

CLEARPATH

The Biden Admin’s Misguided Permitting Implementation Rule *ClearPath Highlights Top 5 Missteps*

Washington, DC – July 31, 2023 – The Biden Administration’s Council on Environmental Quality (CEQ) [released new guidance](#) for implementing the National Environmental Policy Act (NEPA) on Friday. ClearPath, who said it will be submitting formal comments to the proposed rulemaking, released five areas that undermine recent bipartisan permitting reform efforts.

“The Administration is actively working against its own climate goals in this proposed rule. We need to deploy more clean energy projects, not fewer, and do so at a much faster pace and scale than we do today,” said **ClearPath CEO Rich Powell**. “The proposed rule will make it more difficult to site and permit projects, increase interagency bureaucracy, and ultimately increase emissions through permitting delays.”

This proposed rule will make it harder to deploy clean energy infrastructure projects. ClearPath highlighted the top five missteps of the latest NEPA guidance here:

1. **Defaults to the status quo that is making permitting worse** — Page 4 undermines provisions of the Fiscal Responsibility Act by codifying existing permitting practice or case law instead of reforming what is broken and slowing down new projects.
2. **Creates more confusion for project developers** — Page 32 makes CEQ’s existing regulations the basis to allow agencies to individually set additional requirements for NEPA reviews, eliminating consistency between agencies and creating potential for additional interagency disputes that can delay reaching a final decision.
3. **Allows agencies to consider unrelated alternatives** — Pages 15, 91 remove the requirement that agencies conduct reviews based on the applicant’s goals and the agency’s statutory authority, which could eliminate some of the best clean energy projects.
4. **Creates more bureaucracy and red tape** — Page 32, 36, 44, 90 would allow agencies to comment on areas beyond their jurisdictional boundaries, unwinding common sense reforms from the 2020 NEPA changes.
5. **Invites more litigation** — Pages 96, 132 add new community engagement requirements without defining them, and fails to ensure that input is relevant to the project development permit.

MEDIA CONTACT
Emily Johnson
emily@clearpath.org
678-761-1864

PRESS RELEASE
July 31, 2023

CLEARPATH

ABOUT CLEARPATH

ClearPath's mission is to develop and advance policies that accelerate innovations to reduce and remove global energy emissions. To advance that mission, we develop cutting-edge policy solutions on clean energy and industrial innovation. An entrepreneurial, strategic nonprofit, ClearPath (501(c)(3)) collaborates with public and private sector stakeholders on innovations in nuclear energy, carbon capture, hydropower, natural gas, geothermal, energy storage, and heavy industry to enable private-sector deployment of critical technologies. Learn more at clearpath.org. Follow us on Twitter: [@ClearPathAction](https://twitter.com/ClearPathAction)