



July 15, 2020

The Honorable Andrew Wheeler
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Re: Comment from Colorado Aviation Business Association on EPA-HQ-OAR-2020-0044-0001
“Increasing Consistency and Transparency in Considering Costs and Benefits in the
Rulemaking Process”

Dear Administrator Wheeler:

The proposed rule on the cost-benefit analyses required for EPA regulations, pursuant to the Clean Air Act, is a constructive step forward in creating a better regulatory structure and an improved process overall.

Here in Colorado, expansions of regional public-use airports are needed as our economy grows. However, EPA red tape has been a factor in not pursuing several expansion projects in the past. The proposed rule would help provide clarity as to how costs and benefits are calculated while also streamlining the review and approval process.

Even modest airport improvements trigger a lengthy NEPA process covering a wide range of issues, many of which are extraneous or redundant. The process facilitates delays and disruptions that are costly and unpredictable. As result, moving ahead with proposed projects can be untenable for both the airport and for local government decision makers. The FAA and the entities that manage local airports in Colorado and around the nation would more readily approve airport improvement projects, and thereby allow local regions the ability to leverage the social and economic benefits of increase access to the nation’s airspace, if the cost-benefit criteria were well-defined and if the process was guaranteed to be fair and transparent.

This is not a partisan issue. As Administrator Wheeler noted at the beginning of this rulemaking process, communications and policy standards vary widely even within EPA. This simply reinforces the legitimate criticisms leveled at regulations under the Clean Air Act. Anyone familiar with the cost-benefit process is aware that successive Presidential administrations have been unable to nail down a coherent structure and establish even “known knowns.”

Nor is it a binary choice between cleaner air and economic development. These are not exclusive alternatives. As the population grows, we will need to build and expand transportation infrastructure, including airports. This can be done consistent with the requirements and intent of the Clean Air Act. As it stands, however, EPA red tape can halt any project without legitimately establishing what its actual impact on the environment would be. In short, legal and administrative quagmires now characterize environmental regulation. A better model is needed.

It is inevitable that regulations will impose some costs on businesses as well as individuals. However, we must be committed to developing an approach for accurately and realistically measuring costs and benefits in a non-tendentious manner. This proposed rule moves us in that direction.

The Colorado Aviation Business Association therefore supports this proposed rule and encourages the continued pursuit of meaningful improvements in the regulatory process.

Sincerely,

Chris Swathwood,
Chairman, CABA Board of Directors