Message

From: POLITICO Pro Energy [politicoemail@politicopro.com]
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To: Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]
Subject: Morning Energy: Pruitt's watershed moment — 'Secret science' policy coming — Blankenship slipping

By Kelsey Tamborrino | 04/24/2018 05:42 AM EDT

With help from Emily Holden

PRUITT'S WATERSHED MOMENT: EPA Administrator Scott Pruitt is approaching his two separate House committee hearings this week with sagging support on the hill. The make-or-break moment is approaching as once-stalwart backers begin to express concern about the controversies that have swirled in recent weeks. Republican Sen. Jim Inhofe (Okla.) — perhaps Pruitt's staunchest ally in Congress — told Pro's Anthony Adragna he thinks it's "appropriate to have a hearing in so far as any accusation having to do with his office is concerned," and he cited a report in The New York Times detailing a sweetheart deal Pruitt received on an Oklahoma City home previously owned by a lobbyist.

Sen. Shelley Moore Capito (R-W.Va.) also thought Thursday's hearings before the House Energy and Commerce and Appropriations committees would prove pivotal for Pruitt's long-term future in the administration. "It's really important," Capito said. "He's going to have to answer some tough questions. I'm sure they'll be put to him by both sides and we'll see what his response is."

And Sen. John Boozman joined his two Republican colleagues in supporting hearings by the Environment and Public Works Committee. Meanwhile, sources told Bloomberg that administration officials privately cautioned lawmakers and other conservative allies to pump the brakes on their defenses of Pruitt.

Publicly, however, the White House stands firm in its commitment to Pruitt. Press secretary Sarah Huckabee Sanders told reporters the administration is "continuing to review a number of the reports" about Pruitt, but noted the EPA chief "has done a good job of implementing the president's policies," particularly on deregulation and energy dominance. White House legislative affairs director Marc Short was more direct earlier Monday: "I think Scott Pruitt is doing a great job and we look forward to keeping him there as EPA administrator," he told MSNBC.

More to come? Earlier Monday, five senior congressional Democrats asked House Oversight Chairman Trey Gowdy to obtain further documents and hold hearings after obtaining new records they say raise "troubling" new questions about Pruitt's security expenditures. EPW ranking member Tom Carper told Anthony he had a good conversation with Gowdy regarding Pruitt, but said there was no formal bipartisan agreement to work together on an investigation. "I just gave him plenty of encouragement that he's doing the right thing," Carper said. Read more.

WELCOME TO TUESDAY! I'm your host Kelsey Tamborrino. Congrats to the Nuclear Energy Institute's Robert Powers, who was first to correctly guess Mary Walker was the first woman to receive the Medal of Honor. For today: Who is the last former senator to appear on a U.S. postage stamp? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

POLITICO's Ben White is bringing Morning Money to the Milken Institute Global Conference to provide coverage of the day's events and evening happenings. The newsletter will run April 29 - May 2. **Sign up to keep up with your daily conference coverage.**

BLINDED WITH SCIENCE: EPA's Pruitt is expected to unveil his new science policy that restricts the agency from relying on research that doesn't make public all its available data, a source briefed on the announcement tells Pro's Emily Holden. The proposed rule, which the agency submitted to the White House for review last week, will mirror legislation from House Science Chairman Lamar Smith (R-Texas).

Pruitt argues the change will bolster transparency, but scientists and health advocates say it is an effort to constrain rulemaking. The rollout has been delayed as agency officials tried to determine how to treat industry research used to evaluate the safety of pesticides and toxic chemicals, as Pro's Annie Snider reported last week. While academic studies often can't disclose data that includes personal health records, corporations can't reveal proprietary information either.

SCIENTISTS REACT: Close to 1,000 scientists signed onto a letter to Pruitt Monday, calling on the administrator to reverse course on his plans to revise how the agency considers outside research. "EPA can only adequately protect our air and water and keep us safe from harmful chemicals if it takes full advantage of the wealth of scientific research that is available to the agency," write the scientists, including some former EPA career staffers. Read it here.

