anticipating will comprise a significant percentage of the market over the next decade.[17] Finally, several more battery-electric and hydrogen fuel cell models targeted for the long-haul market are expected to reach the market over the next few years.[18]

Compared with diesel, electricity **reduces fuel costs an estimated 30-75%.**

The rapid development of zero emission technology has brought the costs down considerably and this trend is projected to continue as the production of these technologies are scaled up. Numerous studies show that the total cost of ownership of certain battery electric trucks (transit and some urban delivery) are already competitive with their diesel counterparts today.[19] E-buses in most charging configurations cost less than comparable diesel buses on a total-cost-of-ownership basis.[20] A recent study found that in nearly every vehicle case examined, including long-haul trucks, battery-electric trucks and buses will have a lower total cost of ownership than diesel vehicles when purchased within the next 10 years.[21] The largest savings come from lower fuel costs due to vehicles' currently low fuel economy and often high mileage, specifically for long-haul trucks. Compared with diesel, electricity reduces fuel costs an estimated 30 to 75 percent, depending on vehicle efficiency and fuel prices.[22]

The transition to medium- and heavy-duty ZEVs and related increase in manufacturing and charging infrastructure will create jobs. Navistar is investing $250 million in a San Antonio plant that will produce both diesel and electric trucks, through which it expects to support 600 new jobs. It also announced a new facility outside of Detroit that will employ 50 eMobility specialists.[23] Tesla will invest $1 billion to produce a range of EVs, including the Tesla Semi Truck at its next Gigafactory in Austin, TX – an effort that will support 5,000 new jobs.[24] Daimler Trucks North America expects to start production of the eCascadia and eM2 trucks in Portland, Oregon in 2022.[25]

Increasing model availability and decreasing costs make zero emitting trucks a compelling path toward cleaner freight. But, as many groups have recognized, well-designed air pollution standards and incentives are critical to save lives from climate and air pollution and hasten ZEV deployment. For instance, the Moving Forward Network – a national coalition of community-based groups, national environmental organizations, and academic institutions, representing over 2 million members, and committed to resolving the public health harms created by our country's freight system and achieving environmental justice and climate justice – has asked that EPA "adopt regulations to reduce and eliminate emissions from the freight sector," and "identify reducing freight-related air pollution as a top priority for the Agency."[26] It is essential to ensure that environmental justice communities and leaders are thoroughly engaged – and heard – in shaping and designing these pollution standards.

Leading businesses have also recognized the importance of pollution standards and complementary policies in hastening ZEV deployment. For instance, the Zero Emission Transportation Association (ZETA) – a coalition of major businesses including electric vehicle manufacturers, power companies, and many others – has urged adoption of ambitious policies to support medium- and heavy-duty electrification, including multi pollutant

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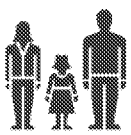
standards under the Clean Air Act.[27] The National Zero-Emission Truck (ZET) Coalition is a group of America's biggest truck equipment manufacturers, suppliers and key stakeholders, such as Cummins, Daimler, PACCAR, Eaton, Tesla and Rivian, advocating for federal charging and refueling infrastructure and increased federal investments and incentive programs to help drive the near-term production of ZEV trucks and buses in the United States.[28]

The European Automobile Manufacturers Association – which includes Scania, Daimler Truck AG, Ford Trucks and Volvo Group, among others – together with the Potsdam Institute for Climate Impact Research, has pledged that by 2040 all new commercial vehicles sold must be fossil free.[29]

States are also taking the lead. California adopted the world's first zero-emission truck rule, which will require manufacturers to start selling new heavy-duty ZEVs by 2024. [30] This landmark Advanced Clean Truck (ACT) rule is expected to prevent more than 900 premature deaths, save the state economy up to $12 billion over the next 20 years and create thousands of new jobs by 2035.[31] New Jersey recently announced plans to adopt California's ACT rule.[32] By subsequent Executive Order, California Governor Gavin Newsom directed the Air Resources Board to develop standards consistent with the goal that all medium and heavy-duty trucks operating in drayage applications in California are zero-emitting by 2035 and trucks operating across all applications are zero-emitting by 2045. [33]

Fifteen other states and the District of Columbia recently launched a multi-state initiative to advance and accelerate the market for electric medium- and heavy-duty vehicles. The voluntary initiative set a target of 30 percent of new truck and bus sales being ZEV by 2030 and 100 percent ZEV sales by 2050 with an emphasis on the need to accelerate deployment in disadvantaged communities.[34] The agreement could result in an estimated reduction of up to 740 million barrels of oil by 2045, which is equivalent to more than 300 million metric tons of CO_2 pollution.[35]



More than
20,000
Americans die prematurely every year as a result of the motor vehicle pollution on our roads and highways.

This progress, together with durable federal multipollutant emissions standards that accelerate zero emitting solutions for urban and community applications and ensure all new vehicles sold are zero emitting by 2040, will help cement a full transition to a zero-emitting medium- and heavy-duty fleet and extend the substantial health and economic benefits across the country.

Protecting the health of communities across the Nation

The health burden from truck and bus pollution is substantial, causing adverse health impacts in utero, in infants and children, and in adults and the elderly – with those who live closest to our nation's roads and highways, ports, distribution centers, freight depots and other well-known sources of truck pollution facing the greatest harms.[36]

Despite making up only about 4 percent of vehicles on the road,[37] the buses, trucks and tractor trailers that distribute our people and goods are the largest contributor to ozone-forming oxides of nitrogen (NOx) emissions and health-

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harming fine particulates from all highway vehicles and will be one of the largest mobile source contributors to ozone in 2025.[38] They are also responsible for more than 420 million tons of climate pollution – more than the entire country of Australia.[39]

More than 20,000 Americans die prematurely every year as a result of the pollution from our highway vehicles.[40] But air pollution varies dramatically within cities and neighborhoods, with the health burden having a greater impact on people of color and lower income households. A recent report by Moving Forward Network found that, on average, Asian and Black Americans are exposed to PM2.5 pollution that is 56 and 44 percent higher, respectively, than white Americans.[41]

Air pollution varies dramatically within cities and neighborhoods, with the health burden disproportionately impacting people of color and lower income families.

People who drive or ride on buses also face an elevated risk due to their close proximity to tailpipe emissions. Prior to the COVID-19 pandemic, there were nearly half a million school buses in the United States, traveling a total of 3.4 billion miles per year to transport 25 million children every school day.[42] And there are typically thousands of public transit buses that collectively travel more than 2 billion miles annually.[43] Lower income households and communities of color disproportionate rely on these school and public transit buses.

Commercial diesel trucks take an especially heavy toll on neighborhoods along their routes. A study in Oakland, California found that transportation-related air pollution (black carbon and NOx) was much higher (in some cases double) on a freeway that is a designated truck route (I-880) compared to another freeway in the same city where trucks are prohibited (I-580).[44] Another study near the Port of Oakland also found that black carbon levels measured along truck routes were higher compared to measurements at most other sites, including those near industrial facilities, other highways and on residential streets.[45]

A shift to electrification and zero emitting vehicles is one of the most important steps our nation can take to alleviate the enormous health burden on communities across the country.

Warehouses and distribution centers where trucks pull in and out, and often idle, are also concentrated sources of risk. And many discriminatory policies have led to the siting of these facilities near communities of color who face higher rates of underlying health conditions as a result of the cumulative burden from air pollution and other factors.[46] In Houston's Fifth Ward, diesel trucks that come and go from the cluster of metal recyclers and concrete processing plants, drive up ambient nitrogen dioxide (NO_2) levels by 48 percent relative to the rest of the city. Residents are largely people of color (more than 90 percent), 40 percent live below the federal poverty line and life expectancy is almost a decade lower than the rest of the region (69 compared to 78 years).[47]

The actual health burden from truck pollution may be larger still, as analyses often do not account for the potential impact from after-market defeat devices on medium- and heavy-duty trucks. The EPA believes the use of aftermarket defeat devices "occurs within most or all categories of vehicles and engines, including commercial trucks..."[48] A zero-emitting truck and bus fleet would avoid this problem of emission control tampering.

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A shift to zero emitting medium- and heavy-duty vehicles – including rapid deployment in communities long overburdened by this pollution – is one of the most important steps our nation can take to save lives and bring cleaner air to neighborhoods across the nation.

National pollution standards must achieve 100% new ZEV sales for *all* trucks and buses no later than 2040 with accelerated deployment in urban and community applications by 2035

This report examines the climate, air pollution, health benefits and monetized impacts that would result from eliminating pollution from new medium- and heavy-duty vehicles, from urban applications to long-haul trucks, by 2040. To achieve these goals, the analysis assumes that 100 percent of new transit and school buses will be ZEVs by 2030. We assume 30 percent of other new buses and trucks will be ZEVs by 2030, growing to 100 percent by 2040. The analysis assumes the vast majority of ZEVs are battery electric vehicles (BEVs) with the sale of hydrogen fuel cell vehicles (FCVs) growing slowly over time as a percentage of ZEV sales, reaching 2.5 percent of school and transit buses, 10 percent of single unit trucks and 20 percent of combination trucks in 2030 and increasing to 30 percent of new combination truck sales in 2050. These assumed percentages are meant to illustrate the magnitude of benefits associated with eliminating pollution from medium- and heavy-duty vehicles by 2040 but not to suggest particular regulatory pathways for doing so.

The standards would essentially **eliminate** all harmful tailpipe emissions from the heavy-duty fleet by **2050**.

The analysis estimates these impacts against a baseline that uses Annual Energy Outlook (AEO) 2020 vehicle fleet and vehicles miles traveled (VMT) assumptions, adjusted based on the assumption that the California Advanced Clean Truck Rule and existing fleet commitments will result in 250,000 in-use heavy-duty ZEVs in 2030 and 1.7 million ZEVs on the road by 2050. Our analysis also assumes that the electricity grid will be 100 percent renewable by 2035, consistent with commitments by the Biden administration under both baseline and ZEV scenarios.[49]

The methodologies underpinning this analysis are generally consistent with previous analyses conducted by the U.S. Environmental Protection Agency (EPA) in these areas, such as those used in its original Proposed and Final Determinations regarding the 2022-2025 GHG standards for cars and light trucks.[50] New vehicle sales, scrappage, use and associated emissions (GHG, NOx, and PM) were projected using the State Emissions Pathway (STEP) model developed by M.J. Bradley and Associates and ERM Group Company.[51]

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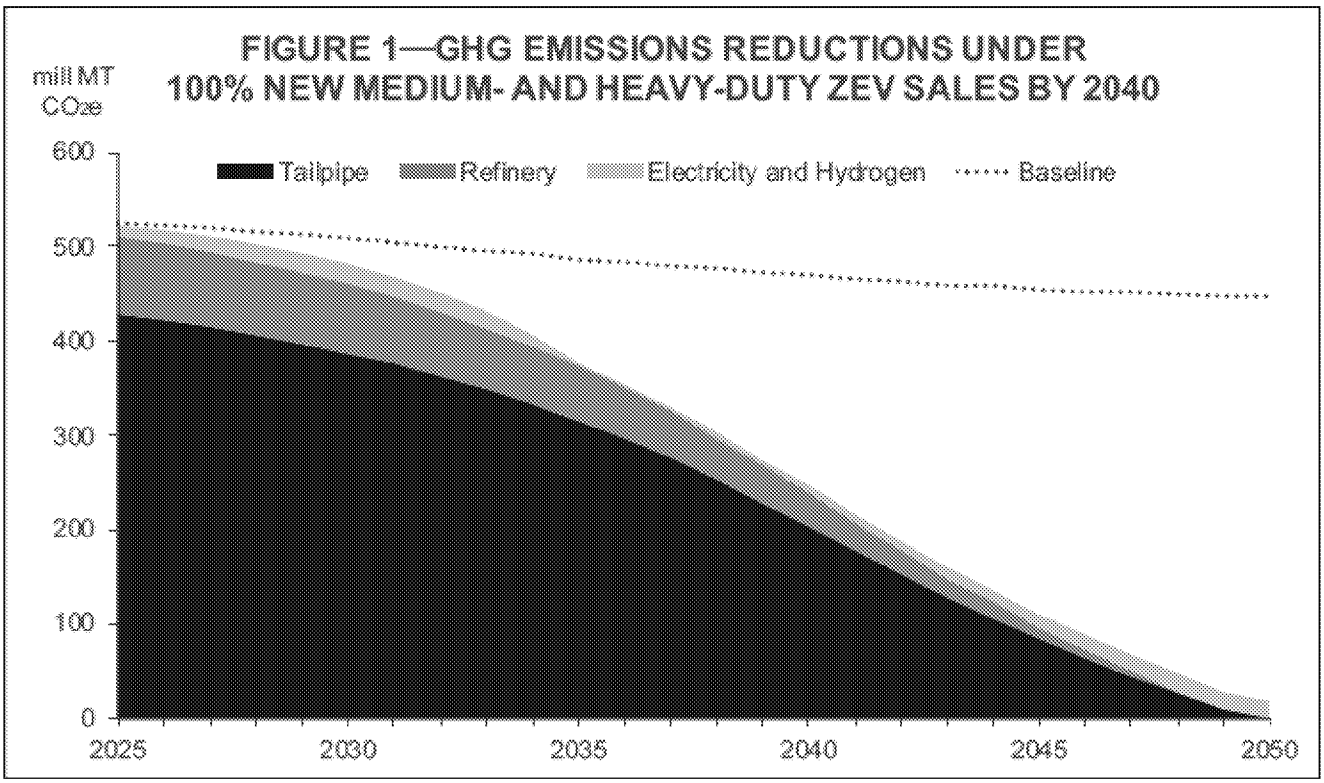
National pollution standards that achieve 100% new medium- and heavy-duty ZEV sales by 2040 will reduce greenhouse gases by billions of tons

National pollution standards for new medium- and heavy- duty vehicles will deliver significant climate and health benefits by reducing greenhouse gas and other harmful air pollutants, including CO_2, NO_x, particulates, air toxics and other health-harming pollutants. And these reductions will begin long before the standards are fully phased in.

Multipollutant standards have the potential to reduce 110 million metric tons of GHG emissions annually in 2035, doubling to 224 million tons in 2040 and doubling again to more than 428 million tons every year by 2050, relative to no federal action. Between now and 2050, the standards will eliminate more than 4.7 billion tons of GHG emissions in total.

As shown in Figure 1, standards that achieve 100 percent new ZEV sales by 2040 would eliminate tailpipe CO_2 emissions from the heavy-duty fleet by 2050 – one of the biggest contributors to the nation's GHG inventory.



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National pollution standards that achieve 100% new medium- and heavy-duty ZEV sales by 2040 will significantly reduce health-harming pollution – especially in communities that disproportionately bear the burden of this pollution

The standards will secure cumulative NOx emissions reductions of more than **10 million tons** by 2050.

The nation will also see a significant reduction in health-harming particulates and ground level ozone-forming pollution, especially in communities near busy truck routes.

