

Federal agencies may have to consider climate before they act

The Obama administration may issue an order that would expand the National Environmental Policy Act's scope to prevent global warming. The move could open up new avenues to challenge projects.

Jim Tankersley, Los Angeles Times, 1-1-10

WASHINGTON -- The White House is poised to order all federal agencies to evaluate any major actions they take, such as building highways or logging national forests, to determine how they would contribute to and be affected by climate change, a step long sought by environmentalists.

Environmentalists say the move would provide new incentives for the government to minimize the heat-trapping gas emissions scientists blame for global warming. Republicans have opposed it as potentially inhibiting economic growth.

The new order would expand the scope of the National Environmental Policy Act, or NEPA, a landmark statute that turns 40 today. The act already requires federal agencies to consider environmental impacts such as land use, species health and air and water quality when approving projects.

By formalizing a requirement to consider effects on climate -- a step some agencies already take -- the administration would introduce a broad new spectrum of issues to be considered. It could also open up new avenues for environmentalists to attack, delay or halt proposed government actions. The environmental impact statements originally required by the act have become routine battlegrounds for environmentalists, developers and others.

Under the order, agencies would need to account for whether such factors as predicted rises in sea levels would affect proposed new roads along shorelines; or whether, because of temperature changes and species migration, clear-cutting a patch of forest would result in new types of trees replacing the originals.

California lawmakers mandated in 2007 that state-level environmental assessments take climate change into account.

"People will think longer and harder and smarter about what they build when they understand that the environment around them is changing," said David Bookbinder, chief climate counsel for the Sierra Club. Bookbinder was one of several environmental lawyers who petitioned the White House in 2008 to formally recognize climate considerations under the act.

The head of the White House Council on Environmental Quality, Nancy Sutley, said in an interview this week that federal agencies "should think about both the effect of greenhouse gas emissions, and the effects of climate change, on decisions they make."

She added that the administration's decision was not yet final.

Business groups and many Republicans say that federal environmental reviews already hamstring economic development with red tape and they've warned that adding climate to the process would just make things worse.

"Requiring analysis of climate change impacts during the NEPA process . . . will slow our economic recovery

while providing no meaningful environmental benefits," Sens. James M. Inhofe (R-Okla.) and John Barrasso (R-Wyo.), wrote in a letter to Sutley in October.

"Projects across the nation are already experiencing delays or being canceled due to inappropriate and inefficient implementation and litigation from existing environmental regulations," the letter said.

In a letter responding to Inhofe and Barrasso, Sutley said the act "cannot be used to regulate greenhouse gas emissions," suggesting that the administration would not block projects simply because they would add carbon dioxide to the air.

She also said that the act had not slowed any projects from being approved under the \$787-billion economic stimulus package passed last year. In the interview, Sutley said that wouldn't change even if climate considerations were included in the process.

"I don't think that we have much to fear in terms of NEPA being a barrier to getting things done," she said.