A BLANK SLIP: GOP establishment attacks on former coal baron Don Blankenship seem to be taking hold, POLITICO's Alex Isenstadt reports via new polling. With the West Virginia Senate primary a mere two weeks away, a poll out Monday found Blankenship falling behind his more mainstream rivals, GOP Rep. Evan Jenkins and state Attorney General Patrick Morrisey. The poll found Morrisey leading with 24 percent, followed by Jenkins with 20 percent, and Blankenship trailing with 12 percent.

National Republicans have scrambled to intervene in the race, concerned that a Blankenship primary win would destroy their prospects of defeating Democratic Sen. Joe Manchin in November. Blankenship, who spent a year in jail following the deadly 2010 explosion at his Upper Big Branch Mine, has poured nearly $2 million of his own money into a slash-and-burn style campaign savaging Jenkins and Morrisey as pawns of the establishment, Alex writes. Blankenship has also used the Senate run as a path to clear his name. So far, much of his campaign has been geared toward portraying himself as the casualty of the Obama-era Justice Department, which he says was bent on locking him up.

The new survey, which was conducted April 17-April 19 and has a margin of error of 4.9 percentage points, precedes a GOP debate today, and another that will be hosted by Fox News next week for a nationally televised audience. Read more.

SPECIAL ELECTION TODAY: Arizona voters will decide today who will pick up the seat left vacant by Rep. Trent Franks' departure in the state's 8th District. While neither candidate highlights specific environmental issues on her campaign website, Republican Debbie Lesko and Democrat Hiral Tipirneni have markedly different takes on climate change. Tipirneni's site says she believes "climate change is real and that we need to reduce carbon emissions." Meanwhile, Lesko said during a debate earlier this year that "certainly not the majority" of climate change is human-caused. "I think it just goes through cycles and it has to do a lot with the sun. So no, I'm not a global warming proponent," she said.

RULES TO MEET ON COLUMBIA RIVER BILL: The House Rules Committee will meet at 5 p.m. to formulate a rule on H.R. 3144 (115), which would void the environmental impact statement process for altering the hydropower system along the Columbia and Snake rivers. Earlier this month , the 9th Circuit Court of Appeals sided with the state of Oregon, the Nez Perce tribe and conservation groups, ruling that dam operations on the Columbia and Snake rivers must forgo hydropower production during key times of the year to protect

endangered salmon. An environmental impact statement for the system has been the subject of congressional fights, with Rep. Cathy McMorris Rodgers filing the legislation to void that process.

COAL ASH HEARING TODAY: EPA holds a public hearing today on its proposal to roll back the Obama-era regulation for the cleanup and disposal of coal ash. The hearing will begin at 9 a.m. in Arlington, Va., where there will be three sessions: 9 a.m. until noon; another beginning at 1 p.m. and ending at 4 p.m.; and a final session beginning at 5 p.m. and ending at 8 p.m.

PROMISES, PROMISES: Senate spending leaders vowed to restore chamber-wide debate on amendments to individual appropriations bills, Pro's Sarah Ferris and Kaitlyn Burton report. It's a risky move, ME readers may recall, considering how Democrats blocked a largely noncontroversial Energy and Water bill in 2016 because of a proposed amendment on Iran, and in 2015, House Republicans' Interior-Environment bill was tripped up by an unrelated rider on the Confederate flag. But Senate Appropriations Chairman Richard Shelby and his Democratic counterpart Patrick Leahy told committee members in a closed-door meeting Monday that leadership has agreed to allow amendments on the Senate floor for every individual spending bill. And the two have met with Majority Leader Mitch McConnell and Minority Leader Chuck Schumer in recent days about opening up the floor for debate on spending bills.

JUDGE: ENBRIDGE PIPELINE SHOULD STICK TO PLAN : An administrative law judge recommended on Monday that Minnesota regulators approve Enbridge Energy's proposal for replacing its Line 3 crude oil pipeline. But the court stipulated that the pipeline should follow the existing route, not the company's preferred route, which would carry Canadian tar sands crude from Alberta across areas in the Mississippi River, the Associated Press reports. Administrative Law Judge Ann O'Reilly's recommendation to the Public Utilities Commission sets up further disputes, "because the existing line crosses two Ojibwe reservations where tribal governments have made it clear that they won't consent and want the old line removed altogether." Read more.