As Figure 2 shows, well-designed climate and air pollution standards that save lives by relying on the availability of 100% new ZEV sales by 2040 would eliminate tailpipe NOx emissions by 2050. They would reduce NO_x emissions by 222,000 tons per year in 2035, 453,000 tons by 2040 and 887,000 tons annually by 2050 – roughly equivalent to the annual NO_x emissions from all of today's power plants.[52] In total, the standards would reduce more than 10 million tons of NO_x by 2050. NO_x contributes to the formation of fine particles ($PM_{2.5}$) and ground level ozone, both of which are associated with adverse health effects, including premature death.[53]

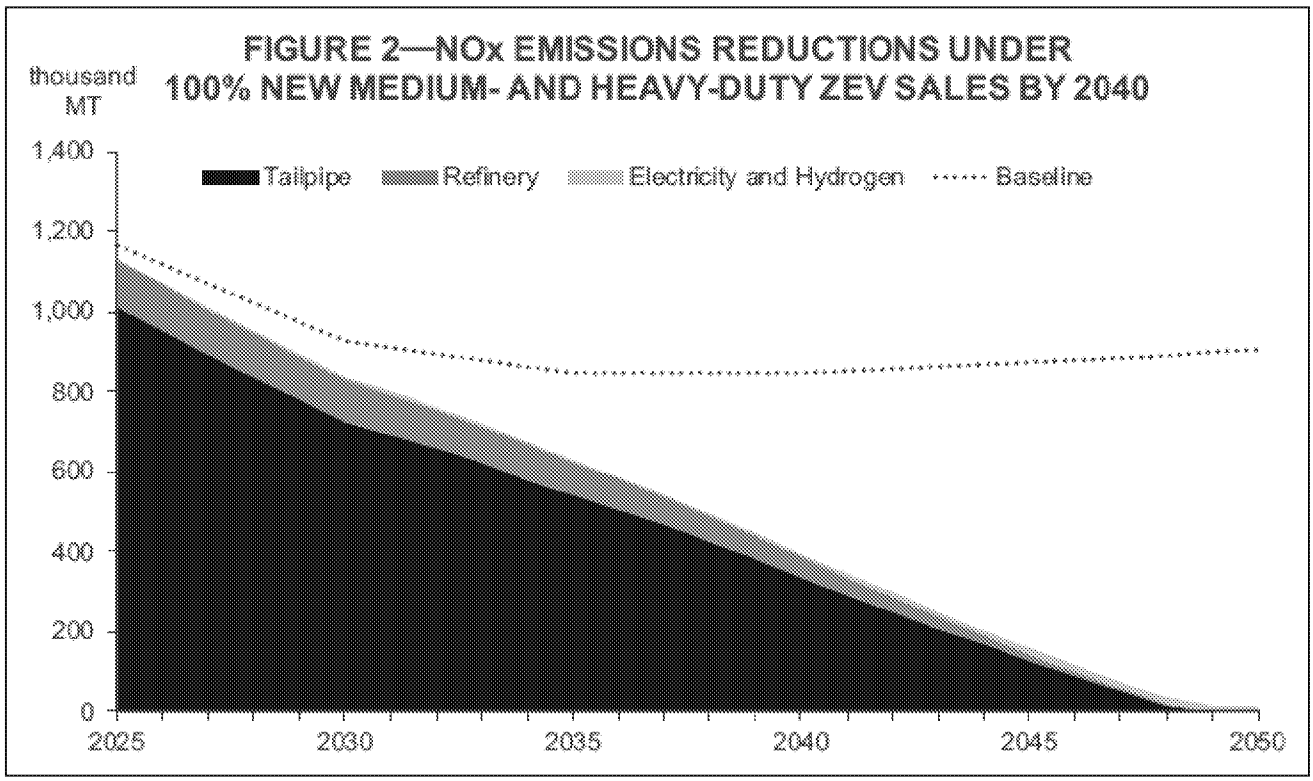

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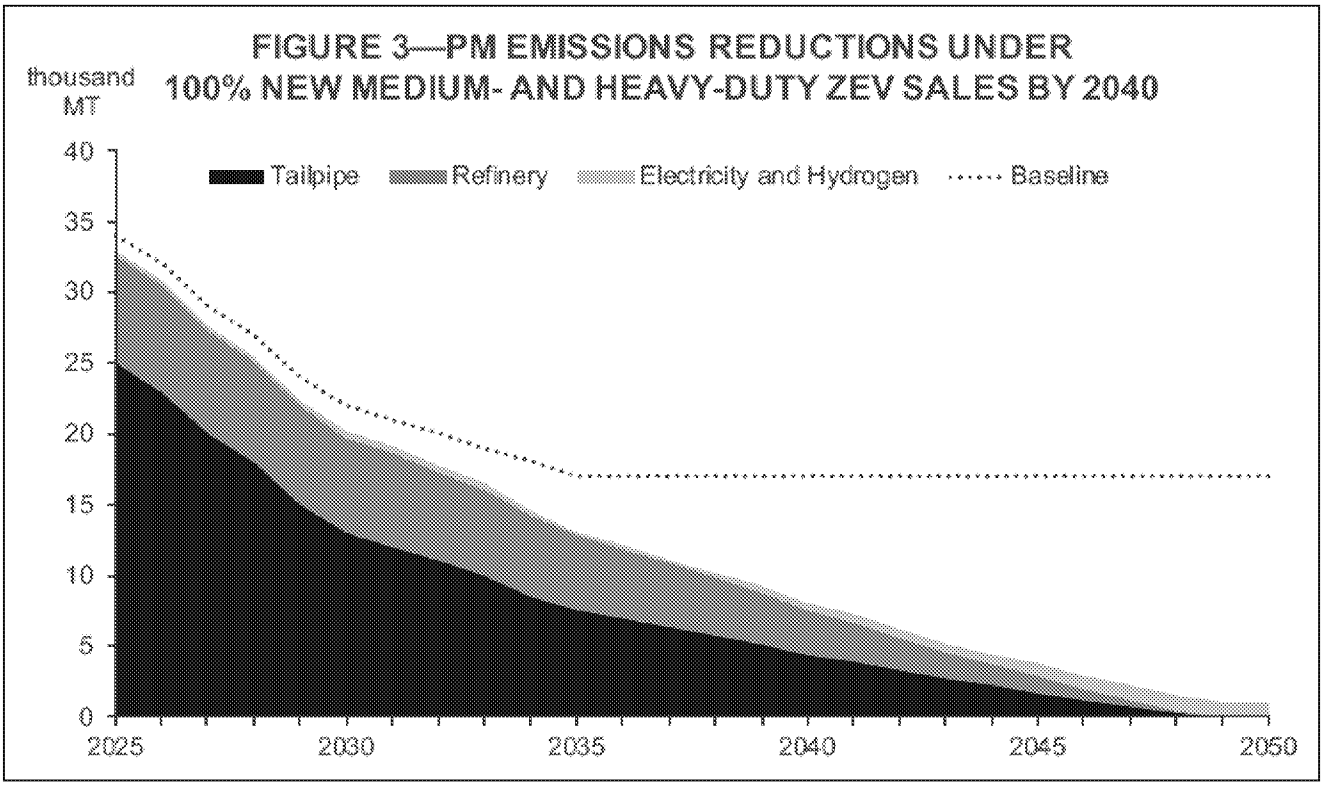
Figure 3 shows that health-harming particulate pollution will also be eliminated from the medium- and-heavy-duty fleet before 2050. The transition to ZEVs will reduce PM pollution by more than 4,000 tons every year by 2035, nearly 9,000 tons yearly by 2040 and 16,000 tons each year by 2050. The cumulative reduction by 2050 will reach nearly 200,000 tons.

Multipollutant medium- and heavy-duty standards would also reduce sulfur oxides (SO_x), which contribute to particulate formation, by a total of more than 200,000 tons between now and 2050. Volatile organic compounds (VOCs) and toxic benzene would also be significantly reduced.



We translated these pollution reductions into health benefits using EPA's Benefit per Ton screening and mapping tool.[54] Table 1 shows that the medium- and heavy-duty pollution standards would result in an estimated 1,157 – 2,613 fewer premature deaths and nearly 140,000 fewer lost workdays each year by 2040. By 2050, a total of 57,214 fewer Americans will have died prematurely.

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TABLE 1: 100% NEW MEDIUM- AND HEAVY-DUTY ZEV SALES BY 2040 YIELD SIGNIFICANT REDUCTIONS IN HEALTH IMPACTS				
INCIDENCES	2030	2040	2050	TOTAL THRU 2050
PREMATURE MORTALITY	180 – 417	1,157 – 2,613	2,168 – 4,892	25,295 – 57,214
WORK LOSS DAYS	22,670	137,186	255,870	3,005,846
RESPIRATORY SYMPTOMS	8,204	49,574	92,475	1,086,289
ASTHMA EXACERBATION	5,625	34,087	63,639	746,985
ACUTE BRONCHITIS	412	2,328	4,177	50,356
HEART ATTACKS	204	1,312	2,456	28,676
EMERGENCY ROOM VISITS OR HOSPITAL ADMISSIONS	187	1,181	2,210	25,854

All of these health impacts are due to changes in ambient fine particulate matter levels and do not include the substantial additional benefits that would result from reduced ozone or GHGs, which would further enhance the program's health benefits.

Cumulative pollution-related savings to the United States would reach **$485 billion by 2050**.

National pollution standards that achieve 100% new medium- and heavy-duty ZEVs sales by 2040 will deliver massive pollution-related economic benefits

To evaluate the economic impacts of eliminating pollution from new vehicles sold by 2040, we monetized the benefits of the GHG emissions reductions and ambient PM-related health benefits to society.[55] Figure 4 summarizes the substantial aggregate benefits to the nation, relative to no federal action. The annual benefits are an estimated $4 billion in 2030 – long before the standards are fully in effect – and jump to as high as $27 billion in 2040 and $48 billion in 2050. The cumulative pollution-related savings to the United States as a result of federal standards that ensure new ZEV sales would reach $485 billion by 2050.

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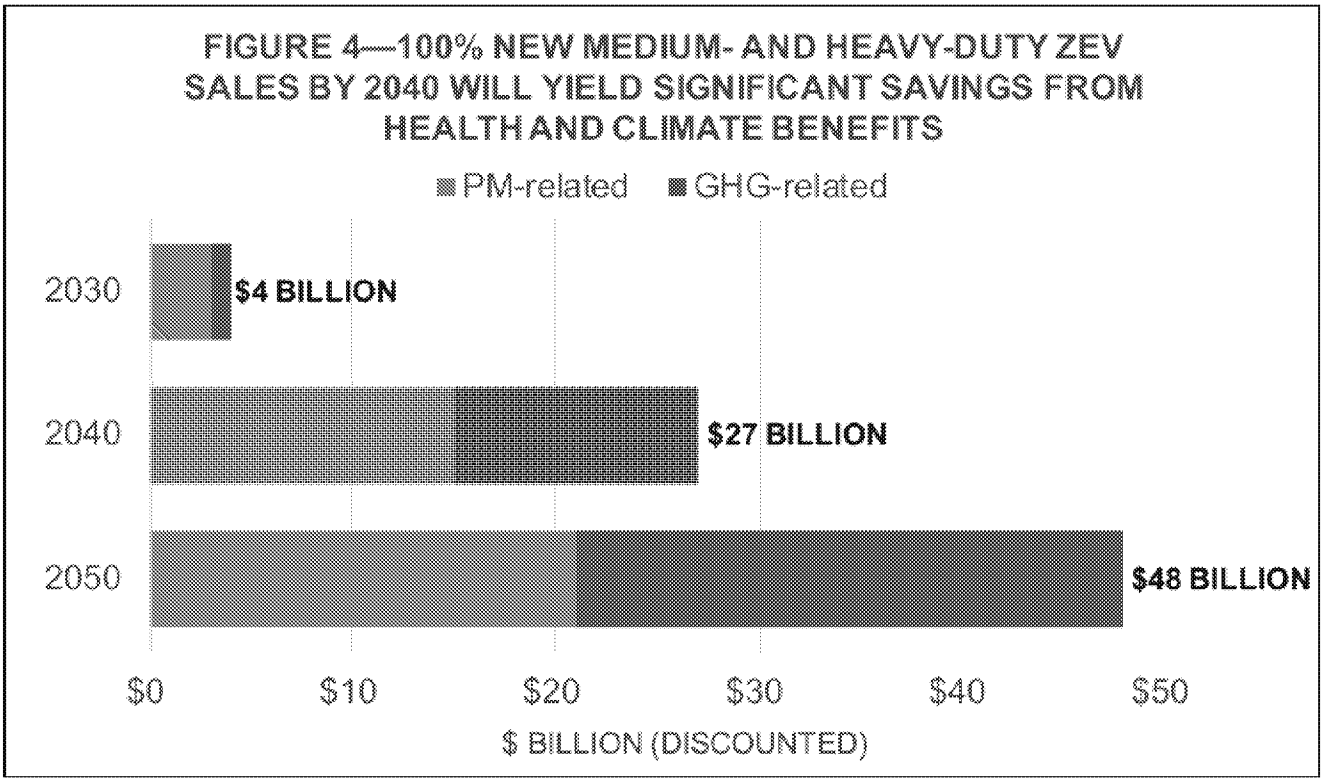

Conclusion

Air pollution standards that ensure new zero-emitting medium- and heavy-duty vehicles are deployed swiftly in urban and community applications by 2035 and that *all* new medium- and heavy-duty trucks and buses sold by 2040 are zero-emitting would have substantial benefits for all Americans. These standards would avoid 224 million metric tons of greenhouse gas emissions every year by 2040 and a total of more than 4.7 billion tons by 2050. They would likewise significantly reduce ozone forming pollution and harmful particulate pollution that disproportionately burdens people of color and lower income communities. The standards would avoid as many as 2,600 premature deaths and 140,000 lost workdays each year in 2040 and prevent more than 57,000 premature deaths in total by 2050. Adopting national multipollutant standards would save Americans up to $27 billion annually by 2040 in pollution benefits and $485 billion cumulatively by 2050.

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[46] Nardone A, Casey JA, Morello-Frosch R, Mujahid M, Balmes JR, Thakur N. 2020. Associations between historical residential redlining and current age-adjusted rates of emergency department visits due to asthma across eight cities in California: an ecological study. *Lancet Planet Health.* 4(1):e24-e31. Miranda ML, Edwards SE, Keating MH, Paul CJ. 2011. Making the environmental justice grade: The relative burden of air pollution exposure in the United States. *Int J Environ Res Public Health.* 8: 1755-1771. Ihab Mikati, Adam F. Benson, Thomas J. Luben, Jason D. Sacks, Jennifer Richmond-Bryant. April 2018. Disparities in Distribution of Particulate Matter Emission Sources by Race and Poverty Status, *American Journal of Public Health* 108, no. 4: pp. 480-485. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5844406/

[47] https://www.edf.org/airqualitymaps/houston/findings

[48] https://int.nyt.com/data/documenttools/epa-on-tampered-diesel-pickups-11-20/6d70536b06182ad2/full.pdf

[49] Grid emissions through 2025 are based on GREET2020 projections. Emissions after 2025 decline linearly until reaching zero in 2035. The benefits of medium- and heavy-duty standards would be substantial even if the transition to 100 percent renewable electrical grid takes until 2050. For example, emission reductions through 2050 would only be reduced by 1% for GHGs, 0.1% for NOx and 0.4% for PM. Likewise, the impacts on pre-mature mortality and monetized health and welfare benefits would only decrease by 1%.

[50] U.S. EPA. 2019. Final Determination on the Appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards under the Midterm Evaluation, EPA-420-R-17-001. U.S. EPA. 2016. Proposed Determination on the Appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards under the Midterm Evaluation, EPA-420-R-16-020.

[51] Inputs to this model are based on data and projections contained in the ORNL Transportation Energy Book, EPA's MOVES model and EIA's AEO2020 analysis. We added projections of SOx emissions to the GHG, NOx and PM emission projections made by M.J. Bradley & Associates. Vehicular SOx emissions were based on the sulfur standards for gasoline and diesel fuel of 10 ppm. Upstream SOx emissions for gasoline, diesel fuel, electricity and hydrogen were taken from GREET2020, with SOx emissions from electricity generation adjusted as previously described.

