



# **American Bridge**

## **Trump Policy Brief: Expedited Environmental Review**

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## EXPEDITED ENVIRONMENTAL REVIEW

- ✓ President Trump signed an executive order to expedite the environmental review process for infrastructure projects classified as “high priority” by his administration.
- ✓ The White House Council on Environmental Quality was ordered to determine the priority status of infrastructure projects within 30 days of an initial federal or state request.
- ✓ The order could reduce infrastructure transparency by undermining the efficacy of the National Environmental Policy Act, which required public notice, a comment period, and a substantial environmental review for infrastructure projects.
- ✓ The order could allow reconsideration of stalled oil and gas projects, including new pipelines, which would cost billions of dollars to complete and threaten the welfare of local communities.
- ✓ Studies have shown that oil spills result in increased incidences of cancer, respiratory problems, and psychological problems. New oil pipelines would be up for reconsideration under Trump’s order while subject to a hastier review process.
- ✓ The order did not address consultation with tribal governments.

### President Trump Signed An Executive Order To Expedite The Environmental Review Process For Large Infrastructure Projects

#### UNDER TRUMP’S ORDER, “HIGH PRIORITY” INFRASTRUCTURE PROJECTS WOULD BE SUBJECT TO A STREAMLINED ENVIRONMENTAL REVIEW PROCESS

**Trump Ordered That The Executive Branch “Streamline And Expedite [...] Environmental Reviews And Approvals For All Infrastructure Projects.”** According to an executive order signed by President Trump, “To that end, it is the policy of the executive branch to streamline and expedite, in a manner consistent with law, environmental reviews and approvals for all infrastructure projects, especially projects that are a high priority for the Nation, such as improving the U.S. electric grid and telecommunications systems and repairing and upgrading critical port facilities, airports, pipelines, bridges, and highways.” [White House, [1/24/17](#)]

- **Trump’s Executive Order Listed A Number Of “High Priority” Project Areas, Including Upgrades And Repairs For Transportation Infrastructure And Pipelines.** According to an executive order signed by President Trump, “To that end, it is the policy of the executive branch to streamline and expedite, in a manner consistent with law, environmental reviews and approvals for all infrastructure projects, especially projects that are a high priority for the Nation, such as improving the U.S. electric grid and telecommunications systems and repairing and upgrading critical port facilities, airports, pipelines, bridges, and highways.” [White House, [1/24/17](#)]

#### TRUMP IMPLEMENTED A 30-DAY DEADLINE TO DETERMINE THE PRIORITY STATUS OF INFRASTRUCTURE PROJECTS

**Trump Gave The Chairman Of The White House Council On Environmental Quality (CEQ) A 30-Day Deadline To Determine Whether Infrastructure Projects Qualify As “High Priority” After A Request By A Governor Or The Head Of An Executive Department Or Agency.** According to an executive order signed by President Trump, “With respect to infrastructure projects for which Federal reviews and approvals are required, upon request by the Governor of a State, or the head of any executive department or agency (agency), or on his or her own initiative, the Chairman of the White House Council on Environmental Quality (CEQ) shall, within 30 days after a request is made, decide whether an infrastructure project qualifies as a ‘high priority’ infrastructure project.” [White House, [1/24/17](#)]

**Trump Ordered The CEQ Chairman To Establish “Expedited Procedures And Deadlines” For Environmental Reviews And Approvals For High Priority Projects.** According to an executive order signed by President Trump, “With respect to any project designated as a high priority under section 2 of this order, the Chairman of the CEQ shall coordinate with the head of the relevant agency to establish, in a manner consistent with law, expedited procedures and deadlines for completion of environmental reviews and approvals for such projects.” [White House, [1/24/17](#)]