A METHANE TO THE MADNESS: The comment period on the Bureau of Land Management's proposal to reverse the Methane Waste Prevention Rule ended Monday, drawing thousands of far-reaching comments. The left-leaning Center for Western Priorities analyzed a random sample of 2,000 comments, it said, finding 99.8 percent of them were opposed to the proposal. The Independent Petroleum Association of America and Western Energy Alliance meanwhile submitted joint comments applauding the move. "We were pleased to see workable changes are being considered to the rule that more accurately represent the scope of power and authority given to the BLM for regulating this type of activity," IPAA's Dan Naatz said in a statement. And, E2, an affiliate of the Natural Resources Defense Council, sent a letter to Interior Secretary Ryan Zinke on Monday, expressing its opposition to BLM's proposal. Close to 400 businesses signed onto that letter, which calls BLM's proposal "a net negative for the American public." Read it here.

MAIL CALL! IN HONOR OF NATIONAL PARKS WEEK: League of Conservation Voters organized 122 groups — including the American Civil Liberties Union and the Human Rights Campaign — in a letter to members of Congress opposing the administration's moves on public lands. National monuments "have helped make our public lands more inclusive," the letter states, before calling on lawmakers to "reject any legislation that would limit the president's authority under the Antiquities Act or codify any unlawful rollbacks of existing national monuments." Read it here.

FOR YOUR RADAR: The House will vote to overhaul the 1988 Stafford Act this week, Pro's Budget & Appropriations team reports. The three-decade-old bill is the main piece of legislation overseeing federal disaster-relief efforts, with proposed tweaks that include new incentives to build "smarter and stronger to better withstand disasters in the future," according to GOP Majority Leader Kevin McCarthy's office. That could equate to big changes on how states spend disaster relief money.

ICYMI: ZINKE DRAWS OLIVER'S IRE: The Interior secretary got the full treatment from HBO host John Oliver on "Last Week Tonight" on Sunday. Oliver hit Zinke for referring to himself as a geologist and said he

"has a real flair for creative license." Of course, Zinke is not the first to draw scrutiny from the HBO host. A judge recently dismissed a defamation lawsuit brought by coal magnate Bob Murray against Oliver, who referred to Murray as a "geriatric Dr. Evil." Watch the Zinke video here.

STATE NEWS — CUOMO INTRODUCES PLASTIC BAG BILL: New York Gov. Andrew Cuomo introduced a bill Monday to ban the use of plastic bags throughout the state, Pro New York's Danielle Muoio reports. The legislation — a long-sought promise from Cuomo — would give the state Department of Environmental Conservation jurisdiction over all matters concerning plastic bags and recycling, but comes with caveats that left some environmental advocates saying it isn't far-reaching enough. Read more.

QUICK HITS

— Trump administration official says it's a "top priority" to improve American weather forecasting model, The Washington Post.

— Sources: Arrested Chevron workers could face treason charge in Venezuela, Reuters.

— Trump likes coal, but that doesn't mean he's hostile to wind, Associated Press.

— Halliburton writes off investment in crisis-hit Venezuela, Financial Times.

— U.S. coal bailout review slows after Trump faces pushback, Bloomberg.

HAPPENING TODAY

8:00 a.m. — American Fuel & Petrochemical Manufacturers holds security conference, New Orleans

10:00 a.m. — Senate Energy and Natural Resources Committee hearing on the president's proposed budget request for FY 2019 for the Forest Service, 366 Dirksen

10:00 a.m. — Senate Foreign Relations Committee hearing on nominations, including Jackie Wolcott to be representative to the International Atomic Energy Agency, 419 Dirksen

10:00 a.m. — The Bipartisan Policy Center webcast on "Can America's Infrastructure Withstand the Next Natural Disasters? Lessons Learned from Previous Disasters."

3:00 p.m. — Woodrow Wilson Center book launch discussion on "Can We Price Carbon?" 1300 Pennsylvania Ave NW

5:00 p.m. — Johns Hopkins University's Energy, Resources and Environment presentation on "Cities as Innovation Centers: Investing in Resilient Infrastructure," 1619 Massachusetts Avenue NW

THAT'S ALL FOR ME!