[52] https://www.epa.gov/airmarkets/power-plant-emission-trends

[53] Health Effects Institute. 2019. State of Global Air 2019. https://www.stateofglobalair.org/sites/default/files/soga_2019_usa.pdf

[54] https://www.epa.gov/benmap/estimating-benefit-ton-reducing-pm25-precursors-17-sectors

[55] CO2 was valued at $48 per metric ton in 2021, increasing in real terms by roughly 2% per year. See EPA, Technical Support Document, Estimating the Benefit per Ton of Reducing PM2.5 Precursors from 17 Sectors, February 2018. https://www.epa.gov/benmap/estimating-benefit-ton-reducing-pm25-precursors-17-sectors

ED_005551_00000958-00016

Message

From: Enos, Kendra [Enos.Kendra@epa.gov]
Sent: 2/8/2021 5:00:49 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips: Morning Edition 2-8-21

Daily News Clips - Morning Edition
February 8th, 2021

Air
EPA Issues Request For Comment On RFS Petition For Waiver Requests
Biofuels
Thune, Klobuchar reintroduce bill to recognize environmental benefit of biofuels and efficient farming
Chemicals
Smurfit advisory group questions EPA analysis of risks to human health
Superfund
Biden EPA pick pledges resources to help meet Chesapeake cleanup goals
EPA Proposes Pollution Cleanup Of Delco Plant Site In Kokomo

Air
EPA Issues Request For Comment On RFS Petition For Waiver Requests
https://www.jdsupra.com/legalnews/epa-issues-request-for-comment-on-rfs-2498220

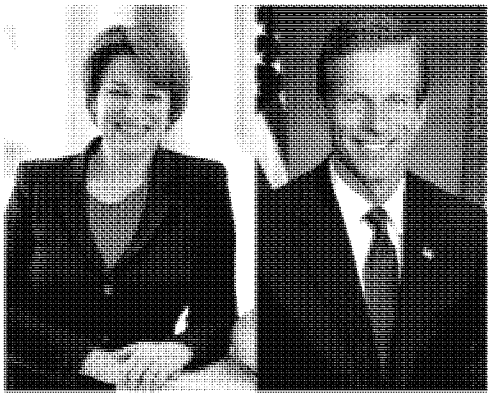
Bergeson & Campbell, P.C.

On January 19, 2021, EPA issued a request for comment on petitions submitted in 2020 for a waiver of the RFS obligations that apply to 2019 and 2020. The petitions argue that recent events warrant EPA exercising its general waiver authority on the basis of severe economic harm. In late March 2020, a group of small refineries requested a waiver of the 2019 and 2020 RFS obligations. In April 2020, Governors of several states submitted three petitions for waivers of the nationwide volumes. Under the Clean Air Act (CAA), EPA is granted the discretion to waive the requirements of the RFS program in whole or in part if the EPA Administrator determines, after a notice and comment, that the implementation of the applicable annual volume requirements would severely harm the economy or environment of a state, region, or the United States. Comments on the aforementioned petitions are due on February 18, 2021.

[View source.]

Biofuels
Thune, Klobuchar reintroduce bill to recognize environmental benefit of biofuels and efficient farming
https://www.capjournal.com/community/thune-klobuchar-reintroduce-bill-to-recognize-environmental-benefit-of-biofuels-and-efficient-farming/article_a685f814-667d-11eb-9750-6fe20e436594.html

By Capital Journal staff



U.S. Sens. Amy Klobuchar, D-Minn., and John Thune, R-S.D., want the Environmental Protection Agency (EPA) to update greenhouse gas modeling for ethanol and biodiesel.
Photos provided by U.S. Congress

U.S. Sens. John Thune, R-S.D., and Amy Klobuchar, D-Minn., have reintroduced the Adopt GREET Act, legislation that would require the Environmental Protection Agency (EPA) to update its greenhouse gas modeling for ethanol and biodiesel.

Specifically, the bill would require EPA to adopt the Argonne National Lab's Greenhouse Gases, Regulated Emissions, and Energy Use in Transportation (GREET) model for both fuels. EPA would then be required to update its modeling every five years or report to Congress to affirm its modeling is current or otherwise explain why no updates were made.

In his office's release, Thune said, "(this) will more accurately reflect the emissions reductions achieved by biofuels. This will not only underscore how homegrown biofuels can be a cleaner part of our energy security and environmental policy, driving value for South Dakota farmers, but also make biofuel exports more attractive to countries seeking to lower their transportation emissions."

"It is critical that the EPA's decade old greenhouse gas modeling for ethanol and biodiesel be updated to fully reflect the newest science and technology," said Klobuchar. "This legislation will allow us to fully understand how biofuels can help contribute to our emissions reduction goals while expanding and promoting the use of clean energy and rural jobs across the country."

The Adopt GREET Act is co-sponsored by U.S. Sens. Mike Rounds, R-S.D., Richard Durbin, D-Ill., Joni Ernst, R-Iowa, and Charles Grassley, R-Iowa.

"It is imperative that the EPA adopts the latest, most accurate science to quantify the environmental benefits of ethanol, which was recently shown to have nearly half the carbon intensity of traditional gasoline," said Josh Shields, senior vice president for government affairs and communications of POET (a biofuel company, headquartered in Sioux Falls, specializing in creating of bioethanol. Currently, POET produces 1.8 billion gallons per year). "(this) bill is a critical step in restoring integrity to the RFS (Renewable Fuel Standard), encouraging higher blends of biofuels and formally recognizing what ethanol producers and corn farmers have known all along: the power of biofuels and agriculture are some of the best tools available to grow our rural economies while staying in sync with nature."

"The science shows ethanol is a low carbon fuel, and Senator Thune's legislation to use sound science to update its carbon footprint at EPA is long overdue," said Lisa Richardson, executive director of the South Dakota Corn Growers Association.

"Biofuels continue to prove their environmental benefits and significance in our nation's climate change efforts," said Emily Skor, CEO of Growth Energy. "Just last week, a study was released that found that greenhouse gas emissions from corn ethanol are 46% lower than gasoline, up from a previous report of 39%. ... updating the modeling at EPA is long overdue and necessary to fully reflect biofuels' potential to decarbonize the transportation sector and provide Americans with immediate cleaner options at the pump."

"... ensuring EPA replaces its antiquated lifecycle accounting of ethanol's GHG emissions with the latest DOE GREET model, which shows that corn ethanol's carbon intensity is approximately 50 percent less than petroleum gasoline, as recently validated in a study published by Harvard scientists and others," said Brian Jennings, CEO of the American Coalition for Ethanol (ACE).

"This bill will ensure EPA uses the most recent science and data to accurately measure the greenhouse gas emission reduction benefits of ethanol," said John Linder, president of the National Corn Growers Association. "The Department of Energy's GREET model clearly shows ethanol is a key carbon reduction solution, resulting in significantly fewer greenhouse gas emissions than gasoline."

Chemicals

Smurfit advisory group questions EPA analysis of risks to human health
https://missoulacurrent.com/outdoors/2021/02/smurfit-advisory-group/

BY LAURA LUNDQUISTFEBRUARY 8, 2021

(Laura Lundquist/Missoula Current)
The U.S. Environmental Protection Agency has published its draft risk assessment for the Smurfit-Stone mill site, but locals question whether the agency has gone far enough in testing for toxins, particularly cancerous ones.

During the Frenchtown Smurfit Stone Community Advisory Group meeting last week, EPA toxicologist Will Folland highlighted health concerns the EPA identified in the draft Smurfit-Stone Human Health Risk Assessment.

After explaining how the EPA identified "chemicals of potential concern" on the site, Folland said the agency identified three metals that exceeded limits in the shallow groundwater below the main factory and another three – manganese, cobalt and arsenic – in the surrounding area.

The surrounding area also had higher levels of dioxins and furans in the soil around the former settling pond.

As to fish consumption, Folland said recreational anglers have to be concerned only with northern pike, while tribal fishermen, who tend to consume more fish, have to worry about eating both northern pike and rainbow trout due to levels of polychlorinated biphenols.

PCB's are highly toxic industrial compounds that were banned in 1977 but persist in the environment at dangerous levels. They tend to accumulate in the sediment of streams and lakes and accumulate in the fatty tissue of fish. PCB's weren't used in the wood pulping process, but they were part of the electrical transformers that powered the plant.

"Risks are being driven by PCB's," Folland said.

The advisory group didn't question that. But they raised several other concerns about the EPA assessment, particularly the EPA's methods related to dioxins, which were a byproduct of the pulping process.

The EPA evaluates carcinogens differently and has different risk limits than for non-carcinogens. Folland said dioxins are potentially cancerous and the EPA used to have a cancer toxicity value for them in the 1990s. But now, the EPA uses non-cancer limits for dioxins.

"There's limited evidence it can cause cancer in humans, but it's not conclusive," Folland said. "The scientific community agrees it has carcinogenic properties, but since the toxicity value was established, more information came out that led us to reevaluate the carcinogenicity of dioxin."

Folland didn't elaborate on what information came out, but the EPA's classification of dioxins has a concerning background.

After the Love Canal tragedy in 1978, where New York residents were sickened after tons of industrial chemicals, including dioxins, were dumped in the canal, the EPA classified dioxin as a probable human carcinogen and known animal carcinogen in 1985. Two years later, documents leaked to the Washington Post showed the American Paper Institute was pressuring the EPA to "rethink" the dioxin classification. A few years later, the Chlorine Institute joined in.

Barrels of chemicals once used at the plant scatter the site. (Missoula County)
In 1997, the International Agency for Research on Cancer declared dioxin a known carcinogen, as did the National Toxicology Program, a research branch of the National Institutes of Health, in 2001. But after the EPA published its 2000 draft report declaring dioxin a carcinogen, the National Academy of Sciences published a 2006 report saying the EPA's human cancer risk may be overstated.

So the EPA announced in 2010 it would reanalyze dioxin. The chemical industry and the Department of Defense submitted comments in 2010 seeking to delay or weaken the proposed EPA standards for dioxin. Now eleven years later, nothing has been done.

So the Smurfit-Stone health risk assessment treats dioxins as non-cancerous.

"I know that probably sounds controversial," FWP water pollution biologist Trevor Selch said. "But if you use the old EPA cancer toxicity value, cancer and non-cancer effects happen within a similar dose range."

When looking at cancerous chemicals such as PCB's, if 1 in a million people could be affected, the EPA will assess the chemical. But the EPA doesn't require a response unless the risk gets above 1 in 10,000 people.

But Selch pointed out that the state of Montana uses a risk limit of 1 in 100,000 people, which is more protective than the EPA limit. So Selch said the EPA should use the cancer toxicity factor if it wants to be conservative. Others asked when the EPA intended to finish its reassessment of dioxin. Follard couldn't answer.

Some advisory group members expressed concern about the agency taking soil samples from across the entire site and combining them to make a composite value, rather than considering the locations of higher chemical concentrations. The advisory group is worried because builders will eventually be working and people will be living on the site.

"EPA uses multiple lines of evidence to build up some certainty. But again, our job isn't to remove all uncertainty. We have to at some point go forward," said Allie Archer.

A longstanding concern has been that EPA employees have said they won't take any action in regard to the high levels of chemicals in the Clark Fork River because a number of other wood processing plants are also contributing to the pollution. Therefore they can't parse the contribution of the mill site from that of the rest of the facilities, so they can't prove that Smurfit is contributing.

That's problematic, because now the Department of Environmental Quality is testing for an additional industrial chemical, per- and polyfluorinated substances. PFAS are potentially dangerous, particularly now, because they may affect the immune system and reduce antibody responses to vaccines. Montana has adopted a standard for PFAS but the EPA still considers it an emerging contaminant.

DEQ epidemiologist Connie Garrett PFAS could be coming from Smurfit but also other Superfund sites upstream. County Travis Ross wondered if the EPA would test for PFAS in the groundwater for the risk assessment.

"This is going to be an ongoing discussion with all interested parties on what we see in the river and how to look for them and where to sample. But we're limited in the CERCLA-Smurfit realm on some of those items," Archer said. "I'll have to get back to you (on the groundwater)."

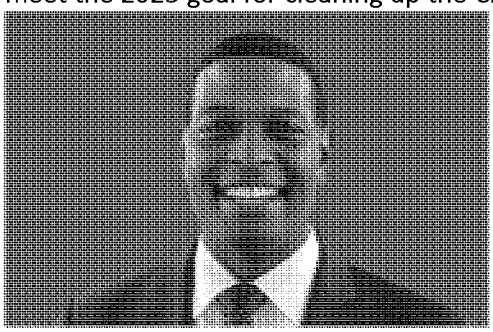
The EPA is taking comments on the Human Health Risk Assessment until Feb. 19

Contact reporter Laura Lundquist at lundquist@missoulacurrent.com.

Superfund

Biden EPA pick pledges resources to help meet Chesapeake cleanup goals
https://www.bayjournal.com/news/policy/biden-epa-pick-pledges-resources-to-help-meet-chesapeake-cleanup-goals/article_52f928ce-6a15-11eb-be5c-ffab6260dd10.html

President Joe Biden's pick to run the U.S. Environmental Agency has pledged to marshal the agency's resources to help meet the 2025 goal for cleaning up the Chesapeake Bay.



Michael S. Regan, who since 2017 has been secretary of North Carolina's Department of Environmental Quality, is President Joe Biden's pick to run the U.S. Environmental Protection Agency. (White House photo/CC 3.0)

Michael S. Regan, appearing for his Feb. 3 confirmation hearing before the Senate Environment and Public Works Committee, also said he was looking to see if he could re-create a "Bay czar" position on his staff to coordinate restoration efforts among all federal agencies.

Regan, who since 2017 has been secretary of North Carolina's Department of Environmental Quality, said he learned firsthand that the Bay was a "national treasure" during a nearly 10-year stint with EPA earlier in his career.

"You do have my commitment that we will look for the resources, all of the resources that we can bring to bear, to protect the Chesapeake Bay," he said in response to queries from Sen. Ben Cardin, D-MD. Regan also said he would advocate within the Biden administration for other federal departments and agencies to provide funding and assistance to the Bay restoration effort.

Questions about the EPA's role in the Bay cleanup were some of the softer ones Regan fielded during a generally harmonious confirmation hearing.

Republican senators pressed him on how President Biden's executive orders to stop work on the Keystone pipeline and end oil and gas leasing on federal lands threaten jobs in the fossil energy industries. They seemed satisfied with Regan's assurances that he would meet and work with all affected parties and was committed to leaving no communities behind in the Biden policy shift to fighting climate change.

Cardin and Sen. Chris Van Hollen, Maryland's other Democratic senator, urged Regan to recommit the EPA to a more central role in overseeing and coordinating regional efforts to meet Bay restoration goals by the agreed-upon deadline.

"We're going to need you front and center here now to make sure that we hit our goals under the Chesapeake Bay [Watershed] Agreement for 2025," Van Hollen said. "All states can do better, but some states are really lagging behind, including the state of Pennsylvania."

"Absolutely," Regan replied, "it is my goal and desire to mobilize all of the resources we need at EPA to be a partner to these states so that we meet that 2025 goal."

Van Hollen followed that by pointing out that the EPA has been sued by Maryland, Virginia, Delaware and the District of Columbia, as well as by environmental groups, for not taking more aggressive action against Pennsylvania shortcomings in its latest Bay cleanup plan.

"We'd like to resolve that," he said. Regan didn't provide a response, and Van Hollen didn't ask for one.

Cardin did press Regan to re-establish a senior adviser position in the EPA administrator's office to focus on the restoration of the Bay and the Anacostia River, as had existed during the Obama administration. It's a plea that 13 House members from Maryland, Virginia and the District of Columbia likewise made in a Feb. 1 letter to the Biden administration.

