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2. CLIMATE:**CEQ tells court that overhauling NEPA regs isn't necessary**

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The Obama administration doesn't think it needs beefed-up regulations to require federal agencies to consider climate change during environmental analyses of proposed projects.

Michael Boots, acting chairman of the White House Council on Environmental Quality, **told** environmentalists and a federal court this week that revising National Environmental Policy Act (NEPA) regulations isn't necessary because the existing regulations already force agencies to consider the impacts of climate change.

Boots' comments were filed in response to a 2008 petition to the George W. Bush administration by environmental advocacy groups. The groups – the International Center for Technology Assessment, Natural Resources Defense Council and Sierra Club – asked CEQ to amend its NEPA regulations to clarify that climate change analysis is required in NEPA reviews and to issue a guidance memo about how best to do so.

In early 2010, the Obama administration issued draft guidance to require agencies to consider greenhouse gas emissions and climate change effects when carrying out NEPA reviews and said it would take public comment for 90 days on the **proposal** ([Greenwire](#), Feb. 19, 2010).

More than four years later, a final guidance document hasn't yet been issued. On her last day in office in February, outgoing CEQ Chairwoman Nancy Sutley said uniform guidance wasn't urgent because agencies were already including climate impacts into their NEPA reviews.

"I think most agencies already recognize that they need to consider greenhouse gas emissions as an environmental effect under NEPA and need to consider to what extent they need to analyze that as part of their NEPA review," Sutley said ([Greenwire](#), Feb. 25).

Boots echoed that sentiment in his filing with the court. "The existing regulations already encompass consideration of climate effects and CEQ is using mechanisms other than guidance to assist federal agencies in considering [greenhouse gases] in their NEPA compliance," he said. "Moreover, CEQ has an ongoing process underway considering the issuance of guidance."

He **asked** the court to dismiss the 2008 petition.

Michael Gerrard, director of the Center for Climate Change Law at Columbia Law School and one of the 2008 petitioners, said changing the NEPA regulations would be "desirable" but not "essential," because there are "numerous court decisions saying that climate change analysis is appropriate under the current regulations."

Gerrard added that final guidance from CEQ would help improve consistency across agencies when it comes to incorporating the impacts of climate change into NEPA analyses. "I think that the experience in the last four years has shown that more specificity would be helpful," he said.

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