To view online:
https://www.politicopro.com/newsletters/morning-energy/2018/04/pruitts-watershed-moment-180878

Stories from POLITICO Pro

White House reiterates support for Pruitt Back

By Anthony Adragna | 04/23/2018 02:30 PM EDT

The White House says it is still standing behind EPA's Scott Pruitt, voicing support for the embattled administrator two days after it was revealed that a Washington lobbyist whose wife rented a condo to him personally lobbied Pruitt despite weeks of denying they had held any meetings.

"We're reviewing some of those allegations, however Administrator Pruitt has done a good job of implementing the president's policies, particularly on deregulation," press secretary Sarah Huckabee Sanders said at the White House briefing.

She added the administration continues its look into Pruitt's conduct, including his lavish spending, first-class travel arrangements, pay raises for political appointees and use of security personnel. White House budget director Mick Mulvaney told a congressional subcommittee last week he'd investigate the EPA chief's spending $43,000 on a privacy booth for his office.

Pruitt is scheduled to testify at two House hearings on Thursday.

What's next: Sanders said the White House is "monitoring" additional reports about Pruitt.

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White House stands behind Pruitt despite new lobbying disclosure Back

By Anthony Adragna | 04/23/2018 01:54 PM EDT

The White House said Monday it still stands behind EPA Administrator Scott Pruitt, praising him for enacting President Donald Trump's environmental and energy policies even as it looked into reports of ethical lapses.

It was the first statement from the White House since POLITICO first reported that despite his denials, Pruitt had met with a lobbyist whose wife rented the Environmental Protection Agency chief his $50-per-night condo. A disclosure form filled late Friday said J. Steven Hart had lobbied the EPA, although both the agency and the lobbyist contend the meeting, held last July, did not constitute formal lobbying.

"We're reviewing some of those allegations. H however, Administrator Pruitt has done a good job of implementing the president's policies, particularly on deregulation," press secretary Sarah Huckabee Sanders said at the White House briefing.

The White House has been looking into Pruitt's lavish spending on first-class travel arrangements, pay raises for political appointees and use of security personnel. Budget director Mick Mulvaney told a congressional subcommittee last week he'd investigate the EPA chief's spending of $43,000 on a privacy booth for his office.

That's on top of several ongoing probes by the EPA's own watchdog and three by congressional committees, including the House Committee on Oversight and Government Reform.

Pruitt is scheduled to testify at two House hearings on Thursday.

Sanders' comments come as five senior congressional Democrats asked House Oversight Chairman Trey Gowdy (R-S.C.) to seek new documents and hold hearings regarding "troubling" new questions about Pruitt's security expenditures.

According to nonpublic documents cited in the Democrats' letter, Pruitt's office was not cleared for classified communications as of March 2017. EPA previously said Pruitt's need to handle such information justified the installation of the privacy booth. The Government Accountability Office concluded last week the agency violated federal law by not informing Congress of the purchase.

The letter also alleges that a security sweep of Pruitt's office — the contract for which went to a business partner of Pruitt's security chief, Pasquale "Nino" Perrotta — went outside federal contracting norms without proper pre-approval.

"Given the latest developments and these new documents, we believe these and related matters are ripe for additional document requests to EPA and that Administrator Pruitt should testify about all of these matters immediately," the lawmakers wrote. Sens. Tom Carper of Delaware and Sheldon Whitehouse of Rhode Island and Reps. Elijah Cummings of Maryland and Gerry Connolly and Don Beyer, both of Virginia, signed the letter.

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Pruitt support in Senate erodes as GOP lawmakers seek hearings Back

By Anthony Adragna | 04/23/2018 08:32 PM EDT

Scott Pruitt's wall of GOP support developed some new cracks on Monday, with three key Senate defenders calling for hearings into the embattled EPA administrator's recent controversies.

The three, including staunch Pruitt ally Sen. Jim Inhofe (R-Okla), all said they supported hearings by the Senate Environment and Public Works Committee to look into the former Oklahoma attorney general's actions.