### **Trump Said He Wanted Infrastructure Projects To Get A Quick “No” Or “Yes”**

**Trump Said That He Didn’t Want The Environmental Review Process To Take “Many, Many Years,” And That He Wanted Projects To Get A Quick “No” Or “Yes.”** According to The Independent, “Donald Trump has signed five new executive orders - including one to expedite environmental review and approval of high-priority infrastructure projects. The order directed that the permitting process and regulatory burden for domestic manufacturers should be streamlined to reduce what he called ‘the incredibly cumbersome, long, horrible’ process. ‘Sometimes it takes many, many years and we don’t want that to happen,’ he said, speaking in the Oval Office. ‘If it’s a ‘no’, we’ll get a quick ‘no’. If it’s a ‘yes’, it’s like, let’s start building.’” [The Independent, [1/24/17](#)]

- **Trump: “If We Intend To Fix Our Country, Our Bridges, Our Roadways, We Can’t Be In An Environmental Process For 15 Years.”** According to Rolling Stone, “Trump shortened the regulatory process for pipeline construction as well as the environmental-review process. ‘If we intend to fix our country, our bridges, our roadways, we can’t be in an environmental process for 15 years,’ the president said.” [Rolling Stone, [1/24/17](#)]

## **THE ORDER COULD APPLY TO HUNDREDS OF “EMERGENCY AND NATIONAL SECURITY PROJECTS” AS DEFINED BY THE TRUMP ADMINISTRATION**

**The National Governors Associated Indicated That It Received A List Of More Than 300 “Emergency And National Security Projects” From The Trump Transition Team.** According to the Ecological Society of America, “President Trump signed an executive order Tuesday, January 24, directing the still unnamed chair of the White House Council on Environmental Quality to exercise broad authority for ‘expediting environmental reviews and approvals for high priority infrastructure projects,’ mandating a thirty day decision timeline. [...] The expedited review order is seen as benefitting the Dakota Access and Keystone XL pipelines and possible infrastructure projects such as highways, airports, transmission lines and ports. The National Governors Association (NGA) has circulated a list of more than 300 potential ‘emergency and national security projects,’ purportedly received as a spreadsheet from the Trump transition team, which could benefit from the new order.” [Ecological Society of America, [1/27/17](#)]

## **The Order May Rush Environmental Reviews As Required Under The National Environmental Policy Act**

### **UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT, PROPOSED INFRASTRUCTURE PROJECTS MUST GO THROUGH A PUBLIC COMMENT PERIOD AND SUBSTANTIAL ENVIRONMENTAL REVIEW**

**Washington Post: The National Environmental Policy Act Subjects Infrastructure Projects To “Extensive Analysis Of Development To Determine Its Impact To Public Health And The Environment.”** According to The Washington Post, “President Trump signed an executive order Tuesday to fulfill his goal of ‘expediting environmental reviews and approvals’ to fast track an effort to ‘fix our country, our roadways and bridges.’ The order said that too often, big government and commercial projects are snagged by agency processes and procedures that costs jobs and money. Under the order, agencies that undertake environmental and other analyses before greenlighting development should work with ‘maximum efficiency and effectiveness’ to complete them. [...] The largest hurdle to fast development is the National Environmental Policy Act (NEPA). It calls for extensive analysis of development to determine its impact to public health and the environment, including whether it might hurt air quality or foul water.” [Washington Post, [1/24/17](#)]

**The NEPA Review Process Included Public Notice, A Comment Period, And Environmental Review.** According to The Washington Post, “The basic principle of democracy is what NEPA is all about, said Sharon Buccino, director of the Land and Water program for the Natural Resources Defense Council. The NEPA process includes public notice, participation, comment on project proposals and environmental review.” [Washington Post, [1/24/17](#)]

**Food And Water Watch Co-Director Scott Edwards Called NEPA The “Magna Carta Of The Environmental World.”** According to The Washington Post, “‘NEPA is the Magna Carta of the environmental world,’ said Scott Edwards, co-director of Food and Water Watch’s legal division.” [Washington Post, [1/24/17](#)]

**Heritage Foundation Senior Research Fellow Diane Katz Admitted That The National Environmental Policy Act Was “The Vanguard Of American Environmental Protection.”** According to E&E News, “‘NEPA has been for many, many years an impediment to timely completion of projects, for a great many reasons,’ said Diane Katz, senior research fellow in regulatory policy at the Heritage Foundation. [...] ‘At the same time there is a great deal of sentiment about NEPA because it was at the vanguard of American environmental protection. So there is strong resistance to changing it.’” [E&E News, [1/26/17](#)]