The Bay adviser or "czar" post was dropped by the Trump administration, which sought unsuccessfully to eliminate or severely curtail Bay restoration funding in the federal budget. Congress repeatedly rejected the proposed cuts and then even increased funding last year.

Cardin said the senior advisers under the Obama administration had played an important role in coordinating the states' restoration efforts and in advocating for funding and other help from other federal departments and agencies.

Regan noted that he had already pledged to establish similar positions at the EPA for coordinating work on agricultural and environmental justice issues. He said he was trying to find funding for a Bay adviser slot, too, but said he was hemmed in by cuts made under Trump in the EPA's staff and overall budget.

"So we're being creative as to where we can get the resources to do that," he explained. "What I can assure you is we have adequate resources to execute on our obligations to protect the Chesapeake Bay, and we're looking for additional resources to hire that coordinator to assure that we get all of our targets on time."

Jason Rano, federal executive director for the Chesapeake Bay Foundation, tweeted during Regan's hearing that it was "great news" to hear him pledge to mobilize EPA resources and work with the states to meet the 2025 restoration goals.

Something that environmentalists may not find as heartening were comments made by Tom Vilsack at his Feb. 2 Senate hearing to be confirmed as secretary of the U.S. Department of Agriculture.

Vilsack, a former Iowa governor who had an earlier stint as agriculture secretary in the Obama administration, told senators from farm states that he would advocate for increased use of ethanol, which is primarily produced from corn and soybeans.

The EPA sets the amount of ethanol blended into fuels, and Vilsack told senators at his confirmation hearing he would work to "make sure folks at EPA fully understand and appreciate the benefit of this industry."

Increased demand for ethanol over the fifteen years has driven up crop production across the nation and has been blamed for increasing nitrogen runoff from farm fields. Some studies, for instance, have blamed increased ethanol production for exacerbating water quality problems in the Gulf of Mexico.

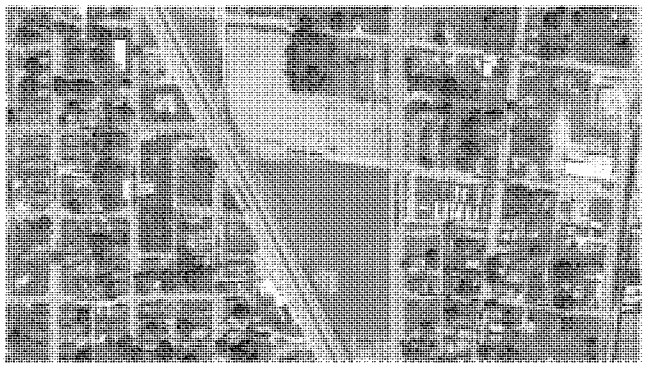
The overwhelming majority of the remaining nutrient reductions needed to meet the Chesapeake Bay cleanup goals, according to state-written plans, need to come from controlling runoff from farms across the watershed. All states have struggled to reduce nutrient pollution from agricultural lands, in part because actions to plant forest buffers or nutrient-absorbing cover crops are largely offset by increasing demand for farm products.

Superfund

EPA Proposes Pollution Cleanup Of Delco Plant Site In Kokomo

https://www.wfyi.org/news/articles/epa-proposes-pollution-cleanup-of-delco-plant-site-in-kokomo

FEBRUARY 8, 2021
ASSOCIATED PRESS



The former GM Delco Plant 5 facility in Kokomo was demolished in 1993. Since then, the 10.5-acre property has sat vacant. - U.S. Environmental Protection Agency

The former GM Delco Plant 5 facility in Kokomo was demolished in 1993. Since then, the 10.5-acre property has sat vacant.

KOKOMO, Ind. (AP) — Contaminated soil and groundwater at the central Indiana site of a former General Motors plant would be cleaned up under a plan drafted by the U.S. Environmental Protection Agency that aims to help open up the land for redevelopment.

The EPA's plan, announced Wednesday, would remediate and manage tainted soil and groundwater at the former GM Delco Plant 5 facility in Kokomo, where workers assembled and tested circuit boards between 1953 and 1991, when the plant closed.

The plant was demolished in 1993. Since then, the 10.5-acre property has sat vacant due to redevelopment restrictions requiring that the prime real estate be remediated before it can be used again, the Kokomo Tribune reported.

The EPA’s proposal chiefly aims to clean up high levels of trichloroethene, or TCE, a chemical the federal agency has classified as a carcinogen. In some parts of the Delco site, TCE levels were more than 13 times above the approved level for commercial sites, and nearly 19 times above the limits set for residential properties.

To contain the pollution, the EPA proposes to stabilize and solidify the containments in-place to make them less likely to be leached into the environment, to monitor groundwater and prevent human exposure by placing limits on the land's use.

Kokomo Mayor Tyler Moore said city officials would work with the EPA to get the property remediated and open for future development in the city about 40 miles north of Indianapolis.

The EPA is accepting public comment on its remediation plan until March 17.

Message

From: E&E News [ealerts@eenews.net]
Sent: 3/5/2021 6:40:43 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: March 5 -- Greenwire is ready

Greenwire -- The Leader in Energy and Environment News

Read today's Greenwire on the web

GREENWIRE

AN E&E NEWS PUBLICATION

GREENWIRE — Fri., March 5, 2021

READ FULL EDITION

1. CHEMICALS:

PFAS in pesticides: 'A problem of epic proportions'

"Forever chemicals" are present in multiple common pesticides, according to new testing conducted by an environmental watchdog group and shared exclusively with E&E News.

TOP STORIES

2. WHITE HOUSE:

How the Tanden fallout could affect the budget, rules

3. FEDERAL AGENCIES:

Supreme Court records ruling prompts FOIA reform push

4. NATIONAL PARKS:

No cruises, few visitors. Canadian ban slams Denali

POLITICS

5. ADVOCACY:

Keystone XL developer hires 2nd lobbyist with Biden ties

6. AGRICULTURE:

Groups join forces to recruit farmers of color

NATURAL RESOURCES

7. NATIONAL PARKS:

NPS advice for peak cherry bloom: Steer clear

8. ENDANGERED SPECIES:

Collaboration key to a Western wildflower's recovery

9. WILDLIFE:

Bats were social distancing before humans — study

10. NATIONAL PARK SERVICE:

Malcolm X's boyhood home in Boston gets historic designation

LAW

11. AIR POLLUTION:

Judges reject N.J.'s New Source Review permitting challenge

12. AIR POLLUTION:

Biden asks court to scrap Trump landfill rule delay

13. MINING:

Phosphate company will clean up waste to settle EPA lawsuit

14. CHEMICALS:

Wis. city sues foam makers over PFAS pollution

15. ENDANGERED SPECIES:

Ex-zoo employee sentenced for Galapagos tortoise trafficking

CLIMATE CHANGE

16. SCIENCE:

High risk: Warming could set stage for more fatal avalanches

ENERGY

17. ENERGY EFFICIENCY:

LEED Earth expands to include more buildings

AIR AND WATER

18. AIR POLLUTION:

Wildfire smoke more dangerous than car exhaust — study

WASTES & HAZARDOUS SUBSTANCES

19. RECYCLING:

Trash collector to reimburse nearly $100M to San Franciscans

NATURAL DISASTERS

20. EARTHQUAKES:

Tsunami threat passes after huge Pacific temblor

FEDERAL AGENCIES

21. EPA:

IG to review religious time off

STATES

22. IDAHO:

Senate panel approves cow manure pollution bill

23. CALIFORNIA:

9 great apes get COVID-19 vaccinations at San Diego Zoo

24. ALASKA:

Alert level raised after explosion at remote volcano

INTERNATIONAL

25. CROATIA:

Gaping sinkholes draw scientists to quake-ravaged region

26. GUATEMALA:

Evacuation request ignored at Pacaya volcano

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Message

From: Carbonell, Tomas [Carbonell.Tomas@epa.gov]
Sent: 2/6/2021 1:38:53 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Good Neighbor suit

Hi Joe, here's the ozone transport lawsuit I mentioned - it looks like the SIP approval deadlines fell between March and September 2020:

https://www.mass.gov/doc/ozone-lawsuit/download

Best,

Tomás

Message

From: Senter, Stephen [Senter.Stephen@epa.gov]
Sent: 3/3/2021 7:04:29 PM
To: OAR Briefings [OAR_Briefings@epa.gov]
CC: Koerber, Mike [Koerber.Mike@epa.gov]; Brown, Annette [Brown.Annette@epa.gov]
Subject: BRIEFING MATERIALS: March 4 Carbonell Briefing: OAQPS Air Toxics Strategy
Attachments: Air Toxics Strategy presentation_OAR March 2021.pptx; OAQPS Air Toxics Strategy.docx; ATEST_internal exercise_lead_pager for OAR_March 4 2021 Final.docx

Please see the revised to attached materials for the following briefing with Tomas:

Thursday, March 4 @ 4 PM: OAQPS Air Toxics Strategy

Note that the first two attachments were previously sent to OAR on 3/2. This email includes those two attachments (unchanged from the previously sent versions), plus an additional attachment related to lead. Please let me know if you have any questions.

Thank You,
Stephen

Message

From: Senter, Stephen [Senter.Stephen@epa.gov]
Sent: 2/11/2021 8:28:46 PM
To: OAR Briefings [OAR_Briefings@epa.gov]
CC: Brown, Annette [Brown.Annette@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]
Subject: BRIEFING MATERIALS: Thursday Feb 18 - Carbonell Briefing - Recently Signed SIP Actions: Region 4 Actions Identified as Needing Additional Discussion
Attachments: R4 Multi State Issue Paper for Klain Briefing_Final 21021.docx; R4 TN IM Issue Paper for Klain Briefing FINAL 21021.docx

Please see the two attachments for materials for the following briefing with Tomas:

Thursday Feb 18 @ 11 AM: Recently Signed SIP Actions: Region 4 Actions Identified as Needing Additional Discussion

Please let me know if you have any questions.

Message

From: Senter, Stephen [Senter.Stephen@epa.gov]
Sent: 2/10/2021 2:09:36 PM
To: OAR Briefings [OAR_Briefings@epa.gov]
CC: Koerber, Mike [Koerber.Mike@epa.gov]; Brown, Annette [Brown.Annette@epa.gov]
Subject: RE: REVISED BRIEFING MATERIALS: Thursday Feb 11 - Goffman Briefing - PM NAAQS Review Discussion
Attachments: PM_NAAQS_Review_pathways_discussion_021121_REVISED.docx

Please see the attached for the revised materials. This includes revisions from OGC.

From: Senter, Stephen
Sent: Tuesday, February 09, 2021 11:49 AM
To: OAR Briefings <OAR_Briefings@epa.gov>
Cc: Mike Koerber (Koerber.Mike@epa.gov) <Koerber.Mike@epa.gov>; Brown, Annette <Brown.Annette@epa.gov>
Subject: REVISED BRIEFING MATERIALS: Thursday Feb 11 - Goffman Briefing - PM NAAQS Review Discussion

Please see the attached for the revised materials.

From: Senter, Stephen
Sent: Tuesday, February 09, 2021 11:42 AM
To: OAR Briefings <OAR_Briefings@epa.gov>
Cc: Mike Koerber (Koerber.Mike@epa.gov) <Koerber.Mike@epa.gov>; Brown, Annette <Brown.Annette@epa.gov>
Subject: BRIEFING MATERIALS: Thursday Feb 11 - Goffman Briefing - PM NAAQS Review Discussion

Hi Everyone. Please see the attached materials for the following briefing with Joe:

Thursday February 11 @ 1PM: PM NAAQS Review Discussion

Please let me know if you have any questions.

Stephen Senter
U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards
(919) 541-3042

Message

From: E&E News [ealerts@eenews.net]
Sent: 3/18/2021 8:19:44 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: March 18 -- E&E News PM is ready

E&E News PM -- Late-Breaking News

Read today's E&E News PM on the web

E&E NEWS PM

AN E&E NEWS PUBLICATION

E&E NEWS PM — Thu., March 18, 2021

READ FULL EDITION

1. EPA:

Climate change comes back online

EPA has relaunched its climate change website.

A message from POLITICO:

POLITICO DISPATCH: Get an insider's briefing on all the updates you need every morning with POLITICO's daily news podcast. We take you inside POLITICO and pull back the curtain on politics and policy. Fast. Short. Daily. **Listen to POLITICO Dispatch now.**

THIS AFTERNOON'S STORIES

2. WHITE HOUSE:

National Climate Task Force targets rural recovery

3. NATURAL RESOURCES:

Democrats reintroduce sweeping environmental justice bill

4. PUBLIC LANDS:

Haaland to speak at Interior oil and gas forum

5. FORESTS:

Bipartisan bill would help plant 1.2B trees

UPCOMING HEARINGS AND MARKUPS

6. CALENDAR:

Activity for March 15 - March 21, 2021

A message from POLITICO:

GO BEHIND THE FIRST 100 DAYS: Joe Biden entered the White House with an expansive agenda, including rethinking energy and climate policy. Keep up to date on his agenda with POLITICO's First 100 Days to track the 46th president's efforts to reshape policy and politics. Follow along as we chronicle the regulation and legislation used to enact an agenda. **Check out the First 100 Days now.**

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ABOUT E&E NEWS PM – LATE-BREAKING NEWS

E&E News PM is written and produced by E&E News, which is staffed by a dedicated reporting team within the POLITICO newsroom. A late afternoon roundup providing coverage of all the breaking and developing policy news from Capitol Hill, around the country and around the world, E&E News PM is a must-read for the key players who need to be ahead of the next day's headlines. E&E News PM publishes daily by 4:30 p.m.

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Message

From: EPA Press Office [press@epa.gov]
Sent: 3/2/2021 7:36:42 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: EPA Announces Availability of Up to $6 Million in Annual Environmental Justice Grants

U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

EPA Announces Availability of Up to $6 Million in Annual Environmental Justice Grants

WASHINGTON (March 2, 2021) – The U.S. Environmental Protection Agency (EPA) has announced the availability of up to $6 million in grant funding under The Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement Program and The Environmental Justice Small Grants (EJSG) Program.

"These grants are crucial to supporting vulnerable and overburdened communities disproportionately affected by environmental health risks," said Office of Environmental Justice Director Matthew Tejada. "With renewed leadership to address environmental justice under the Biden-Harris Administration, we are excited to support community efforts to address historically challenging issues."

EPA will be giving special consideration to the following focus areas:

- Addressing COVID-19 concerns faced by low-income communities and communities of color
- Climate Change and Natural Disaster Resiliency outreach and planning
- New applicants to either opportunity
- Ports Initiative to assist people living and working near ports across the country
- Small non-profits

The EJCPS Cooperative Agreement Program's total estimated funding for this opportunity is approximately $3,200,000. EPA anticipates awarding two cooperative agreements of $160,000 each within each of the 10 EPA Regions. To learn more about pre-application assistance calls and how to apply for funding, please visit: https://www.epa.gov/environmental-justice/environmental-justice-collaborative-problem-solving-cooperative-agreement-0.

The EJSG Program estimates approximately $2,800,000 will be awarded to approximately five applications per EPA region in amounts of up to $50,000 per award. This includes the EPA's Ports Initiative program which anticipates funding up to six additional projects that address clean air issues at coastal and inland ports or rail yards. To learn more about pre-application assistance calls and how to apply for funding, please visit: https://www.epa.gov/environmentaljustice/environmental-justice-small-grants-program.

Applicants interested in either opportunity must submit proposal packages on or before **May 7, 2021** to be considered for the available funding. Applicants should plan for projects to begin on October 1, 2021.

For more information on environmental justice grants, funding, and technical assistance: https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance.