"I think that a couple of us on the committee think it's appropriate to have a hearing in so far as any accusation having to do with his office is concerned," Inhofe told POLITICO.

Inhofe said he was troubled by a report over the weekend in The New York Times detailing a sweetheart deal Pruitt received on an Oklahoma City home previously owned by a lobbyist while serving in a state government. The Oklahoma Republican declined to discuss which allegations he found disturbing, but said "there are some things in there that I'd like to check out and see."

Joining his call for a Senate hearing were two other senior GOP members of the EPW panel, Sens. Shelley Moore Capito (W.Va.) and John Boozman (Ark.).

"Most people have concerns about some of the allegations," Boozman said. "At some point he'll be before the committee and we'll dig deeper and see exactly what's going on."

EPW Chairman John Barrasso (R-Wyo.) told reporters he expected Pruitt would come to testify at some point, but he stopped short of providing a specific timeframe or stating his intention to call a hearing.

To date, four House Republicans have called on Pruitt to resign, along with scores of elected Democrats. And Sen. Susan Collins (R-Maine), has said Pruitt was "the wrong person" to lead the agency based on his policies.

Pruitt has drawn criticism about his ethics and lavish spending in recent months. Three Congressional committees, the White House and EPA's inspector general are all probing his behavior, ranging from his security expenses, high pay raises for aides, first-class travel and meetings with a coal group.

The House Oversight Committee has requested interviews with five senior agency aides and the White House said it would formally investigate Pruitt's expenses after the Government Accountability Office last week found EPA broke the law by failing to notify Congress about a $43,000 privacy booth Pruitt had built in his office.

Pruitt will go to the Hill on Thursday to testify before a House Energy and Commerce subcommittee in the morning and at a House Appropriations subpanel in the afternoon. Those appearances will mark his first time before Congress since the recent allegations broke.

Both Inhofe and Capito said they thought those House hearings would prove pivotal for Pruitt's long-term future in the administration.

"It's really important," Capito said. "He's going to have to answer some tough questions. I'm sure they'll be put to him by both sides and we'll see what his response is."

Meanwhile, EPW ranking member Tom Carper (D-Del.) said he had a good conversation with House Oversight Chairman Trey Gowdy (R-S.C.) regarding Pruitt, but he said there was no formal bipartisan agreement to work together on an investigation.

"I just gave him plenty of encouragement that he's doing the right thing," he said.

But the mounting public criticism from Republicans suggests GOP lawmakers' patience in defending the EPA chief's behavior is waning.

"Some of the things that he's done and that he's been alleged to do are just indefensible," Sen. John Kennedy (R-La.) said. "You just can't put lipstick on those pigs. You can't."

To view online click here.

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EPA emails show industry worries slowed new science policy Back

By Annie Snider | 04/19/2018 05:01 PM EDT

EPA's rollout of a controversial new transparency policy that would severely restrict the scientific research the agency can rely on when drafting new regulations has been slowed down by political officials' fears that it could have major unintended consequences for chemical makers, according to newly released EPA documents.

The issue of scientific transparency has been high on the agenda of House Science Chairman Lamar Smith (R-Texas), who has found strong support from EPA Administrator Scott Pruitt — much to the consternation of public health advocates and green groups, who view the effort as backdoor attack on the agency's ability to enact environmental regulations.

Since Pruitt announced plans for the new policy last month, researchers and public health proponents have raised alarms that it could restrict the agency's ability to consider a broad swath of data about the effects of pollution on human health. But documents released under the Freedom of Information Act show that top EPA officials are more worried the new restrictions would prevent the agency from considering industry studies that frequently support their efforts to justify less stringent regulations.

Emails between EPA officials obtained by the Union of Concerned Scientists show that Nancy Beck, the top political official in the agency's chemicals office who came to the agency after serving as a key expert for the chemical industry's lead lobbying group, voiced major concerns after she received a draft of the not-yet-released policy on Jan. 31.

The new scientific transparency directive is expected to require that the raw data for all studies EPA relies on be publicly available, and that the studies be peer-reviewed. But Beck said these requirements would exclude a great deal of industry data about pesticides and toxic chemicals that her office considers when determining whether a substance is safe or must be restricted.

