984).

China, India or Russia. We therefore urge you to withdraw the draft guidance posted on February 18, 2010.

Sincerely,

Roy Blunt

Mike Johanns

Saxby Chambliss

Tom Coburn

Jim Risch

Mike Crapo

Jim Inhofe

John Cornyn

Jerry Moran

Rand Paul

Dan Coats

John Hoeven

Jim Risch

Mitch McConnell

John McCain

Jeff Sessions