



DATE: August 04, 2025

TO: Jeffrey Novak, Acting General Counsel, Department of Energy.

FROM: GreenLatinos, WE ACT for Environmental Justice, Climate Justice Alliance, and
Indigenous Environmental Network.

SUBJECT: Revision of National Environmental Policy Act Implementing Procedures, RIN
1990-AA52, Docket ID: [DOE-HQ-2025-0026].

Dear Acting General Counsel Novak:

On behalf of GreenLatinos, WE ACT for Environmental Justice, Climate Justice Alliance, and the Indigenous Environmental Network, we submit this comment in strong opposition to the U.S. Department of Energy's (DOE) Interim Final Rule (IFR) revising its National Environmental Policy Act (NEPA) implementing regulations. This IFR jeopardizes essential environmental protections, curtails public participation, and undermines transparency, cornerstones that communities across the country rely on to safeguard their health, environment, and well-being.

NEPA, enacted in 1970 by bipartisan majorities, is foundational to informed federal decision-making and public transparency (42 U.S.C. § 4332)¹. For over 50 years, NEPA has served as a critical tool through which communities, especially historically marginalized Black, Latino, Tribal Nations, Indigenous, and low-income communities, can learn about and influence federal actions that impact their lives. The IFR disrupts this legacy by removing most NEPA implementation procedures from the Code of Federal Regulations (CFR) and relocating them to a non-codified guidance document. In doing so, DOE strips these procedures of legal enforceability, leaving them vulnerable to quiet revisions and agency discretion without public input or judicial oversight.

Recent statutory and regulatory changes, such as the Fiscal Responsibility Act of 2023², revocation of CEQ regulations, and the Supreme Court's decision in *Seven County Infrastructure*

¹ [42 U.S.C. 4332 - Cooperation of agencies; reports; availability of information; recommendations; international and national coordination of efforts](#), 2022.

² [Fiscal Responsibility Act of 2023](#), 2023.

*Coalition v. Eagle County*³, is not a justification for removing nearly all enforceable standards from federal regulation. NEPA still requires agencies to analyze adverse environmental impacts and propose reasonable alternatives to major federal actions (42 U.S.C. § 4332). DOE still has the responsibility of preparing and requiring environmental assessments and impact statements (§ 4336)⁴, and hacking away the majority of its procedural regulations will greatly hinder DOE's ability to remain compliant with the federal statute. To the extent revisions are needed to update DOE's regulations that are relevant to revoked CEQ regulations, it should be done thoughtfully and on a case-by-case basis that still provides a reasonable procedure for public notice and input.

Compounding this problem is the Administration's continued underfunding and staffing cuts at the very agencies responsible for conducting these reviews. Without the workforce to implement NEPA effectively, the proposed reforms will only worsen delays while reducing meaningful oversight. At the same time, the IFR imposes restrictive 30-day public comment deadlines, an unreasonable and undemocratic burden on frontline communities and Tribal Nations, who must navigate complex, high-stakes projects with minimal time and limited resources. This shortened timeline will lead to even more litigation, as impacted communities and stakeholders file placeholder lawsuits to preserve their claims.

The IFR also reclassifies numerous previously reviewed actions as "administrative and routine," exempting them from NEPA review entirely. This is not a minor procedural adjustment; it's a structural exclusion of energy-related activities that can have serious consequences for human health and the environment. DOE offers no evidence that these actions are environmentally insignificant. Instead, it opens the door to unchecked development without analysis, notice, or public input, replicating the very environmental racism NEPA was designed to confront.

We must be clear: communities of color and low-income populations already bear the brunt of legacy pollution, harmful infrastructure, and policy neglect. This IFR would deepen those disparities by sidelining the safeguards that allow them to challenge harmful projects. Failing to uphold the spirit of the law in NEPA by implementing vague, discretionary procedures strips away hard-won protections and fast-tracks decisions without the knowledge or consent of those most at risk.

The impacts are not theoretical—they are life-threatening. Black and Hispanic communities are exposed to 56% and 63% more air pollution, respectively, than white communities⁵. Black seniors die from PM2.5-related exposure at triple the rate of other racial groups.⁶ More than one million Black Americans live with cancer risks above EPA's threshold of concern⁷, and Black

³ [*Seven County Infrastructure Coalition v. Eagle County*, No. 23-975, 601 U.S.](#), October Term, 2024.