It costs companies "millions of dollars to do these studies," Beck wrote in an email to Richard Yamada, the political official in EPA's office of research and development who is spearheading work on the new scientific policy and is also a former staffer for the House Science Committee chairman.

"These data will be extremely valuable, extremely high quality, and NOT published," Beck wrote. "The directive needs to be revised."

Moreover, much of this data, Beck noted, is considered proprietary by companies. It is dubbed confidential business information, and even though EPA can consider it as part of its regulatory review, the data cannot legally be made public.

Yamada replied to thank Beck for the heads up. "Yes, thanks this is helpful - didn't know about the intricacies of CBI," he wrote. "We will need to thread this one real tight!"

The term "confidential business information" primarily applies to industry information. That data is separate from the personal medical information that public health researchers worry could block consideration of their work.

Yogin Kothari, a lobbyist for the Union of Concerned Scientists, said the emails show the Trump administration's EPA has been "trying to stack the deck in favor of the industries they're supposed to be regulating."

"They want to potentially create exemptions for industry, but if you look at this entire set of documents ... you will see that there's not a single consideration for the impacts on public health data, on long-term health studies, on studies that EPA does after public health disasters like the BP oil spill," he said.

EPA spokeswoman Liz Bowman emphasized the policy is not yet finalized.

"These discussions are part of the deliberative process; the policy is still being developed. It's important to understand; however, that any standards for protecting [confidential business information] would be the same for all stakeholders," she said in a statement.

The emails indicate Pruitt wanted the new science policy rolled out at the end of February, and teased his plans in an interview with conservative outlet The Daily Caller in mid-March. But the agency has yet to finalize the policy.

The transparency directive has its origins in legislation introduced by Smith during the Obama administration, that had the backing of a number of industry groups, including the American Chemistry Council. The House Science Committee chairman frequently charged that the Obama EPA used "secret science" to justify "costly new regulations."

Although versions of the measure were approved by the House multiple times, the Senate never took it up. CBO estimated that one version of Smith's legislation would cost EPA $250 million a year, at least in the initial years, and a leaked staff response to questions from the budget office said a later version would be even more costly, would endanger confidential medical and business information, and "would prevent EPA from using the best available science."

But Smith found an ally in Pruitt. The emails indicate that Smith met with Pruitt in early January and show that Pruitt's staff quickly began working on a directive to "internally implement" the legislation.

Industry's backing for the new scientific approach began to waiver under the Trump administration, though. When a top American Chemistry Council scientist testified before Smith's committee in February 2017, she emphasized the need to protect industry information if the transparency initiative moved forward.

"One of the things that we do need to take into consideration as making that data publicly available is that there are adequate protections for confidential business information to ensure that we keep innovation and competitiveness available for the marketplace," Kimberly White told the committee.

Industry has historically claimed that a wide range of information about chemicals, ranging from the processes by which they are produced, to the locations of manufacturing plants, to their very identities, must be kept confidential in order to keep competitors from learning trade secrets. Environmental and public health advocates argue that industry claims this exemption in many cases where it's not necessary and that it often keeps important health and safety information from public view.

The issue was a key point of debate when Congress considered a major overhaul of the nation's primary chemical safety law passed 2016 and has reemerged as Pruitt's EPA sets about implementing the law.

Asked for comment on EPA's new effort to implement the scientific transparency approach internally, American Chemistry Council spokesman Scott Openshaw said the group looks forward to reviewing the directive once it's finalized.

"It is critical that any final directive properly protect confidential business information and competitive intelligence," he said in a statement.

The internal emails show that EPA political staff were particularly attuned to this concern. In a Feb. 23 email to colleagues, Beck forwarded language from a 2005 White House document that laid out narrow exemptions from its requirement that all "important scientific information" disseminated by the federal government go through peer review.

"[Y]ou may need to tweak but hopefully there is something helpful here that can be borrowed/adopted," she wrote.

Richard Denison, lead senior scientist for the Environmental Defense Fund, said that EPA's access to industry data is indeed important to its ability to review the safety of new chemicals and pesticides, but said the internal EPA communications show that Pruitt's EPA wants to "have their cake and eat it too" with the new directive.