### **Natural Resources Defense Council: Trump’s Order Could “Bypass More Thoughtful Public Participation And Environmental Review”**

**The Natural Resources Defense Council Reported That The Order Could “Bypass More Thoughtful Public Participation And Environmental Review.”** According to the National Resources Defense Council, “President Donald Trump is speeding up the permitting process for infrastructure projects, including oil pipelines such as Dakota Access and Keystone XL. He signed an executive order today that gives governors the ability to hasten a project by deeming it a ‘national priority.’ A rushed approval process would bypass more thoughtful public participation and environmental review.” [National Resources Defense Council, [1/24/17](#)]

## **Funding And Staff Shortfalls Were The Primary Causes Of Infrastructure Project Delays, Not NEPA Reviews**

**Funding Shortfalls, Which Resulted In Understaffed Agencies, Were The Number One Cause Of Infrastructure Project Delays, Not NEPA Reviews.** According to an opinion by Earthjustice associate legislative counsel Raul Garcia and The Partnership Project NEPA campaign director Stephen Schima for Law360, “One of the persistent, but false, narratives around project delivery is that NEPA is a primary cause of delay. The truth, however, is that the number one cause of project delay is a severe lack of funding resulting in understaffed, under-resourced agencies and underfunded infrastructure projects.” [Law360, [1/25/17](#)]

- **According To A 2011 CEQ Litigation Survey, Less Than 0.25 Percent Of Projects Subject To NEPA Review Resulted In Litigation.** According to an opinion by Earthjustice associate legislative counsel Raul Garcia and The Partnership Project NEPA campaign director Stephen Schima for Law360, “Those calling for further ‘streamlining’ also allege that NEPA delays permitting because it frequently leads to litigation, but once again, the facts do not support the claim. The most recent litigation survey in 2011 by the Council on Environmental Quality indicated that 94 NEPA cases were filed that year. Out of the 50,000 actions subject to NEPA annually, this represents less than 0.25 percent of all projects subject to NEPA.” [Law360, [1/25/17](#)]

## **Political Pressure To Rush Environmental Reviews Led To A “Significantly Compromised” Environmental Impact Statement And The Unamicable Departure Of Federal Employees**

**The U.S. Department Of Interior’s Office Of The Inspector General Reported In December 2015 That Federal Regulators Had Rushed The Environmental Review Of An Offshore Arctic Oil Development.** According to Alaska Dispatch News, “Regulators hoping to avoid criticism and potential congressional backlash rushed an environmental review of offshore Arctic oil development to ensure that Royal Dutch Shell would be able to drill this year, said a report issued Monday by a federal watchdog agency. The investigation, conducted by the U.S. Department of Interior’s Office of the Inspector General, was launched in response to complaints from Bureau of Ocean Energy Management employees who worked on a rewrite of the supplemental environmental impact statement for oil leasing in the remote Chukchi Sea off Alaska’s northwest coast.” [Alaska Dispatch News, [9/28/16](#)]

**Department Of Interior Chief Of Staff Tommy Beudreau “Considered Pressure And Potential Criticism From Alaska’s Congressional Delegation [...] When Establishing The Timeline For Completion” Of The Study.** According to Alaska Dispatch News, “According to the report, Department of Interior Chief of Staff Tommy Beudreau told investigators that he considered pressure and potential criticism from Alaska’s congressional delegation -- the report mentions Sen. Lisa Murkowski by name -- when establishing the timeline for completion of the environmental review.” [Alaska Dispatch News, [9/28/16](#)]

**A Biologist Who Worked On The Environmental Impact Statement Said That The Shortened Timeline “Significantly Compromised” The Quality Of The EIS.** According to Alaska Dispatch News, “A fish biologist who worked on the supplemental EIS and was interviewed for the report told investigators that the tight timeline ‘significantly compromised’ the quality of the environmental review. An oceanographer who was also interviewed ‘said that she had never worked on an SEIS with such a short timeline in her 26-year career,’ the report said.” [Alaska Dispatch News, [9/28/16](#)]