EPA epa.gov

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: E&E News [ealerts@eenews.net]
Sent: 3/16/2021 8:19:29 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: March 16 -- E&E News PM is ready

E&E News PM -- Late-Breaking News

Read today's E&E News PM on the web

E&E NEWS PM

AN E&E NEWS PUBLICATION

E&E NEWS PM — Tue., March 16, 2021

READ FULL EDITION

1. INTERIOR:

Haaland pivots away from Capitol Hill

Deb Haaland bid farewell to the House of Representatives today, tendering her congressional resignation on the eve of being sworn in as the nation's first Native American secretary of the Interior Department.

A message from POLITICO:

POLITICO DISPATCH: Get an insider's briefing on all the updates you need every morning with POLITICO's daily news podcast. We take you inside POLITICO and pull back the curtain on politics and policy. Fast. Short. Daily. **Listen to POLITICO Dispatch now.**

THIS AFTERNOON'S STORIES

2. EPA:

Regan, state groups sign public health agreement

3. INTERIOR:

Boebert asks Haaland to visit Colo. before BLM HQ decision

4. AIR POLLUTION:

EPA issues cross-state pollution rule; greens want more

5. NATIONAL PARKS:

A sign of spring? First grizzly spotted at Yellowstone

UPCOMING HEARINGS AND MARKUPS

6. CALENDAR:

Activity for March 15 - March 21, 2021

A message from POLITICO:

GO BEHIND THE FIRST 100 DAYS: Joe Biden entered the White House with an expansive agenda, including rethinking energy and climate policy. Keep up to date on his agenda with POLITICO's First 100 Days to track the 46th president's efforts to reshape policy and politics. Follow along as we chronicle the regulation and legislation used to enact an agenda. **Check out the First 100 Days now.**

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Message

From: E&E News [ealerts@eenews.net]
Sent: 3/11/2021 6:47:36 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: March 11 -- Greenwire is ready

Greenwire -- The Leader in Energy and Environment News

Read today's Greenwire on the web

GREENWIRE
AN E&E NEWS PUBLICATION

GREENWIRE — Thu., March 11, 2021

READ FULL EDITION

1. INTERIOR:

Nada Culver draws attention as Biden's possible BLM director

The White House is strongly considering nominating Nada Culver for the Senate-confirmed BLM director's post, according to sources both inside the Interior Department and close to it.

A message from POLITICO:

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TOP STORIES

2. PUBLIC LANDS:

Bundy: 'I'm not trying to foster a rebellion,' yet

3. NUCLEAR:

Decade after Fukushima, climate change renews safety concerns

4. LAW:

5 priorities for Merrick Garland's DOJ

POLITICS

5. EPA:

Staffers hail 'fresh start' as Regan takes helm at agency

CONGRESS

6. DOE:

Panel OKs deputy secretary pick with unanimous support

NATURAL RESOURCES

7. PUBLIC LANDS:

Social media, apps could help track trail use — report

8. WILDLIFE:

Expert says origins of pandemic could be known in few years

LAW

9. PEOPLE:

Meet Interior's new water lawyer

10. UTILITIES:

Lawsuits seek over $1B from Pacific Power over wildfires

AIR AND WATER

11. COLORADO RIVER:

Western states chart diverging paths as water shortages loom

STATES

12. WYOMING:

Governor convenes emergency panel after zebra mussels found

13. HAWAII:

Amid heavy rains, Maui County gets federal aid for drought

14. CALIFORNIA:

Storm brings needed rain but unleashes mudslide

15. NEW MEXICO:

Ban on traps and wildlife poisons clears Senate

INTERNATIONAL

16. VENEZUELA:

Drop in waste during pandemic challenges young trash pickers

A message from POLITICO:

GO BEHIND THE FIRST 100 DAYS: Joe Biden entered the White House with an expansive agenda, including rethinking energy and climate policy. Keep up to date on his agenda with POLITICO's First 100 Days to track the 46th president's efforts to reshape policy and politics. Follow along as we chronicle the regulation and legislation used to enact an agenda. **Check out the First 100 Days now.**

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ABOUT GREENWIRE – THE LEADER IN ENERGY AND ENVIRONMENT NEWS

Greenwire is written and produced by E&E News, which is staffed by a dedicated reporting team within the POLITICO newsroom. It's the one-stop source for those who need to stay on top of all of today's major energy and environmental action with an average of more than 20 stories a day. Greenwire covers a complete spectrum of issues, from energy policy to Clean Air Act litigation to public lands management. Greenwire publishes daily by 1:30 p.m.

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Message

From: Shaw, Betsy [Shaw.Betsy@epa.gov]
Sent: 2/24/2021 7:08:37 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]
Subject: FW: FOR CONCURRENCE: -- 5170 Form for Technical Training on Air Quality Monitoring Capacity Building - Central Asia -- OAR-21-000-2032
Attachments: 5170 AQM Capacity Building-Central Asia-BG Comments MK.pdf; FY21 CIMG training central asia_20200211_v2.docx; CH Signed Routing Slip for AA Approval.pdf

Hi Joe,

Attached is the first of two sets of conference spending forms I am sending your way for approval. This one is for a virtual training session in air quality monitoring to be held for Kazakhstan. The only costs are for contractor support which just tip the $20K threshold for requiring your approval.

Please digitally sign in the AA signature block on the second page of the pdf document entitled "5170 AQM Capacity Building-Central Asia -BG Comments MK," and type in your initials and date on the routing slip (the second pdf document). Please return to me and Sabrina Hamilton once both documents are signed.

Thanks,

Betsy

Message

From: Nunez, Alejandra [Nunez.Alejandra@epa.gov]
Sent: 2/11/2021 3:36:58 AM
To: Grundler, Christopher [grundler.christopher@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]
CC: Shaw, Betsy [Shaw.Betsy@epa.gov]; Maranion, Bella [Maranion.Bella@epa.gov]; Newberg, Cindy [Newberg.Cindy@epa.gov]
Subject: RE: OAP's Bella Maranion Featured on UN's Ozone Protection Website!

Thank you for sharing, Chris. Bella, your story is really inspiring! I appreciated the opportunity to read this great piece. I look forward to working with you.

-----Original Message-----
From: Grundler, Christopher <grundler.christopher@epa.gov>
Sent: Wednesday, February 10, 2021 7:16 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>
Cc: Shaw, Betsy <Shaw.Betsy@epa.gov>; Maranion, Bella <Maranion.Bella@epa.gov>; Newberg, Cindy <Newberg.Cindy@epa.gov>
Subject: OAP's Bella Maranion Featured on UN's Ozone Protection Website!

Thought you'd be interested in this short feature. We are very proud of Bella and grateful for her service and international leadership.

https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fozone.unep.org%2Fwomen-scientists-protecting-ozone-layer-and-safeguarding-environment&data=04%7C01%7CGoffman.Joseph%40epa.gov%7C9914b03f99bd4c39f9fa08d8ce3e4950%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637486114202310216%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=g3DghFRIXJgcUuLyDjm4UDMQGVIXwanEHTKf7onp5hc%3D&reserved=0

Christopher Grundler, Director
Office of Atmospheric Programs
U.S. Environmental Protection Agency
(202) 343-9140 (Office)
(734) 645-5221 (Mobile)

EPA Environmental Justice Listening Session
2/16/2021
Meeting Notes

Administration Participants

- Victoria Arroyo, Office of Policy
- Tomas Carbonell, Office of Air and Radiation
- JoAnn Chase, Tribal Affairs
- Dimple Chaudhary, Office of the General Counsel
- Marianne Engleman Lado, Office of the General Counsel
- Rosemary Enobakhare, Office of Public Engagement
- Phillip Fine, Office of Policy
- Radhika Fox, Office of Water
- Michal Freedhoff, Office of Chemical Safety and Pollution Prevention
- Christopher Frey, Office and Research and Development
- Avi Garbow, Office of the Administrator
- Joseph Goffman, Office of Air and Radiation
- Melissa Hoffer, Office of the General Counsel
- Cecilia Martinez, White House Council on Environmental Quality
- Alejandra Nunez, Office of Air and Radiation
- Carlton Waterhouse, Office of Land and Emergency Management
- Dan Utech, Office of the Administrator

Environmental Justice Leaders

- La Tricea Adams, Black Millennials for Flint
- Mustafa Ali, National Wildlife Federation
- Tina Johnson, Deep South Center for Environmental Justice
- Angelo Logan, Executive Director, Moving Forward Network (MFN)
- Pamela Miller, Executive Director, Alaska Community Action on Toxics
- Vernice Miller Travis, Former EJ Leader
- Darryl Molina Sarmiento, Executive Director, Communities for a Better Environment (CBE)
- Ana Parras, Texas Environmental Justice Advocacy Services (TEJAS)
- Juan Parras, Texas Environmental Justice Advocacy Services (TEJAS)
- Michele Roberts, Coming Clean
- Kerene Tayloe, WE ACT
- Omega & Brenda Wilson, West End Revitalization Association (WERA)
- Dr. Sacoby Wilson, University of Maryland Scientist
- Donele Wilkins, Green Door Initiative
- Rev. Leo Woodberry, New Alpha Development

Speaker Summary

Cecilia Martinez:

- Biden-Harris administration has adopted a whole of government approach to EJ, the work is going to build off of what's been going on at EPA
- EO highlighting what whole of gov approach looks like, a WH environmental justice advisory council, FACA for EJ, building on NEJAC, addressing DOT, DOE, DOL, etc. Status of that coming soon
- Building off environmental working group, enhanced and upgraded to have strong mandate and performance metrics on EJ
- Justice40 and EJ Screening tool – amazing progress by EPA, well used tool, make it more robust to accommodate more issues, including climate vulnerability, make sure we have robust tool to define communities for investment, identify where the 40% investment benefit should go
- Talking a lot more very soon

Dan Utech

- POTUS and VPOTUS very focused on EJ
- Excited for initial opportunity to engage, and will continue to

Rosemary Enobakhare

- First of many meetings, not policy-focused, want to hear from people about priorities

Mustafa Ali, National Wildlife Federation

- Most folks have spent entire lives working for this moment, EJ is what brought people and soul to EPA process, hoping for soul to expand
- EJ movement responsible for all EJ success – establishing offices, programs, investments, etc… and led EPA to evolve and other agencies too --- honoring blood sweat and tears they've put in

Vernice Miller Travis, Co-founder of We Act for Environmental Justice

- From roots in civil rights advocacy, EPA should get comfortable with the reason that we have environmental inequities is racial discrimination
- Reason agency has had hard time getting hands around it is because separation of race discrimination and environmental inequities
- Made 25 pages of recommendations – including for EPA to come up with formula of how to make affirmative findings of racial discrimination (e.g. 25 year old complaints waiting or tossed that need to be looked at)
- Also need to talk about racial discrimination at the agencies themselves

Michele Roberts, Coming Clean

- Serve legacy communities across the nation impacted by industrial operations
- Reiterate to folks that we're beyond the work of equity… legacy communities need EPA to get from equity to justice, outcomes to be justice-based

- Chemical policies – need to address legacy of pollution, not just about workers but about communities
- Robust chemicals management system that prioritizes safer chemicals and safer processes. We must have a RMP that was MORE robust than the Obama Administration that WE EJ communities pushed hard for. If we addressed these issues, we would be able to create a better path towards mandatory emissions reduction.
- We must prioritize precaution over false market fixes. One example is TCI it IS NOT a fix for our communities. This is more of a reason we need to have the entire federal family committed to EJ.
- Ms. Arroyo we need you to understand clearly TCI was NOT an equity nor justice fix for our communities.
- Sand Branch, TX – no access to water, now worsened by ice and storms
- Communities not able to restore, like Mossville (?), how can we move people to safe/higher ground and make them whole

Rev. Leo Woodberry, New Alpha Development

- Letting communities develop the solutions they know need to be put in place
- Looking at work intersectionality – work across agency lines
- From pollution, flooding, mold in homes after flooding, etc.
- Have to ensure communities that have legacy of pollution and poverty are getting resources needed to make a change.
- Remember we are where we are because we neglected communities

Donele Wilkins

- Detroit – poster child for legacy pollution, brownfield sites, etc
- Need to raise these issues up as a justice platform to prioritize communities like Detroit – don't know quite what that looks like, but we can figure it out together
- Water quality issues in and around Flint and the Great Lakes.
- Air quality, reasons so many communities of color are suffering at a higher rate has as much to do with the environmental conditions present.
- Black and Brown communities need to be PRIORITY in these situations in order to start environmental justice.
- Big proponent of intersectionality, interagency collaboration, appreciate EPA leadership there – need EPA leadership to convene and move this forward.

Juan Parras, Texas Environmental Justice Advocacy Services (TEJAS)

- Gov. Abbott has been aggressive fighting Biden energy EO's.
- We see so much cumulative impact on fence line communities, chemical disaster plan a high priority.
- Need to focus on just transition and gain union support for transition to solar and wind jobs.
- In Texas: accusations of killing jobs
- Other legacy issues persist, chemical and refineries, concerns about disaster management plans,
- TX moving towards wind, but also needs to address a just transition to ensure there is union support

- TX also huge gulf region, concerned about port workers – good paying jobs, but there is a lot of fracking and water contamination.
- And then basically all pipelines from north come through Texas…. "Historically a dumping ground"
- Ozone standards: TX has never met them
- Issue with EPA: policies should be uniformly imposed, but EPA weak to enforce in TX / Region 6, requests strong Region 6 Administrator who will enforce

Ana Parras, Texas Environmental Justice Advocacy Services (TEJAS):

- With freeze, 14 million Texans with no power, no water… narrative is that we don't need green energy, it's going to extend to Louisiana
- Working on language justice piece… filed a Title 6 complaint against TCEQ, but many states having issues with language justice, too… they have also been asked for language to put language justice into policy at the federal level – announcements in predominant language of communities being affected

Dr. Sacoby Wilson, University of Maryland

- Have to understand EJ with context of violence and trauma against people of color in the US
- Allowing pollution is violence, state-sanctioned poisoning
- If they can't get to zero emissions, then don't give a permit.
- PSD is in Clean Air Act, EPA doesn't need new law to implement
- Issues with permitting, implementing existing laws, utilize tools available
- How can EPA help restore/repair communities that have experienced such violence
- Must do more science in compliance. ORD needs to stop funding universities that don't empower people. 40 percent of all research dollar needs to go to HBCU's as a *minimum*. Restructure ORD to focus more on using science as service to communities.
- Development of research and action tools for compliance, accountability, and social change. Restructure STAR grants to get more equity in funding- fund CBOs, HBCUs, and MSIs. Stop scientific imperialism- too many grants going to PWIs to study problems but not solve problems
- Put a cap on Center funds to PWIs, too many dollars going to these institutions and not frontline and fence line CBOs, HBCUs, and other MSIs.
- More with other units of the EPA to make sure that community science, and citizen science collected data are used for enforcement, compliance, permitting, etc. bring back STAR fellowship program.
- ORD needs to prioritize science for compliance, establish external advisory board of EJ groups to provide guidance to ORD, see NIEHS model work with NEJAC to inform ORD's research agenda.
- More collaboration with NSF, NOAA, CDC, NIEHS to develop research mechanisms that integrate environmental justice issues, the 40% should also apply to research dollars, 40% should go to grassroot CBOs, HBCUs, other MSIs, and other entities doing applied, action-oriented, solutions science, no more investments in helicopter, extractive, and pain pimping science.
- How can research empower folks, especially through funding?

Kerene Tayloe, WE ACT

- Work needs to be done in 1-2 years to rebuild internal staff morale
- Want to see the 40% investments (not just commitments to them)
- Concern that if you divide up the 40% too much, how will it be impactful?
- Stakeholders should have a stronger say as to what defines the 40% of EJ40 and how it is disbursed.