"They're trying to force peer review studies done by academic scientists to disclose every last detail, while at the same time allowing industry studies to be kept private or aspects of those to still be kept private," he said.

He pointed out that the concerns Beck raised about the burden the new policy would place on industry are the very same ones that the CBO report said the policy would place on EPA.

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Poll: Coal baron Blankenship fading in W.Va. Senate primary Back

By Alex Isenstadt | 04/23/2018 07:26 PM EDT

WHEELING, W.Va. — A new poll out Monday evening shows recently imprisoned coal baron and Senate hopeful Don Blankenship fading in the Republican primary, amid an avalanche of establishment attacks aimed at stopping him from winning the nomination.

With the primary two weeks away, the survey shows Blankenship, who spent a year in jail following the deadly 2010 explosion at his Upper Big Branch Mine, falling far behind his more mainstream rivals, GOP Rep. Evan Jenkins and state Attorney General Patrick Morrisey. The poll found Morrisey leading with 24 percent, followed by Jenkins with 20 percent, and Blankenship trailing with 12 percent. Thirty-nine percent were undecided.

The survey, which was conducted April 17-19 and has a margin of error of 4.9 percentage points, came as Blankenship squared off against his rivals in a 90-minute debate held at Wheeling Jesuit University. The candidates spent much of the evening aligning themselves with President Donald Trump, and beating up on Democratic Sen. Joe Manchin.

They will also meet on Tuesday, and again next week for a nationally televised debate hosted by Fox News.

The survey of 411 primary voters was commissioned by GOPAC, an organization that promotes state Republican legislators, and was conducted by National Research Inc., a polling firm that worked on Trump's 2016 campaign. Neither has taken sides in the primary.

National Republicans have scrambled to intervene in the contest, fearing that a Blankenship primary win would destroy their prospects of unseating Manchin. The 68-year-old former coal executive has spent nearly $2 million of his own to fund a slash-and-burn style campaign savaging Jenkins and Morrisey as establishment pawns.

He has also sought to clear his name. Much of Blankenship's campaign has been geared toward portraying himself as the casualty of an Obama Justice Department bent on locking him up.

Fearful that Blankenship was gaining traction, Mountain Families PAC, a super PAC overseen by strategists close to Senate Majority Leader Mitch McConnell's political operation, swung back — airing around $700,000 worth of TV ads in recent days accusing Blankenship of contaminating drinking water.

The effort to defeat Blankenship has gone further. Earlier this month, Trump flew to West Virginia to hold an event aimed at selling his tax reform legislation. The president was seated next to Jenkins and Morrisey, a clear attempt to promote their candidacies over Blankenship, who was not in attendance.

For national Republicans, the move was not without risk. Last year, a McConnell-aligned super PAC spent millions to stop Alabama Senate candidate Roy Moore from winning the nomination, only to see it backfire. Moore used it to cast himself as the victim of the establishment, and went on to win the primary before losing the general election in a stunning upset.

Blankenship is taking a similar approach. With the contest hurtling into the final stretch, he has begun airing commercials calling McConnell a "swamp creature."

And during a news conference on Monday morning, Blankenship pledged not to support McConnell as Senate GOP leader if he's elected.

"He needs to understand that if I'm there I will not vote for him for majority leader, and so the rest of the senators should understand that they should not put him up if they need my vote," he told reporters.

The candidates largely avoided attacking each other at Monday's debate, perhaps because three lesser-known contenders were also included onstage, a setup that limited the amount of speaking time.

Blankenship used the debate to further his argument against the establishment. He called the 2010 mine explosion "heart-wrenching," and called it "one of the worst days of my life."

But he blamed the disaster on the government, saying it had taken steps to limit the amount of airflow available to the miners.

During his closing remarks, Blankenship referred to Washington as the "district of corruption," and argued that politicians there often tried to make themselves look like they were fighting over ideals when they were merely posturing.

"When I go to D.C.," he said, "it won't be a fake fight, it will be a real fight."