⁴ [42 USC 4336: Procedure for determination of level of review](#), 2025

⁵ [Christopher W. Tessum et al., Inequity in consumption of goods and services adds to racial-ethnic disparities in air pollution exposure](#), March, 2019.

⁶ [For Senior Populations, Black Americans Are Three Times More Likely to Die from Exposure to Particle Pollution Than White Americans](#), 2022

⁷ [CATF and NAACP Releases Study of African American Health Impacts From Oil and Gas Pollution](#), 2017

children face asthma rates nearly double that of white children⁸. These health disparities are rooted in systemic racism, economic inequality, and a long history of environmental injustice. NEPA is one of the few tools available to fight back, and it must be strengthened, not dismantled.

As organizations aligned with the Principles of Environmental Justice (1991)⁹, the Jemez Principles for Democratic Organizing (1996)¹⁰, and the Latino Climate Justice Framework¹¹, we affirm that public participation is not a procedural formality; it is a civil right. Further, proper notification, consultation, and involvement of impacted Tribes is a federal legal trust responsibility. The IFR betrays this democratic imperative by removing key opportunities (such as environmental impact statements) for communities to provide input and shape decisions that affect their air, water, land, and futures.

Moreover, the removal of NEPA applicability from Presidential permit processes introduces a dangerous loophole. Cross-border infrastructure projects such as pipelines and transmission lines often cut through Indigenous territories, ecologically sensitive areas, and overburdened communities. DOE's claim that these projects are exempt from NEPA review ignores its legal and moral responsibility to uphold Tribal sovereignty, ensure environmental justice, and prevent harm.

NEPA does not operate in a vacuum. It is the connective tissue that ensures compliance with other foundational environmental and cultural protection laws, including the Endangered Species Act, the National Historic Preservation Act, the Clean Water Act, the Clean Air Act, and more. These laws are not optional; they codify critical safeguards that federal agencies must integrate into project reviews to protect ecosystems, public health, cultural heritage, and sacred sites. When NEPA is weakened or bypassed, these protections are too often ignored or applied inconsistently. By attempting to decouple NEPA's regulatory framework from these laws through vague, discretionary guidance and categorical exclusions, the Department of Energy risks violating not only NEPA but its broader legal obligations under federal environmental law.

This is particularly alarming for Tribal Nations whose lands, water, cultural resources, and sacred sites are disproportionately impacted by energy infrastructure. Federal agencies have a legal obligation under laws such as the *National Historic Preservation Act and Executive Order 13175* to consult with Tribal Nations on a government-to-government basis and to obtain free, prior, and informed consent when federal actions affect Tribal lands or treaty-protected resources. DOE's Interim Final Rule undermines this obligation by removing NEPA's enforceable consultation procedures and streamlining approval processes without Tribal input, consent, or adequate notice. This is a direct threat to Tribal sovereignty and a violation of the trust responsibility the federal government holds to Tribal Nations. DOE cannot claim to uphold

⁸ [U.S. Department of Health and Human Services Office of Minorities](#), 2021

⁹ [The Principles of Environmental Justice](#), October 1991.

¹⁰ [The Jemez Principles of Democratic Organizing](#), December 1996.

¹¹ [Latino Climate Justice Framework](#), 2024.

equity, environmental justice, or the rule of law while circumventing the very processes that give legal standing and voice to impacted communities.

Safeguarding the permitting process is not solely about speeding up project approvals; it also requires full compliance with existing federal laws, including NEPA and related environmental statutes; upholding civil rights, treaty rights, and protections for historically marginalized communities; protecting the environment, public health, and future generations through rigorous, enforceable review; and ensuring oversight, transparency, and accountability as essential components of lawful and equitable federal permitting.

The science and lived experience are clear: a strong NEPA process leads to better, more just outcomes. The DOE must restore enforceable public participation standards and environmental protections that communities depend on. The IFR, as proposed, shifts the Department away from equity, accountability, and public trust—undermining its mission and obligations under NEPA.

