

Attorney General Raoul Challenges Rule Curtailing Environmental Review Of Federal Actions

August 31 2020 10:23 AM



CHICAGO – Attorney General Kwame Raoul joined a multistate coalition today [to file a lawsuit](#) challenging the federal government’s unlawful final rule curtailing requirements under the National Environmental Policy Act (NEPA).

The rule undercuts NEPA’s requirement that federal agencies review and assess the impact of their actions on the environment. The final rule also limits public participation in the review process, robbing residents of vulnerable communities of the opportunity to be heard on actions that are likely to have adverse environmental and health impacts. In the lawsuit, Raoul and the coalition argue that the final rule abandons informed decision making, public participation, and environmental and public health protections in violation of the Administrative Procedure Act (APA) and NEPA.

“From hurricanes in the southern part of the nation, to wildfires in California to a derecho in the Midwest, we are watching the effect climate change is having on communities throughout the United States. It is more important than ever that federal agencies be required to detail the environmental impact of their actions,” Raoul said. “Residents have a right to know and provide feedback related to the effect federal action will have on the environment and public health in their communities.”

Enacted in 1969, NEPA is one of the nation’s foremost environmental statutes. NEPA requires that before any federal agency undertakes “major Federal actions significantly affecting the quality of the human environment,” it must consider the environmental impacts of the proposed actions, alternatives to the actions and any available mitigation measures. Numerous federal actions – from the approval of significant energy and infrastructure projects to key decisions concerning the management of federal public lands – require compliance with NEPA.

On July 15, the federal government’s Council on Environmental Quality announced a final rule upending the requirement that federal agencies comprehensively evaluate the impacts of their actions on the environment and public health. This will result in agencies taking actions without fully understanding the impacts on climate change; overburdened and underserved communities; water and air quality; and sensitive, threatened, and endangered wildlife. In addition, the final rule so severely limits NEPA’s public participation process that it threatens to render it a meaningless paperwork exercise.

In the lawsuit, Raoul and the coalition argue that the final rule violates NEPA and APA because it:

- Is contrary to NEPA's language and purpose and exceeds the Council on Environmental Quality's statutory authority.
- Is arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law.
- Was promulgated without preparing an Environmental Assessment or an Environmental Impact Statement evaluating the rule's environmental and public health impacts.

Joining Raoul in filing the lawsuit are the attorneys general of California, Connecticut, Delaware, the District of Columbia, Guam, Maine, Maryland, Massachusetts, Michigan,

Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin; the city of New York; Harris County, Texas; the Connecticut Department of Environmental Protection; and the New York State Department of Environmental Conservation.