With candidates and outside groups crowding the TV airwaves, much of the firepower is being directed at Jenkins, a second-term congressman who in 2014 defeated longtime Democratic Rep. Nick Rahall. All told, around $1.2 million is expected to be spent against Jenkins, according to a media buyer.

Among those spending heavily against Jenkins is Duty and Country, an outside Democratic group with offices in Washington. To date the group has spent around $380,000 on TV, the vast majority of it against Jenkins.

At Monday's debate, Jenkins argued that Democrats were trying to "meddle" in the primary. He said their attacks on him was proof that the opposing party viewed him as the biggest threat to Manchin.

The Democratic effort, he added, was unprecedented in West Virginia politics.

"They're scared to death of Evan Jenkins on the ballot in November because they know Evan Jenkins can beat Joe Manchin," the congressman said.

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Court chooses salmon over hydropower in Columbia River fight Back

By Annie Snider | 04/02/2018 02:34 PM EDT

The 9th Circuit Court of Appeals has sided with the state of Oregon, the Nez Perce tribe and nearly a dozen conservation groups, ruling that hotly contested dam operations on the Columbia and Snake Rivers must forgo hydropower production during key times of the year in order to protect endangered salmon.

The three-judge panel upheld a lower court's decision requiring that water be spilled over the top of dams along the Columbia River System, including the powerhouse Grand Coulee dam, the largest power station in the U.S., during periods when young salmon and steelhead migrate to the ocean. The hydropower turbines pose a threat to the fish.

The Justice Department, representing the National Marine Fisheries Service, Army Corps of Engineers and Bureau of Reclamation, had argued that requiring such operations would cause electricity rates to spike and could threaten the reliability of the electrical grid.

The ruling stems from a years-long battle over the nearly 100-year-old hydropower system along the Columbia and Snake rivers. Conservation groups and tribes with treaty fishing rights want the system altered and operated to benefit wildlife, including calling for the removal of four dams along the Snake River. As part of that litigation, the federal agencies are also working on an environmental impact statement for the system that has been the subject of congressional fights, with Rep. Cathy McMorris Rodgers (R-Wash.) filing a measure (H.R. 3144) to void that process, and Democratic lawmakers coming out in opposition.

WHAT'S NEXT: Unless they successfully appeal the decision, the federal agencies will need to release water over the top of dams beginning this spring. The ongoing environmental impact statement process will continue.

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Senate spending leaders vow to open up floor debate for amendments Back

By Sarah Ferris and Kaitlyn Burton | 04/23/2018 06:20 PM EDT

Senate Appropriations Chairman Richard Shelby is vowing to restore chamber-wide debate on amendments to individual appropriations bills to help end Congress' stop-and-go funding cycle.

Shelby (R-Ala.), along with his Democratic counterpart Sen. Patrick Leahy, of Vermont, told committee members in a closed-door meeting today that leadership has agreed to allow amendments on the Senate floor for every individual spending bill.

"There is perhaps unanimity, but certainly strong consensus that if the appropriations process is going to work we're going to be casting votes on amendments and we stay here and we vote," Sen. Jerry Moran (R-Kan.) told reporters exiting the meeting, which was the committee's first bipartisan sit-down of fiscal 2019

"I think it's the single best way to restore the Senate the way the Senate's supposed to work. The full Senate gets a chance to offer a variety of amendments, and if you don't like it, you can vote against it," Sen. Lamar Alexander (R-Tenn.) added.

Shelby and Leahy have met with Majority Leader Mitch McConnell and Minority Leader Chuck Schumer in recent days about opening up the floor for debate on spending bills.

When asked if both leaders were on board, Shelby added: "They tell us they are, and I like to believe them." Leahy added: "We both talked with both of them. I think they both understand. The Senate can't go on like this."

It's a risky gambit, particularly in an election year. Contentious amendments have held up bills in both chambers in recent years.

Back in 2016, Senate Democrats blocked a largely noncontroversial Energy and Water bill because of a proposed amendment on Iran. In 2015, the House GOP's Interior-Environment bill was tripped up by an unrelated rider on the Confederate flag.

The number of amendments on Senate spending bills has dropped dramatically in the last two decades, as the chambers considers fewer and fewer individual bills.

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