



NEPA and HIA: Opportunities and Challenges

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National Environmental Policy Act

NEPA requires Federal agencies to consider the potential environmental consequences of their actions and any reasonable alternatives before deciding whether and how to take the action.

- Disclose, analyze, and consider environmental information when making decisions.
- Inform the public of potential impacts and alternatives and involve the public in decision making.

NEPA compliance: Categorical Exclusion

- Categories of actions
- Shown to not have significant effects
- Administratively promulgated
- Subject to Extraordinary Circumstances - when a normally excluded action may have significant environmental effect
- Documentation?

NEPA compliance: Environmental Assessment

- Brief discussion of the need for the proposal
- Reasonable alternatives to recommended courses of action for any proposal involving conflicts concerning use of natural resources
- Anticipated environmental impacts of the proposed action and alternatives
- List of agencies and individuals consulted

NEPA compliance: Environmental Impact Statement

- Notice of Intent
- Scoping
- Draft Environmental Impact Statement
- Final Environmental Impact Statement
- Record of Decision
- Supplemental Environmental Impact Statement

Council on Environmental Quality – Regulations for Implementing NEPA

40 C.F.R. 1508.8 Effects:

“Effects includes ecological ..., aesthetic, historic, cultural, economic, social, or **health**, whether direct, indirect, or cumulative.”

40 C.F.R. 1508.27 Significantly:

(b) Intensity: includes “ The degree to which the proposed action affects **public health or safety**.”

The HIA Process

1. Screening – is the HIA likely to add value? Is it feasible?
2. Scoping – determine the important health effects, affected populations, available evidence, etc
3. Assessment – analyze baseline conditions and likely health effects
4. Recommendations – develop health-based recs and a feasible plan for implementing them
5. Reporting – disseminate the report to the public, stakeholders, solicit input
6. Monitoring and Evaluation -- monitor results of HIA, monitor health outcomes; evaluate results of HIA

Opportunities

- Commonly, compliance with regulatory statutes such as the CAA or CWA is used as a proxy for health analysis or health is considered narrowly, such as a cancer risk assessment.
- Scoping is an early process to Invite affected Federal, State and local agencies, affected Indian Tribes, and other interested parties to participate and help determine the scope of the analysis and the significant issues
- The “affected environment” can include baseline rates of health problems that might be impacted
- The “environmental effects” can include the health risks that are identified and analyzed.
- Mitigation alternatives can address health impacts

Challenges

- Significantly reduce the aggregate time required to make decisions in the permitting and review of infrastructure projects by the Federal Government, while improving environmental and community outcomes
- Consensus on methodologies – Qualitative predictions
- Expertise on health issues – finding available expertise
- Mitigation monitoring and enforcement

American Recovery and Reinvestment Act of 2009 and NEPA
http://ceq.hss.doe.gov/ceq_reports/recovery_act_reports.html

- More than 275,600 projects and activities receiving ARRA funds were reported.
- More than 192,700 completed NEPA reviews were reported – NEPA reviews were 99.9% completed.
- Categorical Exclusions: More than 184,730
- Environmental Assessments: More than 7130
- Environmental Impact Statements: More than 840

Questions?