La Tricea Adams, Black Millennials for Flint

- Maternal health and the intersection of environmental racism that impacts birth for Black women
- Water quality, especially lead
- Given focus on green jobs, prioritize wage equity, have an accessible Green Economy for all black and brown people
- Also curriculum based on environment, as leadership development among other things
- More direct community funding for accountability with Superfund sites

Brenda Wilson, West End Revitalization Association (WERA)

- Time for action, not words

Omega Wilson, West End Revitalization Association (WERA)

- In documents and emails: change action metaphors into "compliance" and "corrective action"
- Increase infrastructure list, from "clean' water to "safe drinking water"
- Infrastructure related to sewer services, lots of communities denied access to sewer services,
- Looking for support for dealing with hazardous and medical waste from COVID-19 production – n o fundamental law to address incinerating, landfills, etc, so request EPA officials put this as a frontline issue
- Working with hometown taskforce to start mapping EJ communities, using city money… formal meeting on 2/18 with city planner
- Make EJ data conform nationally

Angelo Logan, Executive Director, Moving Forward Network (MFN)

- Recognize environmental racism is complex, communities are facing a host of issues
- Impacts from freight facilities on EJ communities, priority issue is addressing diesel pollution, especially heavy-duty diesel trucks… esp given expected transportation EO
- Bold goals for Zero Emissions policies on Freight trucks + beyond.

Pamela Miller, Executive Director, Alaska Community Action on Toxics

- We must address chemical dumping in Alaska and the arctic area along with the harm it causes to indigenous communities in the area
- Production and use of chemicals
- Requests stronger enforcement – largest local polluter is not facing enforcement because it's in a remote location
- Make connections between chemicals, plastics, global warming

Tina Johnson, Deep South Center for Environmental Justice

- Looking for bold action
- Low-hanging fruit: undoing Trump deregulation, but need to go beyond
- Plan to lay out immediate actions around air quality, water quality

From:	Kocchi, Suzanne
To:	Clarke, Deirdre; Farquharson, Chenise; Maranion, Bella
Subject:	Fwd: FOR YOUR APPROVAL: FR Notice for Final CAA section 609 Regulation
Date:	Monday, February 1, 2021 7:09:05 PM
Attachments:	MVAC Servicing IBR FRM_Background for Resubmittal_draft 1-28-21.docx

See below. Please include a pdf of this email in the package that moves forward for signature

Sent from my iPhone

Begin forwarded message:

From: "Campbell, Ann" <Campbell.Ann@epa.gov>
Date: February 1, 2021 at 6:32:19 PM EST
To: "Grundler, Christopher" <grundler.christopher@epa.gov>, "Kocchi, Suzanne" <Kocchi.Suzanne@epa.gov>
Cc: "Clarke, Deirdre" <clarke.deirdre@epa.gov>
Subject: FW: FOR YOUR APPROVAL: FR Notice for Final CAA section 609 Regulation

Chris, Suzie – Joe doesn't need a briefing on this action and is comfortable with it proceeding for signature by the Acting Administrator. As noted in OP's process last week, these actions will need to be re-signed so please put the package together per the normal process and routing. The FRN will be for Acting Administrator Nishida's signature, and the action memo for Joe's signature.

Please let me know if you have any questions. Thank you.

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Grundler, Christopher <grundler.christopher@epa.gov>
Sent: Monday, February 1, 2021 4:11 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: FR Notice for Final CAA section 609 Regulation

Joe -
We are asking you to forward the attached summary of a final rule to OP, and let them know you

Ex. 5 Deliberative Process (DP)

We anticipate little to no reaction from the public and environmental stakeholders.

For your convenience, below is a draft note you could use to send to Vicki. Please let me know if

you have any questions.

Chris

****

Vicki:

The attached action, SAN 5206 – Final Rule - Protection of the Stratospheric Ozone: Motor Vehicle Air Conditioning System Servicing, is approved for FR publication. It incorporates by reference the latest industry standards for equipment that recovers, recycles, and/or recharges the refrigerant hydrofluoroolefin (HFO)-1234yf or R-1234yf.

Thanks,

Chris

Christopher Grundler, Director
Office of Atmospheric Programs
U.S. Environmental Protection Agency
202.343.9140 (o)
734.645.5221 (m)

Message

From: POLITICO Pro [alert@email.politicopro.com]
Sent: 3/16/2021 4:02:37 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: U.S. solar power expected to quadruple by 2030

U.S. solar power expected to quadruple by 2030

By Kelsey Tamborrino

03/16/2021 12:01 AM EDT

U.S. solar power capacity is expected to quadruple over the next decade, but the head of the industry's lobbying association is aiming to keep the pressure on lawmakers to offer some timely incentives in any upcoming infrastructure package and calm the clean energy sector's nerves around on tariffs for imported products.

The U.S. solar industry had a record-setting year in 2020, according to a new report Tuesday by the Solar Energy Industries Association and Wood Mackenzie. New capacity additions in the U.S. solar industry jumped 43 percent over the previous year, as the industry installed a record 19.2 gigawatts of capacity, according to the U.S. Solar Market Insight 2020 report.

The solar industry is expected to install a cumulative 324 GW of new capacity — more than three times the total in operation at the end of last year — to reach a total of 419 GW over the next decade, according to the report.

The industry also saw fourth quarter installations jump 32 percent year-over-year, even with a massive backlog of projects awaiting interconnection, and as utility-scale projects rushed to meet an anticipated decline in the Investment Tax Credit rate, the report said.

The two-year extension of the ITC, which was signed into law in the final days of 2020, has increased the five-year outlook for solar deployment by 17 percent, according to the report.

The solar industry has grown quickly over the past several years, even expanding while Trump administration enacted trade tariffs and lease rate hikes and criticized the technology as expensive.

President Joe Biden, meanwhile, entered the White House with plans to put the country on a path toward eliminating greenhouse gases from the power grid by 2035 and for the overall economy by 2050. Shortly after his inauguration, Biden signed an executive order that called for increasing renewable energy production on public lands and waters.

SEIA President and CEO Abigail Ross Hopper told POLITICO that the trade group is hopeful the upcoming infrastructure package will focus on tax credits for the industry, as well as help build out transmission and the electrification of the transportation system.

"I think there's lots of things Congress could do there," she said. "Obviously tax credits are an important tool, a carbon tax is an important tool, [and] a clean energy standard is an important tool. We're open to lots of different ways to get there, but providing for long-term certainty for companies so that they can deploy capital and build infrastructure is the goal."

SEIA has had conversations with the Biden administration on infrastructure and tax credits, Hopper said, as well as on trade and policy initiatives to help domestic manufacturing in the U.S. The trade conversations have included both the White House and the United States Trade Representative.

Earlier this month, the Justice Department under Biden backed the Trump administration's move to revoke a tariff loophole created for double-sided solar panels. In a filing in the U.S. Court of International Trade , the DOJ said the court should dismiss a solar industry complaint led by SEIA that challenged the import tariff move and argued that former President Donald Trump was "lawfully and fully within his authority" when he closed the loophole. SEIA declined comment at the time.

But Hopper said she did not see the Biden DOJ filing as a signal of wavering support by the administration, particularly as some of Biden's political appointees were not yet in place. "My assessment is that the Department of Justice in making that filing was just continuing to enact the legal strategy it had [already] enacted," adding that she did not see it as a "death knell to us."

Instead, Hopper said the trade group's most immediate, near-term priority is restoring "some certainty" around the Section 201 tariffs, which Trump raised in October to 18 percent from the 15 percent it would have been. Hopper said the group is also talking to the administration about the bifacial tariffs that were part of that same order but said it has evolved its conversations to focus on a "healthy solar supply chain," rather than changing the percentage of the tariff.

"We don't just go in and say, 'Change the tariffs. Get rid of the tariffs. That's all we care about.' We say, 'OK, let's talk about how we have a sustainable, healthy solar supply chain,'" Hopper said.

The Biden administration, Hopper added, has been "receptive to the conversation."

"I think they're taking a look at the whole panoply of tariffs that our former president imposed, so the 201 tariffs that are solar-specific obviously being one of them, but [also] the Section 232 steel tariffs and the Section 301 tariffs from China," she said. "So, my understanding is that there's a holistic evaluation of all of these tariffs happening."

Congressional staffers also signaled last week that lawmakers may be considering making wind and solar tax credits refundable, allowing companies to benefit directly, at least for a short period, since last year's economic downturn wiped out out the tax equity market where solar companies typically sold their credits. That's another "urgent" hurdle Hopper said the trade group is eager to overcome.

"Between the cutting of the corporate tax rate and the economic recession, there's obviously less appetite for tax credits," she said. "Certainly, we have seen a constricting of that market, and so it is harder for projects to get financed, because there's just not as many institutions out there with an appetite to do that. So we have been lobbying Congress since pretty much when this became apparent last year to have those monies be directly paid to the developer, instead of being a tax credit to an investor."

She also listed interconnection queues for solar projects as another area of strain, as solar projects are "sitting in line forever," while utilities evaluate what it will cost to interconnect.

Residential deployment was up 11 percent from 2019 to a record 3.1 GW, according to Tuesday's report. But the pace of expansion was still lower than the 18 percent annual growth in 2019, as residential installations were affected by the pandemic in the first half of 2020.

A total of 5 GW of new utility solar power purchase agreements were announced in Q4 2020, increasing the volume of project announcements last year to 30.6 GW and the full utility-scale contracted pipeline to 69 GW. Wood Mackenzie is also forecasting 18 percent growth in residential solar in 2021.

"The report is both exciting in that we are poised to quadruple our growth in the next nine years. That's a pretty amazing place to sit," said Hopper. "And, even if we do that, we're not on track to reach our climate goals. So it is both inspiring and provides a reality check about the need for more policies to allow us to reach those climate goals."

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Sent: 3/5/2021 5:57:37 PM
To: Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]
Subject: FOR REVIEW: Early Guidance meeting with Acting Administrator Nishida
Attachments: Light-Duty Vehicle GHG Standards NPRM Early Guidance Final.pptx

Joe and Ale,
Please review the Powerpoint deck from Tad and OTAQ for the meeting on Monday with Acting Administrator Nishida. We need to send this on to the Administrator's office **by 2pm today.**

Thanks,
Eunjung

Eunjung Kim
Special Assistant
Office of Air and Radiation
(202) 815-7252

Message

From: POLITICO Pro [alert@email.politicopro.com]
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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: GOP lawmakers warn of communities left behind in energy transition

GOP lawmakers warn of communities left behind in energy transition

By Anthony Adragna

02/09/2021 04:08 PM EST

Senior Energy and Commerce Committee Republicans on Tuesday warned that the ambitious climate action pushed by President Joe Biden and the Democratic-led Congress would devastate fossil fuel communities and leave workers there without options.

Rep. David McKinley (R-W.Va.), ranking member of the Environment and Climate Change Subcommittee, said he feared sweeping climate action would trigger a repeat of the type of economic suffering that former steel-producing towns felt after the declines in domestic production. He said communities in West Virginia, Wyoming, Ohio and Kentucky would not be able to pivot quickly to new jobs.

"These are communities based on fossil fuels," McKinley told a virtual subcommittee hearing. "These towns and these workers don't have other alternatives. These are small towns. They don't have choices."

McKinley said he feared the Biden climate plan would leave workers with the choice of being underemployed, having to commute hundreds of miles for new work or move to new communities.

Democrats see challenge: Democratic lawmakers on the panel said they would not leave communities behind as the country transitions toward cleaner energy sources, but Rep. Jan Schakowsky (D-Ill.) acknowledged delivering on that commitment would be a challenge.

"We have to have real answers for that," Schakowsky told McKinley. "I don't feel like we're exactly there yet and I think that answer is deserving."

Biden administration officials have repeatedly argued that their climate and infrastructure plan was a job creator that would open up new economic opportunities for the U.S. and displaced workers from the fossil fuel sector.

"So what President Biden wants to do is make sure those folks have better choices, that they have alternatives, that they can be the people who go to work to make the solar panels — that we're making them here at home," John Kerry, special presidential envoy for climate, said at a Jan. 27 press briefing.

"Arrogant and dismissive:" But those comments landed with a thud among committee Republicans, with Rep. Bill Johnson (R-Ohio) slamming Kerry's remarks as "arrogant and dismissive in response to questions about these workers who are losing their jobs."

"These are human beings, not machines that can simply be retooled," Johnson said. "They deserve more respect than this."

Full committee Chair Rep. Frank Pallone (D-N.J.) reiterated the perspective of many Democrats that climate action should be seen as an economic opportunity.

"Without additional legislative action, we cannot fully address the scale, scope and urgency of the climate crisis," Pallone said. "And legislative action can provide even more tools to ensure our communities and workers are well-positioned to benefit economically from the ongoing transition to a clean energy economy."

Even without specifics answers, Democrats vowed they would not leave front line energy workers behind as part of that transition.

"I am determined to ensure economic opportunity and reliable energy is available to all those on the front lines of that energy transition," said Rep. Tom O'Halleran (D-Ariz.).

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Subject: POLITICO Pro Q&A: Bill Gates on the need for climate change 'miracles'

POLITICO Pro Q&A: Bill Gates on the need for climate change 'miracles'

By Kelsey Tamborrino

02/14/2021 08:30 PM EST

Forget unrealistic notions about abolishing fossil fuels in a decade, or modest efforts to make electric vehicles a little cheaper. Bill Gates says President Joe Biden needs to go big on climate change — by fostering the major technological changes that can eliminate greenhouses throughout the economy by the middle of the century.

With his new book "How to Avoid A Climate Disaster," Gates argues that leaders need to shift their focus to long-term strategies aimed at creating a zero-carbon future, a task that scientists warn must be accomplished in a handful of decades to head off catastrophic changes.

"To do this by 2050 would be a miracle," Gates told POLITICO. "Now, miracles do happen."

His charitable organization, the Bill and Melinda Gates Foundation, is one of the world's richest, and he's long linked its goal of improving global health and fighting poverty with climate change. And to help drive the needed technological discoveries, he's assembled a roster of thinkers to guide his Breakthrough Energy Ventures fund, from Amazon's Jeff Bezos and clean tech investor Vinod Khosla to hedge fund guru Ray Dalio.

A central theme of Gates' new book is the concept of a "green premium," the cost difference between a product that emits carbon and its alternative that does not. Too often, policymakers and activists focus on small measures that may help reduce energy emissions, such as programs to weatherize homes or help renewables displace coal — but those, he says, won't get the planet anywhere near zero emissions.

What's really needed, Gates maintains, is a sharp ramp-up in research and development spending by the federal government to figure out the big stuff: eliminating the carbon footprint of things like steel, concrete, aviation and farming, where little progress has been made, so that manufacturing and agriculture can continue to thrive in a net-zero world.

This transcript has been edited for length and clarity.

You had been warning about the potential for a pandemic for years, yet here we are. And you similarly have been vocal about climate change for over a decade now. So, has the pandemic response affected your thinking about our policies to eliminate greenhouse gas emissions?

There's always a danger that people think climate is easy to solve. With acid rain, it was actually pretty easy to solve with sulfur scrubbers. The ozone layer was actually pretty easy to solve, where industry came up with a different way of doing refrigerants. And, the pandemic — even though it's tragic that we didn't do the right things in advance, which would have cut the death toll to less than a quarter of what it was — at least here, there's this invention of a vaccine that allows us to say that as this year progresses, by and large, this crisis will end.

In climate change you can't wait until it hits, and it's not one innovation. So, I think the pandemic is very helpful in some ways, because it reminds us that government on our behalf should have experts who are looking ahead, and listening to the various warnings and deciding which [plans] we should invest in. ... The climate thing has been [around] a long time. Because of the sources of emission and the global nature of it, I think it's harder.

