

CLIMATE

White House unveils long-awaited greenhouse gas guidance

Niina H. Farah, E&E News reporter • Published: Friday, June 21, 2019



White House Council on Environmental Quality Chairwoman Mary Neumayr speaks during an event in Washington, D.C., earlier this week. Francis Chung/E&E News

The White House Council on Environmental Quality today released its long-awaited draft guidance on how federal agencies should consider greenhouse gas emissions under the National Environmental Policy Act.

The brief nine-page [document](#) sent today to the *Federal Register* for publication, is meant to clarify how agencies should account for potential increases in emissions in federally backed projects like highway and bridge construction.

Compared with an effort by the previous administration, the new document appears to be broader and give agencies more discretion to determine to what degree they will need to consider greenhouse gases in major actions.

CEQ has not provided any parameters for considering greenhouse gas emissions under NEPA since President Trump rescinded the Obama administration's final guidance in April 2017.

"The Administration is working to make the environmental review process for major infrastructure projects more efficient, timely and effective. CEQ's draft guidance is intended to assist agencies in meeting their obligations under NEPA and to improve the timeliness of permitting decisions for projects to modernize our nation's infrastructure," said CEQ Chairwoman Mary Neumayr in a statement.

Environmental groups had raised concerns the guidance would not fully account for federal actions' emissions, potentially by limiting how much agencies could consider the indirect greenhouse gas emissions from projects. The draft does little to clear up those concerns.

It instructs agencies to use both greenhouse gas inventory information, including at the local, state and regional level, and an "appropriate literature review" to meet NEPA's requirement to assess the cumulative effects of the proposed actions.

Analysis of the impact of greenhouse gas emissions shouldn't be weighted any more than other effects of the project, the guidance states.

Agencies, it says, should "attempt to quantify a proposed action's projected direct and reasonably foreseeable indirect GHG emissions, when the amount of those emissions is substantial enough to warrant quantification, and when it is practicable to quantify them using available data and GHG quantification tools."

However, if an agency finds it does not have "reasonably available" tools, methods or data to assess greenhouse gas emissions, then the agency must offer an explanation for why information on emissions is not available.

CEQ encourages agencies to come up with alternative project plans and to compare those alternatives' relative emissions, along with economic and technical factors, when deciding between them. Like the Obama-era guidance, it says agencies don't have to conduct a cost-benefit analysis.

The Trump administration's draft includes a line stating the social cost of carbon is not meant for socioeconomic analysis under NEPA.

That's in contrast with the Obama administration, which stated in a footnote that social cost of carbon could be used for developing a quantifiable cost-benefit analysis.

Raul Garcia, senior legislative counsel at Earthjustice, found CEQ's remarks on counting indirect emissions "substantial enough to warrant quantification" as potentially concerning.

"That's very, very open language, allowing for a lot of mischief," he said. That suggests, he said, agencies could choose to take a more limited view of what indirect emissions could be quantified.

Sally Hardin, a research analyst for the Center for American Progress Energy and Environment War Room, saw the guidance as a means to give the Trump administration some cover in NEPA litigation. The administration has faced court challenges over whether its actions comply with NEPA ([Greenwire](#), Nov. 27, 2018).

"My take is this is their effort of basically undoing the logjam of those court cases," Hardin said. "I don't think this will give them any more certainty in moving forward on their energy dominance agenda."

Reporter Nick Sobczyk contributed.

Twitter: [@niina_h_farah](#) | Email: nfarah@eenews.net

The essential news for energy & environment professionals

© 1996-2019 Environment & Energy Publishing, LLC [Privacy and Data Practices Policy](#) [Site Map](#) [Contact Us](#)
