

COALITION FOR SENSIBLE SAFEGUARDS

March 24, 2014

Dear Senator:

The Coalition for Sensible Safeguards strongly opposes S. 1397, the Federal Permitting Improvement Act of 2013. Rather than improve the permitting process, this legislation creates a layer of cumbersome bureaucracy in the federal Office of Management and Budget, and gives great power to a “regulatory czar” in OMB.

The OMB’s Chief Regulatory Permitting Officer, assisted by agency officials forming a Federal Permitting Improvement Council, would have jurisdiction over virtually every highway, energy, and other type of infrastructure project on federal lands.

The legislation would make it for more difficult for the public to raise legitimate concerns about the thousands of infrastructure projects, potentially harming both the environment and public health. It would also greatly restrict the public’s access to the courts to block unwise, wasteful or environmentally damaging projects.

This bill would:

- Fail to address the cause of project delays because it is based on the demonstrably false premise that environmental reviews are the primary source of delay. There is no evidence that the federal environmental review process is a major factor in project delays. Indeed, Congressional Research Service studies of federal highway projects have concluded that the primary causes of delay are unrelated to federally mandated environmental reviews
- Limit Public Input in Federal Decisions. –The public’s time for comment is shortened from 90 to 60 days, and in some cases, citizens are given fewer than 60 days to weigh in. In addition, the window for citizens to seek judicial review of a project is reduced *from six years to less than six months (150 days.)*
- Potentially eliminate federal Environmental Review. – The bill allows project sponsors to ask that projects be reviewed under state standards. Since states often have weak regulatory agencies, or energy commissions that have long been dominated by industry interests, this would greatly weaken crucially needed assessment of the impacts of these projects on public health and the environment.

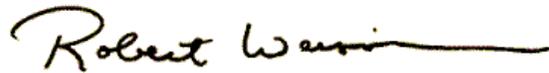
- Substantially Limit Judicial Review – the bill vastly weakens the power of citizens to stop a project for which they have serious concerns through a court injunction. The bill directs a court to grant an injunction based not only on the merits of the case, but also on its impact on the economy and job creation. It also would restrict access to the judicial process to citizens who complained early enough and with sufficient specificity.
- Undermine the Intent of the National Environmental Policy Act. When passed by an overwhelmingly bi-partisan Congress forty years ago, NEPA had the twin goals of allowing the public to participate in the decision-making process and ensuring that the true impacts of Federal projects are disclosed. NEPA’s guarantees of public input and government transparency are crucial to protecting federal lands and local from short-sighted and uninformed project development. This bill would not address the primary causes for project delays and its supposed remedies would gut crucial environmental and public health protections.

We urge your opposition.

Sincerely,



Katherine McFate, President and CEO,
Center for Effective Government
Co-chair, Coalition for Sensible Safeguards



Robert Weissman, President,
Public Citizen
Co-chair, Coalition for Sensible Safeguards

The Coalition for Sensible Safeguards is an alliance of consumer, labor, scientific, research, good government, faith, community, health, environmental, and public interest groups, as well as concerned individuals, joined in the belief that our country’s system of regulatory safeguards provides a stable framework that secures our quality of life and paves the way for a sound economy that benefits us all.