But the fact that people didn't lose interest during the last year is kind of amazing because there's a tendency to become very short term when you have such a crisis. And yet, in the U.S. politically, in Europe politically, there's more energy behind climate than ever.

You touch on the book "Energy and Civilization" by Vaclav Smil, which details how critical energy is to modern civilization, but as you mention, it shows how slowly energy transitions occur. Scientists say we need a rapid transition away from fossil fuels. Do those same old energy rules from past decades and centuries apply?

There's no possibility of getting rid of fossil fuels in 10 years. That's anti-reality as much as denying that there is such a thing as a climate crisis. I mean, just do the numbers. Are you going to stop making cement? Are you going to stop making steel?

To do this by 2050 would be a miracle. Now, miracles do happen. Personal computing, the internet, mobile phones — those are miracles. I have been allowed to participate in some parts of that.

Likewise, the fact that we cut childhood deaths in half between the year 2000 and 2015, cut it from over 10 million a year to 5 million a year. That was a miracle, and the [Gates] Foundation had a chance to be part of that. The coronavirus vaccine in less than a year. That's a miracle. But the climate requires a lot of miracles at a scale that none of those other problems come even close to.

In your book you make the point that making reductions the wrong way by 2030 could prevent us from actually from ever getting to zero. Could you break that down?

The whole idea that various countries are competing in near-term reductions means that all you talk about are the areas of emissions that have very low "green premiums." The two things with the lowest green premium today are passenger cars and electricity generation. ... If you look at the progress the world has made, and say you leave out the reduction you get from switching from coal to natural gas, it's mostly passenger cars and solar and wind. That doesn't scale to zero. First of all, you get gigantic reliability problems once you get past 60 percent or 70 percent of the generation, particularly if you're not building continental-scale [power] transmission.

Between those, you don't even account for a third of all emissions. The other two-thirds, the high green premium stuff — it's truly embarrassing how little is going on in terms of clean steel or clean cement, or even clean aviation fuel. Those premiums are very, very high.

Even for Breakthrough Energy, finding enough companies [to financially support] in those spaces, we thought we did a great job on [energy] storage, we did a great job actually on the food piece. But in some areas like carbon capture or cheap hydrogen, as we're doing our second fund ... we'll have a particular priority on those areas where we didn't find enough crazy companies in the first round.

What is the role of the private sector in driving advances when you're talking about these green premiums?

Certainly the government sets the framework for everything, and government is the primary funder of R&D. So, we've proposed in there that we have an R&D scale that's over four times what we spend today, including

[creating] the National Institute of Energy Innovation, which is sort of like the National Institutes of Health, except focusing on these problems.

I think most people would be surprised how little money the U.S. spends on energy R&D. Even if they're smart enough to know the Department of Energy budget, they may not realize that three-quarters of that is cleaning up nuclear weapons-related activities, not really energy, even though the name of the department is based on the thing that it spends the minority of its money on.

Those things often don't encompass much about steel or cement, or meat, because those are more over in Commerce or Ag, and not viewed as deep R&D problems.

When you're talking about the Energy Department, is the solution to restructure everything or is it simply spending more?

Fortunately, in my view we don't need trillions. Some of the political discussion [during the Democratic primary] was about, "Oh, I've committed to $1.4 trillion," "I'm committed to $2 trillion," [or] "I'm committed to $3 trillion." If we really needed that, that's what I call sort of a brute force solution, to deal with our 14 percent. It wouldn't be scalable to the world. But if you can't solve this problem for the world, it's not worth solving at all.

The U.S. is unique in that we've got the majority of the innovation skills on the planet. Models that we have like DARPA or NIH, or, although at a very small scale, ARPA-E — we have to step up and do those in a bigger way. And so even doing the R&D budget up at say, $24 billion a year, which would be four times the current spend, it gets it up to say two-thirds of NIH levels of spending.

That and taking the various policies, including the tax credits that we've used for solar and wind, and maybe doubling or tripling those — but shifting them away from today's solar and wind to the offshore wind and storage and nuclear, and a variety of things that are early in the learning curve. Yes, I think that there are policies that are in the tens of billions of cost that the U.S. can do ... to help solve this problem for the entire world.

You mentioned wanting to see the results of the 2020 election ahead of writing this book. What do you make of Joe Biden's clean energy plan, which calls for spending $2 trillion over his four-year term?

There's no way that that scale of money would be likely to be found, or would even be that impactful. Because you'd be doing a lot of brute force — insulation or subsidizing the electric car market — to move five years [faster than] it would just naturally anyway.

So you'd be out there [doing] very modest things like, you can say in a city, "OK, let's spend tens of billions on one city and we'll have 15 percent less passenger miles" and say "OK, this is climate related." But it's not. Climate is about multiplying things by zero. Reducing things by 15 percent, that's just using climate as an excuse. Climate is about zero, not about 15 percent less of this or that.

So the only way that transportation works is if cars, buses, trains, planes, boats have been shifted to a totally zero emission thing. In the case of climate ... it's not reducing the level of activity, even though in a rich country you could, in some cases, reduce the size of our houses or how big our cars are, you could reduce that quite a bit. But the money needs to be spent on innovation for the world, not on modest decreases, just here in the United States.

Given that Democrats have only a slim majority in Congress and aren't likely to win big change despite some of the optimism we're seeing on climate change, what incremental steps would be most valuable on the Hill?

There is quite a bit of good climate change stuff actually in [the December] stimulus bill, and our team was involved in that stuff. ... Keeping the loan program alive, some of the nuclear energy stuff. The stimulus bill is very good. And I didn't know what we'd get in there related to energy and climate, but there's quite a bit that got in.

But what I'm saying should be within reason. I'm talking about a fairly substantial R&D increase, I'm talking about a meaningful increase in the tax credits, but modernizing what they aim for. I'm talking about a lot of policy-type things that are not budget related — rejoining the Paris accord.

That's not so much money that if Biden — with the ability to do reconciliation — makes it one of his top four priorities, it's very, very doable. Now I'm sure if he goes with the pragmatic, "here's an extra 20 billion for R&D, here's an extra 20 billion for tax credits," there will people who will say, "Hey, where's the trillions?" So, he'll get attacked from both sides. I bet almost everything he does will have that characteristic.

He could do what I think is an enabling thing for this 30-year quest. After all, you also have to think that there will be some Republican administrations between now and 2050. So, building a consensus — the tax credits have actually had a fairly good consensus, and as we shift them, I'm talking about scaling them up, [but] not, you know, 10 times.

R&D also creates high-paying jobs, it's about U.S. competitiveness. If you look at the bipartisan nature of the NIH budget, where the executive branch came in and said let's cut NIH, and that got into the trash can faster than any executive branch proposal ever did, including in Republican offices. The NIH continued to get reasonable increases. So, [a] National Institute of Energy Innovation I do think can be bipartisan. I think fixing the tax credits, while they're scaled up somewhat, that can be bipartisan. I don't know, maybe I'm being naive. I'm willing to disagree with people who say we need trillions so that we can solve it in 10 years.

But, I really do see a path that should fit that is the president's priority. ... I think the Republican Party, if they want to appeal to their young base, is going to have to have climate things. I think the things I'm talking about here are most likely to form the core of things that are seen as a necessary part of that. Hopefully by the time the next Republican administration comes in, it doesn't come in saying, "Hey, let's do like Trump and not talk about climate and zero all this stuff out."

What are some of the technologies right now that you are optimistic about and think need to be scaled up to reduce emissions?

The food area, [Breakthrough Energy Ventures] has got a lot of great companies. So that, versus five years ago, that's been the most positive surprise for me. Beyond Meat is doing well. Impossible Foods is doing well. But BEV has three or four additional incentives portfolio that will add to that and help create a whole ecosystem. To scale up to compete with physical cows — what are we at? Point-zero-one percent today. We have a long, long ways to go. But that's pretty promising.

A lot of the [energy] storage ones, like Quidnet — I mean the idea that even works seems crazy. We have great CEOs — the woman who runs Malta, the heat storage thing that was spun out of Google. BEV adds a lot of value not just on the science, but assembling the management team. Form Energy has some super cheap battery stuff that's about grid storage [that] is unique to that.

I love the BEV 1 portfolio. It doesn't have enough green hydrogen, direct air capture or steel in it. It has one: It's got Boston Metal, [which] is a steel-related thing. But we need a lot more in those categories.

The second fund. ... It's the same size as the first fund, just over $1 billion. It will particularly prioritize going into those other areas because the management team there is focused not on making money as their primary measure, but on the climate impact. So that we're able to say, "build up your capacity and search the entire world for what are novel approaches to direct air capture or green hydrogen."

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Sent: 3/3/2021 6:20:03 PM
To: Carbonell, Tomas [Carbonell.Tomas@epa.gov]
CC: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Any background you might want for Fri int'l mtg - bilat climate priorities and POTUS Leaders Summit?

Tomas, Joe,

Ex. 5 Deliberative Process (DP)

Thanks.

John

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Sent: 2/4/2021 3:10:30 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: RE: Special Clips - Michael Regan Confirmation Hearing - 2/4/21

And that was *__Wednesday's__* hearing, obviously. Not Thursday's.

Best, R.

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From: Daguillard, Robert
Sent: Thursday, February 04, 2021 10:08 AM
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: FW: Special Clips - Michael Regan Confirmation Hearing - 2/4/21

A selection of clips on Thursdays hearing, courtesy of Region 7. More may follow.

Associated Press - Biden EPA nominee vows 'sense of urgency' on climate change – 2/3/21 - President Joe Biden's nominee to run the EPA says he learned the importance of preserving the outdoors while hunting and fishing with his father and grandfather in rural North Carolina. http://bit.ly/2MWHXNb

PBS - WATCH: Biden EPA nominee vows 'sense of urgency' on climate change – 2/3/21 - Michael Regan told a Senate committee that under Biden the EPA "will stand up for environmental justice and equity" and will collaborate with business and community groups, state and local governments and others "who know their own communities better than the federal government ever could." http://to.pbs.org/2YWTbV3

Washington Post - Biden's EPA nominee vows 'urgency' on climate change – 2/3/21 - Michael Regan, who would be the first Black man to serve as EPA administrator, promises to seek consensus as he pursues an ambitious agenda. http://wapo.st/2YKuFGs

RFD-TV - Sen. Grassley and Ernst weigh in on EPA Administrator nominee – 2/3/21 - According to Sen. Grassley, "By 2022, the statutory requirements of the RFS run out and will be up to EPA to set those, and I urge Regan not to do anything less than what the law requires now and hopefully more requirements for biofuels." Senator Joni Ernst also had the opportunity to discuss Renewable Fuels with the EPA nominee, but was concerned with his answers on small refinery waivers. http://bit.ly/3trWpNu

FarmWeek - EPA Administrator nominee: 'We will restore the role of science and transparency at EPA' – 2/3/21 - Michael Regan, nominee to be administrator of the U.S. Environmental Protection Agency, (EPA) said he aims to approach the role with transparency, science and stakeholder engagement in mind. http://bit.ly/36IFQ6N

Radio Iowa - Senator Ernst questions EPA nominee – 2/4/21 - Iowa Senator Joni Ernst asked nominee Michael Regan about issues surrounding renewable fuels — including the Renewable Fuel Standard. "RFS is definitely a priority for this administration… the reality is that I want to sit down with my staff,

sit down with legal counsel. There are a number of things that are caught up in litigation, there are a number things that we more transparency around how we arrived at those decisions," Regan says. http://bit.ly/3jkyJqu

Roll Call - EPA nominee Regan says environmental progress is good for jobs – 2/3/21 - Republican Sen. Shelley Moore Capito said she fears Biden's environmental agenda will represent a third Obama term. President Joe Biden's pick for EPA administrator on Wednesday told skeptical Republican senators that environmental progress can also foster economic growth. http://bit.ly/3aAsRVU

DTN Progressive Farmer - Regan Faces Barrage of Senate Questions | EPA Nominee Intends to Review Implementation of RFS as Head of Agency – 2/3/21 - EPA Administrator nominee Michael Regan said he wants to strike a balance between government regulation on the environment and stakeholder input about life on the ground. http://bit.ly/3oR0NCK

MarketScreener - ACE Statement on EPW Committee Confirmation Hearing with EPA Chief Nominee Regan – 2/3/21 - American Coalition for Ethanol (ACE) CEO Brian Jennings issued a statement following Mr. Regan's confirmation hearing. 'If confirmed as EPA Administrator, Mr. Regan inherits a long list of unfinished business with respect to the Renewable Fuel Standard (RFS). **https://bit.ly/3avPGdr**

Biomass Magazine - Regan promises 'no surprises' in EPA's administration of the RFS – 2/3/21 - Michael Regan, President Biden's nominee to serve as administrator of the U.S. EPA, said the Renewable Fuel Standard will be a priority for the new administration and stressed agriculture will have a seat at the table when it comes to Biden's climate objectives during his Feb. 3 appearance before the Senate Committee on Environment and Public Works. http://bit.ly/3oW4kQx

Bloomberg Law - EPA Nominee Touts Power to Set Auto Rules Aligned With EV Push – 2/3/21 - President Biden's nominee to lead the EPA said the agency can help chart fuel-economy and tailpipe emissions standards that guide an automobile industry already embracing electric vehicles. https://bit.ly/3azU4YY

Bloomberg Law - Biden's EPA Pick Promises Holistic Review of Biofuel Mandate – 2/3/21 - EPA Administrator-designee Michael Regan vowed "a thorough review" of renewable fuel standard decisions, including waivers exempting oil refineries from annual biofuel-blending quotas. https://bit.ly/3tBzyQq

Bloomberg Law – Biden's EPA Pick Promises 'Thorough Review' of Biofuel Waivers – 2/3/21 - President Joe Biden's nominee to lead the EPA is promising a "thorough review" of waivers exempting oil refineries from biofuel-blending requirements, one of the thorniest issues confronting the agency. https://bit.ly/3oR3yE6

Bloomberg Law – EPA Pick Regan Vows Collaboration as GOP Warns of Lost Jobs – 2/3/21 - President Joe Biden's nominee to run the EPA vowed to collaborate with local governments, businesses and working Americans to confront major environmental threats if confirmed by the U.S. Senate. https://bit.ly/39N7VMn

Bloomberg Law – Biden's EPA Pick Sees Limits of Regulations – 2/4/21 - Michael Regan, Joe Biden's pick to run the EPA, sought to reassure skittish Republicans that the president's early executive orders reducing fossil fuel emissions and reviewing Trump-era regulations will not kill jobs or strangle industry. https://bit.ly/2MVehQA

Inside EPA - Regan Vows To 'Assess' Trump EPA Record But Focus On New Actions – 2/3/21 - EPA Administrator nominee Michael Regan is vowing to senators that, if confirmed, he will conduct an "assessment" of the agency's Trump-era actions in line with President Joe Biden's directive to review specific policies for revision but will focus more on collaborative approaches in crafting new high-priority policies. http://bit.ly/2YJr0bP

Inside EPA – Regan Defends Biden GHG Agenda, Hedges On Details of EPA Rules – 2/3/21 - EPA Administrator-designate Michael Regan during his first Senate confirmation hearing broadly defended the Biden

administration's emerging climate change agenda as an environmental and economic priority, while keeping his options open on how the agency would help implement that agenda and pledging to work with industry. http://bit.ly/3azULBy

Inside EPA - Regan could boost enforcement as EPA administrator – 2/3/21 - If the Senate confirms Michael Regan to be EPA administrator, the agency's focus on enforcement could increase, according to a new analysis of Regan's leadership of North Carolina's environment department that found a boost in inspections and penalties levied by the state although less of a clear-cut trend in other enforcement actions. http://bit.ly/39LrxjH

