

# Testimony of Katie J. Murtha At a Council on Environmental Quality hearing on NEPA

February 25, 2020

Hello – thank you for allowing me the chance to speak.

My name is Katie Murtha, and I am currently the Vice President of Federal Government Affairs for Environment America and the U.S. Public Interest Research Group. I have been in this position for approximately three years. In this capacity I continue working on environmental and public interest issues.

Prior to taking this position, I had the distinct honor, privilege and pleasure of spending 17 years working for my hometown congressman, Representative John D. Dingell. Congressman Dingell was known for many things, including being a true conservationist. I was lucky enough to work on conservation issues in his office.

Congressman Dingell used to say he was happy to serve on a “little committee called the Merchant Marine and Fisheries Committee.”, The reason: It was from there he was able to write some of our major environmental and conservation laws. Notably, this included the National Environmental Policy Act (NEPA). Congressman Dingell worked with Senator Henry “Scoop” Jackson and on Feb. 17, 1969, Mr. Dingell introduced the House companion bill to Jackson’s Senate version, S. 1075.

In point of fact, this year is the 50th anniversary of NEPA. Back then, this bill was a no-brainer. The House Committee Report pointed out no witnesses testified in opposition to the bill and it passed overwhelmingly on the floor with 372 yes votes. In the Senate, the bill passed unanimously. It was signed into law by President Nixon on Jan. 1, 1970. At that signing, President Nixon said: “The 1970s must absolutely be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never. It is particularly fitting that my first official act in this new decade is to approve the National Environmental Policy Act”

Although you’ve already heard about many of NEPA’s important qualities, I would be remiss if I didn’t reiterate this law’s comprehensive importance:

- For each federal project, it requires the completion of an environmental assessment, which determines whether it is likely to have a significant impact on the environment.
- For those projects likely to have a significant impact, the completion of a detailed **environmental impact statement** (EIS) must be made available to the public for review. This ensures a **public comment** period, which gives citizens the opportunity to voice any concerns about the project and to identify problems or omissions in the EIS.
- More broadly, it established the Council on Environmental Quality within the Executive Office of the President, which helps develop environmental initiatives and coordinates environmental efforts throughout federal agencies.

All of this is substantively essential for protecting the environment and must be front-of-mind. That said, to fully understand this bill, I want to recount a story about my conservation hero, my former boss Congressman Dingell. One day, very early in my employment, I had heard some grousing about NEPA well after it had become a law. I went straight to the source and said, “Hey chief, do you have a few minutes?” As always, Mr. Dingell said, “Sure, Katie, sit down, be comfortable. What’daya got?”

I said, "Chief, NEPA – you wrote the House version of NEPA, how would you explain it? Because I'm hearing a lot of complaints from the majority about this law.

He said, "Well, it's actually really quite simple. For federal projects, it requires the government to look before it leaps. For example, if the government is building a bridge, a road, a port, a building or drilling, they simply have to provide an environmental impact statement which lays out whether it will go through endangered species territory or an area that is ripe for pollinators to breed. If so, the environmental statement could propose an alternative location nearby that doesn't have those same issues. It further allows people the right to have a say in what is going on. It doesn't stop anything, it doesn't prevent anything – it simply says, 'We want to know about these things and if there is a palatable alternative, we ought to consider it.'"

This was eminently fair and gave me a response to anybody who questioned the law moving forward. With that in mind, I will end my comments by requesting two things:

1 – The administration must reconsider its proposal to weaken NEPA. The changes would allow federal agencies to completely ignore the potential climate impacts of projects under review. It is simply absurd to think climate change is not significant enough to warrant an environmental review. In addition, the new "non-major" project category that's recommended creates a category exempt from review. At the same time, the rules are unclear as to what would qualify as a "non-major" project. This opens up a possible loophole that could allow mining, drilling or other environmentally destructive projects to move forward without any environmental assessment at all.

2 - Before any decision is made by this administration, in the spirit of NEPA's focus on public input, the public comment period for changes to this landmark legislation must be extended to a minimum of 120 days. The public deserves the right to fully weigh in on this misguided proposal.

Thank you for your time today.



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