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**White House Council on Environmental Quality Issues Guidance to Help Federal Agencies Ensure the Integrity of Environmental Reviews**

WASHINGTON – In an effort to help Federal Agencies ensure the integrity of their environmental reviews, the Council on Environmental Quality (CEQ) today released final guidance on “Establishing, Applying and Revising Categorical Exclusions under the National Environmental Policy Act [NEPA].” The guidance recommends best practices for appropriate use of categorical exclusions and was developed as part of CEQ’s effort to modernize and reinvigorate Federal agency implementation of NEPA. It was designed to ensure that agencies establish and use categorical exclusions appropriately and transparently. It also calls on agencies to review their existing categorical exclusions periodically to avoid the use of outdated NEPA procedures.

“Many Federal actions do not have significant effects on the environment, but we want to avoid the use of NEPA procedures that have become outdated with the passage of time, evolving technologies and changed circumstances,” said Nancy Sutley, Chair of the White House Council on Environmental Quality. “This guidance clarifies the rules for categorical exclusions, recommends best practices and helps to ensure that there is a concise public record when agencies apply them.”

NEPA requires Federal agencies to analyze their proposed actions to determine if they could have significant environmental effects. Over time, through study and experience, agencies may identify activities – such as routine facility maintenance – that do not need to undergo detailed environmental analysis in an environmental assessment (EA) or an environmental impact statement (EIS) because the activities do not individually or cumulatively have a significant effect on the human environment. Agencies can define categories of such activities, called *categorical exclusions*, in their NEPA implementing procedures, as a way to reduce unnecessary paperwork and delay.

Categorical exclusions are an essential tool in facilitating NEPA, allowing Federal agencies to focus their environmental reviews and resources on actions that could have significant impacts. Categorical exclusions have become the most frequently employed method of complying with NEPA. The extensive and expanding use of categorical exclusions underscores the need for clarifying guidance. Categorical exclusions are appropriate in many circumstances but should not be relied on if they

thwart the purposes of NEPA, compromising the quality and transparency of agency decisionmaking or the opportunity for meaningful public participation.

A draft version of the guidance was released on February 18, 2010, for public comment. CEQ received and reviewed a broad range of comments from private citizens, corporations, environmental organizations, and state agencies before finalizing the guidance. CEQ's guidance clarifies requirements of NEPA, and the CEQ regulations implementing NEPA, regarding categorical exclusions. Specifically, it suggests that Agencies should:

- utilize information technology to inform the public about new or revised categorical exclusions and their justifications;
- remain alert to new conditions and information that would cause an agency to reconsider a categorical exclusion;
- consider further public documentation and disclosure in applying established categorical exclusions, particularly where they may implicate extraordinary circumstances; and
- in general, review their existing categorical exclusions at least every seven years to avoid the use of outdated NEPA procedures.

### **Background on NEPA**

Enacted in 1970, NEPA is a cornerstone of our Nation's efforts to protect the environment and a fundamental tool to harmonize our economic and environmental aspirations. It recognizes that many Federal activities affect the environment and mandates that Federal agencies consider the environmental impacts of their proposed actions before acting. NEPA emphasizes public involvement in government actions affecting the environment by requiring that the benefits and the risks associated with proposed actions be assessed and publicly disclosed.

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