

Over the past two years, Congress has funded and incentivized an unprecedented amount of new infrastructure, which has the potential over the next decade to transform the nation's transportation, energy and water systems.

To achieve the goals of the legislation, Congress and the Administration should continue to improve the federal permitting process, particularly for energy. Permitting reform can address escalating costs, critical minerals supply chain vulnerabilities, transmission constraints and other barriers to American energy success.

The most significant action Congress can take to increase the production and export of American energy is to further streamline the permitting process to make it easier to build American infrastructure and grow America's clean energy capacity.

## Modernize the U.S. Permitting System

There is bipartisan agreement that our existing permitting system is a hindrance to expanding U.S. energy production and exports and accelerating the clean energy transition. The permitting reforms Business Roundtable supports would reduce emissions, uphold environmental protections and pave the way for the U.S. to become a clean energy powerhouse and achieve meaningful emissions reductions.

# Business Roundtable supports the following elements of a 21st century permitting process, many of which were achieved in the Fiscal Responsibility Act:

- Requiring joint lead agencies, single environmental documents and concurrent agency reviews;
- Establishing time limits of one year for Environmental Assessments (EAs) and two years for Environmental Impact Statements (EISs);
- Defining "major federal action" to include only those activities or decisions subject to sufficient federal control and responsibility;
- Limiting an EIS to 150 pages (or 300 pages for projects of unusual scope or complexity);
- Requiring agencies to consider "reasonable alternatives" that are technically and economically feasible when considering total cost of ownership, that are within the jurisdiction of the agency, and that meet the purpose and need for the proposed action; and
- Allowing applicants to draft National Environmental Policy Act (NEPA) documents, including both EA and EIS, under agency supervision (as occurs under similar regulatory frameworks in Canada and Australia).

## In addition, policymakers should:

- Require agencies to further develop and use categorical exclusions, nationwide permits and programmatic EIS (PEIS) to the maximum extent permissible under law and accelerate or, where practical, grant immediate approvals for pre- qualified projects with large emissions abatement potential and well-understood environmental impacts;
- Specify a statute of limitations of no more than 150 days for any litigation that may result from a federal permitting decision;
- Require accelerated case schedules and deadlines to act on remanded or vacated permit decisions;
- Limit standing to those parties that participated in the underlying NEPA proceeding while engaging communities and affected parties and proactively coordinating with relevant state, territorial and local governments as early as possible and in a sustained manner;
- Require agencies to make permitting decisions within 90 days of issuing a final EIS;
- Allocate funding consistent with recent law to ensure that agencies have adequate resources, including personnel, to administer permitting programs in a timely manner;
- Expeditiously implement funding authority under the Infrastructure Investment and Jobs Act for the Grid Resilience and Innovation Partnerships and Grid Resilience Formula Grant Programs;
- Require agencies to leverage digital technologies to streamline and speed up the permitting decisionmaking process; and
- Reduce or eliminate redundant review and consultation by acknowledging state programs where they have primary regulatory authority.

## **Increase Domestic Energy Production and Export**

Domestic energy production is necessary to reduce reliance on energy from foreign countries, export lower carbon energy to our friends and allies, and facilitate the clean energy transition. The current approach has compounded the uncertainty regarding future U.S. energy supplies.

### The Administration should:

- Support development of conventional and renewable energy assets on onshore and offshore federal lands by accelerating relevant leasing programs and ensuring timely permitting of infrastructure needed to deliver energy resources to market;
- Accelerate the permitting and construction of liquefied natural gas export infrastructure and associated pipelines to meet growing demand for exports;
- Accelerate the permitting and construction of flexible infrastructure that can be used now to deliver lowcarbon fuels and later to deliver zero-carbon alternatives;
- Support the planning for, permitting, and construction of infrastructure to deliver captured CO2 for utilization and sequestration; and
- Support increased development of alternative low- and zero-carbon fuels, including for transportation, to reduce emissions and enhance environmental benefits.

## Accelerate the Clean Energy Transition

## Expanding and improving transmission capabilities and capacity

Modernizing and expanding the grid will improve reliability and support the clean energy transition. Policymakers should work together to address barriers to transmission development and interconnection related to permitting, planning and cost allocation.

## In addition to the permitting changes noted above, potential actions should include the following:

- Support the Federal Energy Regulatory Commission (FERC) and transmission operator efforts to improve management of the interconnection application queue and regional and interregional transmission planning particularly as they relate to adding clean energy projects to the grid;
- Promote a transparent, standardized approach to electricity data to help enhance operational performance, increase data availability and transparency, allow for better accounting of real-time carbon emissions, and inform energy development decisions; and
- Establish a new standard under PURPA 111(d) that would require states to consider developing maps of potential renewable electricity generating areas and accelerate permitting timelines for projects developed in these areas.

### Expanding access to key raw materials, including critical minerals

Grid modernization, as well as the proliferation of electric vehicles, batteries, renewable energy generation and low-carbon technologies are all necessary to accelerate the clean energy transition. Many of these technologies depend on critical raw materials that are either in short supply or dependent on foreign supply chains that make the U.S. vulnerable to future disruptions. The permitting reforms listed above would help ensure adequate supplies of critical materials needed for a low-carbon economy and address supply chain vulnerabilities.

### In addition, Congress should:

- Adopt additional provisions for key minerals mining, processing, end-use manufacturing and recycling that expand the availability of minerals essential to clean energy, including nuclear and batteries;
- Encourage the growth of a domestic critical minerals recycling industry through statutory and administrative changes and legislation that provides regulatory agencies with set timelines to issue permits; and
- Promote the global adoption of a baseline environmental standard across supply chains.