We therefore urge DOE to immediately:

1. **Reinstate all NEPA implementation procedures within the Code of Federal Regulations**, where they are subject to public rulemaking, transparency, and legal enforcement;
2. **Reverse the reclassification of previously reviewed actions** to ensure no energy-related activities are excluded from NEPA solely at the agency's discretion;
3. **Restore NEPA applicability to Presidential permit processes** to protect communities impacted by international energy infrastructure.
4. **Meet the legal and ethical responsibility of ensuring that federally approved projects:**
 - a. Do not bypass environmental safeguards;
 - b. Do not marginalize Tribal Nations and frontline communities;
 - c. Are evaluated through a public, science-based, and just process.

By failing to align its proposed permitting reforms with these statutory obligations, DOE is already out of compliance and must reverse course to uphold its legal responsibilities, honor its commitments to Tribal Nations, and ensure a just, transparent, and accountable permitting system that serves both people and the planet.

DOE's commitment to clean energy must not come at the expense of the communities already overburdened by pollution and are subsequently most vulnerable to environmental harm. We urge the Department to issue a final rule that prioritizes justice, transparency, and the lived experiences of those most affected by federal energy decisions.

Sincerely,

Environmental Justice, Tribal and Allied Organizations

GreenLatinos

Climate Justice Alliance

WE ACT for Environmental Justice

Indigenous Environmental Network

350 Wisconsin

350Pittsburgh

Better Path Coalition

Center for Community Action and Environmental Justice (CCA EJ)

Center for Earth Energy & Democracy (CEED)

Cherokee Concerned Citizens

Clean, Healthy, Educated, Safe & Sustainable Community, Inc.

Climate Generation

Don't Waste Arizona

Duwamish River Community Coalition

Earth Ethics, Inc.

Farmworker Association of Florida

Florida Rising

GAIA (Global Alliance for Incinerator Alternatives)

Healthy Environment Alliance of Utah (HEAL Utah)

Just Transition Northwest Indiana

Kentuckians For The Commonwealth

New Jersey Environmental Justice Alliance

North Braddock Residents for Our Future

Oregon Just Transition Alliance

Texas Environmental Justice Advocacy Services

Unitarian Universalists for a Just Economic Community

WESPAC Foundation, Inc.

West End Revitalization Association WERA

West End Revitalization Association

Womxn From The Mountain

Wildlife for All

Youth Minds United

Honor the Earth

Servi

350 Bay Area Action

350.org

350Hawaii

Advocates for Snake Preservation

Amigos De Los Rios

Animals Are Sentient Beings, Inc.
Between the Waters
Center for Biological Diversity
Center for Oil and Gas Organizing
Center for Progressive Reform
Texas Environmental Justice Advocacy Services
Chesapeake Climate Action Network
Climate Hawks Vote
Climate Reality Chicago
ColorBrightonGreen
Conservation Colorado
West End Revitalization Association
Cherokee Concerned Citizens
Dayenu: A Jewish Call to Climate Action
Earthworks
Food & Water Watch
FreshWater Accountability Project
Friends of the Earth
Friends of Toppenish Creek
Gender Etiquette Training & Student Educational Tutoring For Life
Institute for Policy Studies Climate Policy Program
Kinetic Communities
kyhealthcare.org
Labor Network for Sustainability
Physicians for Social Responsibility Pennsylvania
Latino Outdoors
Latinos in Heritage Conservation
McKean County Green Party
Memphis APRI
Metro East Green Alliance
Mid-Ohio Valley Climate Action
Milwaukee Riverkeeper
National Wildlife Federation
North American Climate, Conservation and Environment(NACCE)
North Carolina League of Conservation Voters
Northern Plains Resource Council
Occupy Bergen County
Oil Change International
Physicians for Social Responsibility
Progressive Leadership Alliance of Nevada

Resource Renewal Institute
Turtle Island Restoration Network
Respiratory Health Association
Responsible Alpha
Rio Grande International Study Center
Southwest Native Cultures
Sunflower Alliance
Third Act Illinois
Tishman Environment & Design Center at The New School
Turtle Island Restoration Network
Western Organization of Resource Councils
Wildlife for All
Wyoming Wildlife Advocates