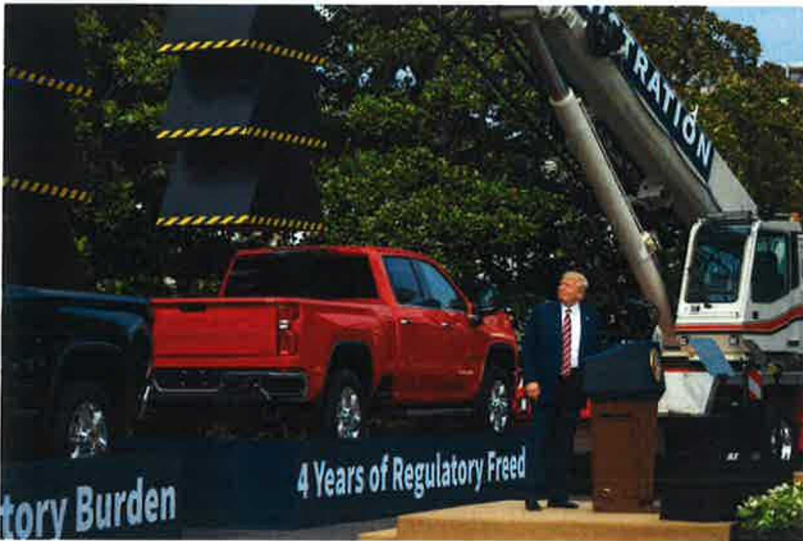


# Trump's New Chant: Build the Road

Fixing environmental reviews will pay real dividends for years.

By [The Editorial Board](#)

July 16, 2020 7:17 pm ET



President Donald Trump speaks during an event about regulatory reform on the South Lawn of the White House on July 16.

PHOTO: DREW ANGERER/GETTY IMAGES

President Trump often gets itchy to sign some giant public-works spending bill. Here's a much better gift to America: The White House on Wednesday finished its renovations to the process for environmental reviews. This might sound as dry as old cement, but it'll help big projects get built for years to come—that is, if President Joe Biden doesn't use an expedited procedure next year to undo it.

A 1970 law called the National Environmental Policy Act, or NEPA, mandates an environmental study if a major project involves federal funding or permitting. In 1981 the expectation by the White House Council on Environmental Quality (CEQ) was that even for “large complex energy projects,” the whole review process “would require only about 12 months.”

Today that seems heavenly. In recent years the average review involving an environmental impact statement took 4.5 years, and the final document ran to 661 pages, before appendixes. In a quarter of cases, the process burned at least six years and 748 pages. Those timelines don’t necessarily count any subsequent lawsuits over whether the NEPA review was faulty. One sadly spectacular outlier was a 12-mile highway expansion in Denver that took 13 years to get through environmental review.

The Trump Administration’s reforms, which are the first comprehensive update to NEPA rules since 1978, establish presumptive limits. A full environmental impact statement, the new rules say, should take no more than two years and 300 pages. An environmental assessment, which is less intensive, should max out at a year and 75 pages. Going longer will require written permission by “a senior agency official.”

The CEQ estimates that federal agencies complete about 175 impact statements each year, plus 10,000 assessments. Do the math, and in a decade the Trump Administration’s rules could literally cut thousands of years of cumulative delay, speeding everything from interstate highways to gas pipelines to subway lines.

Prolonged delays have real costs: They raise the price of building, cause projects to be abandoned, keep drivers wasting gasoline in snaillike traffic, and so forth. Making

environmental reviews succinct will be better for informing citizens, since a focused 100-page study is more likely to be read than a flabby 700-page one.

The Trump rule removes language about “cumulative” effects and says that purported environmental consequences “should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain.” NEPA isn’t intended to assess whether a natural-gas pipeline in the Midwest might cause flooding in Florida in 2100. Impact statements must now include the estimated cost to prepare them, which the CEQ says in the past hasn’t been “routinely tracked.”

If Democrats sweep Washington in November, the danger is that they might overturn this using the Congressional Review Act. That fast-track process requires only a simple majority, bypassing the Senate filibuster. Under the CRA, the 2021 Congress will be able to nix regulations promulgated during this year’s final 60 legislative days. The precise “lookback” window isn’t certain until the adjournment gavel is slammed, but it’s probably here already. Maybe Mr. Trump should switch his 2020 rally chant from “Build the Wall” to “Build the Road.”

No amount of administrative rule-making can bulldoze the legal bog where America’s builders get mired. NEPA, the CEQ emphasizes, is “a procedural statute,” and the Trump Administration’s rules don’t “alter any substantive environmental law or regulation.” That said, these will be much better procedures if they prevent another 13-year study of a 12-mile road.