- **“A Former Regional Supervisor Told Investigators She Expressed Several Times That The Short Timeline Would Compromise The Quality” Of The Environmental Impact Statement.** According to Alaska Dispatch News, “A former regional supervisor told investigators she expressed

several times that the short timeline would compromise the quality of the EIS.” [Alaska Dispatch News, [9/28/16](#)]

**The Rushed Timeline “Was Cited [...] As The Cause Of Low Morale And Some Early Retirements And Worker Departures From The Agency.”** According to Alaska Dispatch News, “The supplemental EIS, made final in February, was the court-ordered result of a lawsuit that challenged a record-breaking 2008 Chukchi Sea lease sale, the auction in which Shell spent \$2.1 billion to acquire exploration tracts. [...] However, the report said, the expedited timeline to complete the environmental review was cited by past and present employees as the cause of low morale and some early retirements and worker departures from the agency.” [Alaska Dispatch News, [9/28/16](#)]

### **Hasty Completion Of NEPA Reviews, As Ordered By Trump, Would Likely Fail To Pass Legal Muster**

**According To Center For American Progress Domestic Energy Policy Director Alison Cassady, A “Poor Or Roughshod” NEPA Review Would Be “Subject To Legal Challenge And Probably Lose.”** According to E&E News, “Alison Cassady, director of domestic energy policy at the Center for American Progress, said that on its face, the Trump proposal copies a process that Congress mandated in the 2015 Fixing America's Surface Transportation (FAST) Act. [...] If the unstated purpose of the Trump program is to shortcut the NEPA environmental reviews, it will backfire, she predicted. ‘Doing a poor or roughshod review expedites nothing, because then it will be subject to legal challenge and probably lose,’ she said.” [E&E News, [1/26/17](#)]

## **TRUMP’S ORDER WOULD BE A BOON TO THE OIL AND GAS INDUSTRY**

**Strategas Policy Research Director Daniel Clifton Said That Speeding Up The Environmental Review Process Could Allow Reconsideration Of Stalled Oil And Gas Projects.** According to CNBC, “By easing the approval process for infrastructure programs, President Donald Trump may have resurrected a number of other oil and gas projects that were languishing. [...] Additionally, he signed orders expediting environmental review and approval process for high-priority infrastructure projects. ‘There's other executive orders that speed up the environmental review process, and I believe that will open up the door to these other stalled projects going through,’ said Daniel Clifton, head of policy research at Strategas.” [CNBC, [1/24/17](#)]

- **Since The Obama Administration Rejected The Keystone XL Pipeline, About 10 Energy Projects Were Stalled, Totaling Approximately \$7 Billion.** According to CNBC, “‘There's other executive orders that speed up the environmental review process, and I believe that will open up the door to these other stalled projects going through,’ said Daniel Clifton, head of policy research at Strategas. Clifton said there were about 10 other energy projects, totaling \$7 billion, that were turned down or held up since the Obama administration rejected the estimated \$10 billion Keystone XL Pipeline in November 2015.” [CNBC, [1/24/17](#)]

**Among The Stalled Projects That Could Be Reconsidered Under President Trump’s Order Were The PennEast And Atlantic Coast Pipelines.** According to CNBC, “By easing the approval process for infrastructure programs, President Donald Trump may have resurrected a number of other oil and gas projects that were languishing. [...] Among the other projects are the \$3 billion Atlantic Sunrise project in Pennsylvania, delayed in March, and the \$3 billion Jordan Cove LNG project in Oregon, rejected in March. The \$700 million Gateway Pacific coal terminal was rejected in May, and the PennEast Pipeline, in Pennsylvania and New Jersey, was delayed in March. The \$5.1 billion Atlantic Coast Pipeline in West Virginia, Virginia and North Carolina was delayed in April.” [CNBC, [1/24/17](#)]

