

I respectfully submit this comment to urge the Office of Personnel Management (OPM) to formally evaluate whether the proposed rule—establishing a new “Schedule Policy/Career” within the excepted service—requires review under the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 et seq.

## 1. NEPA Applies to Major Federal Actions With Environmental Implications

NEPA requires federal agencies to determine whether proposed actions may directly, indirectly, or cumulatively affect the human environment. While this rule does not involve land use or physical development, it is a government-wide policy change that could significantly affect how federal agencies carry out their missions—including agencies with direct responsibilities for environmental protection, resource management, or permitting decisions.

As a significant regulatory action under Executive Order 12866, this proposal may qualify as a major federal action under NEPA, and therefore warrants environmental review, or at a minimum, a documented determination of inapplicability.

## 2. Potential Environmental Impacts from Workforce Disruption

The proposal would allow the President to reclassify career civil servants in “policy-influencing” positions across all executive agencies into an at-will employment status, eliminating their procedural protections under chapters 43 and 75 of Title 5. If broadly implemented, this rule could:

- **Destabilize staffing** in federal agencies tasked with environmental responsibilities (e.g., EPA, Department of the Interior, USDA, NOAA, USFS), leading to:
  - Loss of technical expertise in environmental assessment, enforcement, permitting, and scientific review;
  - Increased attrition and reduced continuity in project review and interagency coordination;
  - Delays in the preparation or approval of Environmental Assessments (EAs) and Environmental Impact Statements (EISs).
- **Weaken internal oversight** and scientific integrity safeguards in environmental regulatory programs if subject-matter experts fear politically motivated removal for disagreeing with proposed policy actions, especially in the context of:
  - Clean air and water permitting decisions;
  - Endangered species protections;
  - Federal land and resource management;
  - Climate-related initiatives.
- **Create bottlenecks or inconsistencies** in NEPA implementation and other statutory environmental reviews (e.g., under the Clean Water Act, National Historic Preservation Act, or National Forest Management Act) if environmental staff are removed or replaced with less qualified personnel.

### 3. Examples of Agencies Likely to be Impacted

This rule could particularly affect staff in:

- The **Environmental Protection Agency**, including career scientists and enforcement officers responsible for Superfund cleanups, permit decisions, and regulatory analysis;
- The **Department of the Interior**, including the Bureau of Land Management and U.S. Fish and Wildlife Service employees working on environmental impact statements, land use plans, and endangered species consultations;
- The **U.S. Forest Service**, where environmental planners assess the ecological effects of logging, recreation, fire management, and other land use decisions;
- The **Department of Energy**, where NEPA review plays a central role in the siting and development of energy infrastructure projects.

These employees frequently serve in roles that could be interpreted as “policy-influencing” under the proposed rule—yet they are expected to deliver objective scientific, technical, and regulatory determinations. Reclassifying such employees as at-will without the ability to appeal adverse actions could have a chilling effect on scientific integrity and undermine environmental compliance efforts.

### 4. Request for NEPA Determination

Given these potential indirect impacts, I respectfully request that OPM:

- Conduct and disclose a NEPA analysis, at minimum in the form of a documented categorical exclusion determination or Environmental Assessment (EA);
- Evaluate whether large-scale reclassification of positions across agencies with environmental responsibilities could significantly affect the human environment within the meaning of 40 C.F.R. §§ 1501.3 and 1508.1(g);
- Consult with relevant agencies—such as EPA, CEQ, DOI, and USDA—to assess potential disruptions to environmental compliance programs, especially those relying on stable career expertise.

### Conclusion

While the proposed rule is administrative in form, it carries the potential for wide-ranging impacts on how federal agencies administer core environmental laws. By reclassifying civil service positions and eliminating procedural protections, OPM risks undermining continuity, scientific objectivity, and legally required environmental reviews across multiple agencies. NEPA’s procedural safeguards exist precisely to identify and address such unintended consequences. A thorough NEPA analysis or documented determination of non-applicability is necessary to fulfill OPM’s obligations as a federal agency.