## **STUDIES HAVE SHOWN THAT OIL SPILLS HAVE RESULTED IN INCREASED INCIDENCES OF CANCER AND RESPIRATORY PROBLEMS, AS WELL AS PSYCHOLOGICAL PROBLEMS**

**From 2013 To 2015, An Average Of 121 Accidents Involving Oil And Petroleum Pipelines Happened Every Year.** According to Business Insider, “Since 1995, more than 2,000 significant accidents involving oil and petroleum pipelines have occurred, adding up to roughly \$3 billion in property damage, according to data obtained by the Associated Press from the Pipeline and Hazardous Materials Safety Administration. From 2013 to 2015, an average of 121 accidents happened every year.” [Business Insider, [11/1/16](#)]

**Worcester Polytechnic Institute: Oil Spills Resulted In Increased Incidences Of Cancer And Digestive Problems As Well As Skin Problems Ranging From Mild Rashes To Severe And Lasting Eczema And Malignant Skin Cancers.** According to Business Insider, “An in-depth 2010 report from Worcester Polytechnic Institute, which looked at the effects of three major oil spills, found increased incidences of cancer and digestive problems in people who had ingested the oil directly (in drinking water) or indirectly (through eating the meat of livestock exposed to the oil). In addition, people who had used contaminated water for bathing or laundry appeared to experience a higher incidence of skin problems, ranging from mild rashes to severe and lasting eczema and malignant skin cancers.” [Business Insider, [11/1/16](#)]

**University Of Southern California’s Lawrence Palinkas: People In Communities Impacted By The Exxon Valdez Spill Had Higher Incidence Of PTSD, Depression, And Anxiety, Which Translated Into Physiological Problems.** According to NPR, “[USC’s Lawrence] Palinkas says the Exxon Valdez aftermath showed that oil spills do affect the rate of physical illness — although not in the directly toxic way that many people imagine. People in communities where the oil fouled the beaches had much higher incidence of post-traumatic stress disorder, depression and anxiety. And that mental stress, Palinkas says, translated into higher rates of heart attacks, high blood pressure, diabetes, respiratory disorders and other physical illnesses.” [NPR, [6/23/10](#)]

**Deepwater Horizon Clean-Up Crews Reported Symptoms Including Chest Pain, Dizziness, Headaches, And Respiratory Distress.** According to Scientific American, “Scientists are still assessing the ecological damage wrought by the Deepwater Horizon oil spill in the Gulf of Mexico earlier this year. Other researchers, however, are looking at subtler signs of the disaster's potential impacts on human health. More than 300 people had come forward with spill-related symptoms in the few months after the rig exploded. Of those, some three quarters were people directly involved in the clean-up effort, noted the authors of a new commentary piece set for publication September 8 in JAMA, Journal of the American Medical Association. Some of the common complaints have included chest pain, coughing, dizziness, headaches, respiratory distress and vomiting.” [Scientific American, [8/16/10](#)]

**Researchers Found That Of Those Who Assisted In Clean-Up After The Exxon Valdez Spill, People Who Worked Closely With The Oil Had “A Greater Prevalence Of Symptoms Of Chronic Airway Disease.”** According to Scientific American, “Although few previous oil spills have reached the proportions of the Deepwater Horizon disaster, scientists have been combing the literature for clues about long- and short-term health impacts. Some 270 people who worked on clean-up of the Exxon Valdez spill filed claims for respiratory problems, and follow-up surveys have found that those who had worked most closely with the spilled oil had ‘a greater prevalence of symptoms of chronic airway disease,’ Solomon and Janssen noted.” [Scientific American, [8/16/10](#)]

## **TRUMP’S ORDER DID NOT CONSIDER CONSULTATIONS WITH TRIBAL GOVERNMENTS**

**The National Law Review Noted That President Trump’s Executive Order Did Not “Provide Any Specific Direction About Consultations With Tribal Governments.”** According to The National Law Review, “Similar uncertainties surround the EO on ‘High Priority’ projects. [...] The EO also does not provide any specific direction about consultations with Tribal governments, particularly under the National Historic Preservation Act Section 106 process.” [National Law Review, [1/26/17](#)]