Fox News - Biden's EPA pick says U.S. can't 'regulate our way out of every problem' | Michael Regan nominated to steer Biden's climate agenda along with John Kerry, Gina McCarthy - Under questioning from GOP senators, Regan, 45, vowed to "follow the law, not exceed my statutory authority" in enacting a slew of new regulations on everything from powerplants to vehicle tailpipes, mercury emissions to waterways. http://fxn.ws/3pNRdlF

Wall Street Journal - President Biden's EPA Nominee Says He Will Work With Business | Republican senators say Michael Regan gained reputation for fairness as environmental regulator in North Carolina – 2/3/21 - Michael Regan, President Biden's nominee to lead the Environmental Protection Agency, drew bipartisan support at his Senate confirmation hearing Wednesday, including from North Carolina Republicans who said he has a history of working constructively with businesses. http://on.wsj.com/36GVPlI

Twitter - @SenJoniErnst – 2/3/21 - At today's @EPWGOP hearing, I pressed President Biden's nominee to lead the @EPA, Michael Regan, on his commitment to defending the #RFS and his view on the new #WOTUS rule. (includes video) https://bit.ly/3cHr3NM

HuffPost - Biden EPA Pick Pledges To Take Swift Action On Climate, Fix Trump-Era Damage – 2/3/21 - Michael Regan, President Joe Biden's pick to lead the Environmental Protection Agency, told lawmakers Wednesday that he would move swiftly to rein in planet-warming greenhouse gas emissions, repair the damage that the Trump administration inflicted at the federal agency and put environmental justice communities at the heart of the agency's efforts. http://bit.ly/39OofMK

Reuters - Biden's EPA Pick to Review Options on Biofuel Waiver Program – 2/3/21 - U.S. President Joe Biden's pick to lead the Environmental Protection Agency said on Wednesday he will consult with general counsel to understand the options available for a program that exempts small refiners from biofuel blending obligations. https://bit.ly/3roCKwW

The Hill - EPA nominee Regan pledges 'urgency' on climate change at confirmation hearing – 2/3/21 - During his confirmation hearing on Wednesday, President Biden's pick to lead the Environmental Protection Agency (EPA), Michael Regan, pledged to act with "a sense of urgency" on climate and to increase the agency's focus on science, transparency and combating inequality. http://bit.ly/3joqg5t

The Independent - Biden's EPA nominee will do 'damage assessment' of Trump era's impacts on science, morale and transparency – 2/3/21 - President Biden's nominee to run the Environmental Protection Agency has said that he will do a "damage assessment" at the agency if confirmed, following four years in which former President Donald Trump sidelined science and rollbacked or weakened dozens of environmental and climate policies. http://bit.ly/3jor3Dt

Daily Caller - Biden EPA Nominee Faces Questions About Agency's Independence During Confirmation Hearing – 2/3/21 - - EPA Administrator nominee Michael Regan faced questions about the agency's independence within the Biden administration during his confirmation hearing Wednesday before the Senate Environment and Public Works Committee. http://bit.ly/3pNU7XB

UPI – EPA nominee Michael Regan pledges to focus on environmental justice - 2/3/21 - Michael Regan, President Joe Biden's selection to head the EPA, pledged Wednesday to place a focus on environmental justice if confirmed.

Message

From: POLITICO Pro Energy [alert@email.politicopro.com]
Sent: 2/3/2021 9:00:54 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: BOEM restarts review process for Vineyard Wind

BOEM restarts review process for Vineyard Wind

By Kelsey Tamborrino

02/03/2021 03:59 PM EST

The Bureau of Ocean Energy Management will resume the environmental review process for Vineyard Wind's proposed offshore wind project off the coast of Massachusetts, the agency announced Wednesday.

The details: BOEM said it intends to restart the environmental review for the project, which is slated to become the first large-scale offshore wind farm in the U.S., and proceed with development of its final environmental impact statement.

"Offshore wind has the potential to help our nation combat climate change, improve resilience through reliable power, and spur economic development to create good-paying jobs," said BOEM Director Amanda Lefton in a statement. "BOEM is committed to conducting a robust and timely review of the proposed project."

Lefton, who previously was the first assistant secretary for energy and environment under New York Gov. Andrew Cuomo, was named director of the agency on Monday.

Background: Vineyard Wind asked BOEM late last month to resume the federal permitting process for the 800-megawatt Vineyard Wind 1 project, after the process was halted under the Trump administration.

The company, a joint venture between Avangrid Renewables and Copenhagen Infrastructure Partners, notified BOEM it was rescinding its December request to temporarily withdraw the construction and operations plan for the project, as it proceeded with a final technical review of GE's Haliade-X wind turbine generators.

Shortly after that request, BOEM terminated the permitting process for the project, kicking the decision on next steps to the Biden administration.

President Joe Biden issued an executive order last month that called on the Interior Department to increase renewable energy production on public lands and waters.

"The Biden administration is getting us back on track, providing business certainty to offshore wind projects that will power our economy by creating jobs and producing clean, affordable energy," Massachusetts Sen. Ed Markey said in a statement Wednesday.

To view online:
https://subscriber.politicopro.com/energy/article/2021/02/boem-restarts-review-process-for-vineyard-wind-2032486

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This email was sent to goffman.joseph@epa.gov by:
POLITICO, LLC
1000 Wilson Blvd.
Arlington, VA 22209
USA

Message

From: Grundler, Christopher [grundler.christopher@epa.gov]
Sent: 3/16/2021 8:07:45 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Harvey, Reid [Harvey.Reid@epa.gov]; Hooper, Daniel [hooper.daniel@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; LaCount, Melanie [LaCount.Melanie@epa.gov]; Murray, Beth [Murray.Beth@epa.gov]; Fisher, Brian [Fisher.Brian@epa.gov]; Lalani, Imran [Lalani.Imran@epa.gov]; Mark, Jeremy [Mark.Jeremy@epa.gov]; Bowker, George [Bowker.George@epa.gov]; Corcoran, Katherine [Corcoran.Katherine@epa.gov]; Haeuber, Richard [Haeuber.Richard@epa.gov]; Cohen, Michael [Cohen.Michael@epa.gov]; Liu, Kimberly [Liu.Kimberly@epa.gov]; Macy, Taylor [macy.taylor@epa.gov]; Mercado, Edgar [Mercado.Edgar@epa.gov]; Powers, Garrett [powers.jamesg@epa.gov]; Sofka, Gwyndolyn [Sofka.Gwyndolyn@epa.gov]; Schreifels, Jeremy [Schreifels.Jeremy@epa.gov]; Orehowsky, Karen [Orehowsky.Karen@epa.gov]; Lifland, David [Lifland.David@epa.gov]; Chang, Ming [Chang.Ming@epa.gov]; Wayland, Richard [Wayland.Richard@epa.gov]; Possiel, Norm [Possiel.Norm@epa.gov]; Eyth, Alison [Eyth.Alison@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; Selbst, Elizabeth [selbst.elizabeth@epa.gov]; Sasser, Erika [Sasser.Erika@epa.gov]; Weatherhead, Darryl [Weatherhead.Darryl@epa.gov]; Langdon, Robin [Langdon.Robin@epa.gov]; Sorrels, Larry [Sorrels.Larry@epa.gov]; Jones, Rhea [Jones.Rhea@epa.gov]; Callihan, Ryan [Callihan.Ryan@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Hambright, Rosemary [Hambright.Rosemary.E@epa.gov]; Evans, DavidA [Evans.DavidA@epa.gov]; Schreiber, Andrew [schreiber.andrew@epa.gov]; Schillo, Bruce [Schillo.Bruce@epa.gov]; Argentieri, Sabrina [argentieri.sabrina@epa.gov]; Cox, John [cox.john@epa.gov]; Kettl, Brian [Kettl.Brian@epa.gov]; Hamjian, Lynne [Hamjian.Lynne@epa.gov]; Simcox, Alison [simcox.alison@epa.gov]; McConnell, Robert [mcconnell.robert@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Bradley, Twunjala [Bradley.Twunjala@epa.gov]; Young, Carl [young.carl@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Koerber, Mike [Koerber.Mike@epa.gov]
Subject: RE: Congratulations and Thank You, All

Dear Colleagues:
Let me add my congratulations and heartfelt gratitude to all of you who helped deliver a major improvement in EPA's interstate air pollution control program! Not only is this a major achievement that serves as an immediate environmental win for our new Administrator, you delivered a strong final rule in record time and during a challenging transition. These CSAPR rulemakings have shown how much we can unlock air quality improvements and emission reductions when we work seamlessly across offices together as one team. The reviews are pouring in from our stakeholders, and many seem to agree (while noting that our work is not done…2015 here we come!)

I want to give special recognition to Dan Hooper, who sure picked a doozy for his first rule to lead! Dan organized and connected staff and managers from across OAR, OGC, OP, OECA, ORD, and the Regions. His tireless efforts brought order to chaos and made the most out of a hair-raising court-ordered schedule. He soldiered on with a smile and lightened others' loads in the process, and we are grateful for his leadership on this rule!

With a team this strong producing a rule this beneficial, I am looking forward to seeing what you will tee up for the next chapter in reducing interstate ozone pollution - but for today, I give you all enthusiastic (physically distanced, for now) high fives and back slaps. Americans will breathe easier for this rule, a result even more critical in light of this pandemic. Well done!

Chris

Christopher Grundler, Director
Office of Atmospheric Programs
U.S. Environmental Protection Agency
202.343.9140 (o)
734.645.5221 (m)

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Tuesday, March 16, 2021 12:53 PM
To: Harvey, Reid <Harvey.Reid@epa.gov>; Hooper, Daniel <hooper.daniel@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; LaCount, Melanie <LaCount.Melanie@epa.gov>; Murray, Beth <Murray.Beth@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Lalani, Imran <Lalani.Imran@epa.gov>; Mark, Jeremy <Mark.Jeremy@epa.gov>; Bowker, George <Bowker.George@epa.gov>; Corcoran, Katherine <Corcoran.Katherine@epa.gov>; Haeuber, Richard <Haeuber.Richard@epa.gov>; Cohen, Michael <Cohen.Michael@epa.gov>; Liu, Kimberly <Liu.Kimberly@epa.gov>; Macy, Taylor <macy.taylor@epa.gov>; Mercado, Edgar <Mercado.Edgar@epa.gov>; Powers, Garrett <powers.jamesg@epa.gov>; Sofka, Gwyndolyn <Sofka.Gwyndolyn@epa.gov>; Schreifels, Jeremy <Schreifels.Jeremy@epa.gov>; Orehowsky, Karen <Orehowsky.Karen@epa.gov>; Lifland, David <Lifland.David@epa.gov>; Chang, Ming <Chang.Ming@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>; Possiel, Norm <Possiel.Norm@epa.gov>; Eyth, Alison <Eyth.Alison@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Selbst, Elizabeth <selbst.elizabeth@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>; Langdon, Robin <Langdon.Robin@epa.gov>; Sorrels, Larry <Sorrels.Larry@epa.gov>; Jones, Rhea <Jones.Rhea@epa.gov>; Callihan, Ryan <Callihan.Ryan@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Hambright, Rosemary <Hambright.Rosemary.E@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>; Schreiber, Andrew <schreiber.andrew@epa.gov>; Schillo, Bruce <Schillo.Bruce@epa.gov>; Argentieri, Sabrina <argentieri.sabrina@epa.gov>; Cox, John <cox.john@epa.gov>; Kettl, Brian <Kettl.Brian@epa.gov>; Hamjian, Lynne <Hamjian.Lynne@epa.gov>; Simcox, Alison <simcox.alison@epa.gov>; McConnell, Robert <mcconnell.robert@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Young, Carl <young.carl@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Subject: Congratulations and Thank You, All

As members of the team that delivered the final Remanded CSAPR Update rule, you should know that you got rave reviews for your starring role in Administrator Regan's inaugural Senior Staff meeting yesterday where it was announced that one of the Administrator's first official acts would be the victory lap he would take on the occasion of signing the rule.

The final represented an outstanding effort on everyone's part both individually and, even more importantly, as a team. The rule itself is an outstanding piece of work that will deliver almost immediate air quality benefits to the public. All the more impressive is that the rule met OAR and ARLO's high standards of quality and excellence even as you all produced it under a severe time constraint during a period of time dominated by a presidential transition. Just amazing.

I hope each of you reads this note as a form of individual recognition for each of your respective contributions. One person who definitely should do so is Dan Hooper on Reid's staff, who quarterbacked this effort in his debut as team lead, providing deft coordination across offices and with OMB. Great work, Dan, which, I know you could not have achieved without everyone else's hard and excellent work.

Thank you, All, and congratulations.

Best,
Joe

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation

Message

From: Shaw, Betsy [Shaw.Betsy@epa.gov]
Sent: 2/2/2021 5:18:04 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Paper for Op Plan discussion
Attachments: Building the FY 2021 OAR Operating Plan_v2.docx

Hi Joe,

Nothing like just in time delivery. Attached is the paper we'll walk through at 12:30 teeing up decisions we need on the Operating Plan. Steve LaRue will be showing this document on the TEAMS screen, but I just wanted you to have the document itself for reference.

Thanks,

Betsy

Message

From: Carbonell, Tomas [Carbonell.Tomas@epa.gov]
Sent: 2/25/2021 4:21:13 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: EJ thoughts
Attachments: EJ Thoughts - Deliberative2.docx

Hi Joe, as mentioned in our call yesterday – hope this is helpful. Best,

Tomás

Message

From: Froman, Sarah [Froman.Sarah@epa.gov]
Sent: 2/26/2021 7:45:32 PM
To: OAR Briefings [OAR_Briefings@epa.gov]
CC: Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Mroz, Jessica [mroz.jessica@epa.gov]; Burch, Julia [Burch.Julia@epa.gov]; Moltzen, Michael [Moltzen.Michael@epa.gov]; Simon, Karl [Simon.Karl@epa.gov]
Subject: Slides for Ports Initiative Briefing for DAA Nunez Monday, March 1 at 1p.m.
Attachments: Ports Initiative Intro Briefing for Alejandra Nunez 3.1.21.pptx

Attached are materials for the Ports Initiative briefing for DAA Nunez scheduled for 1 p.m. Monday, March 1.

Thanks and have a great weekend,

Sarah

Sarah Meginness Froman
EPA Ports Initiative Team Lead
Transportation and Climate Division
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
Tel: (202) 343-9652
Fax: (202) 343-2803
1200 Pennsylvania Ave., NW (6406A), Washington, DC 20460
Driving Innovation in Clean Transportation
Ports Initiative | U.S. EPA

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 2/11/2021 2:25:39 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Re: OAR Inputs for Cabinet Report

Great. Will send them on.

Ann (Campbell) Ferrio
Chief of Staff
Office of Air and Radiation
(202) 566-1370

On Feb 10, 2021, at 9:12 PM, Goffman, Joseph <Goffman.Joseph@epa.gov> wrote:

OK with these. Thanks.

Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Wednesday, February 10, 2021 6:17 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: OAR Inputs for Cabinet Report

CLIMATE

- Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

Message

From: Carbonell, Tomas [Carbonell.Tomas@epa.gov]
Sent: 2/22/2021 9:43:36 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: FW: URGENT, FOR YOUR REVIEW: SAN# 7811 Revised CSAPR Update Rule materials for transmittal to OMB
Attachments: OD Cover note_Revised CSAPR Update Rule.docx; Transmittal memo_Revised CSAPR Update Rule.docx; Action Memo_Revised CSAPR Update Rule.docx; (RLSO for OAR-IO)_EO12866_RIN2060-AU84_RevisedCSAPRUpdate_Final Rule_FRdocument_2021-02-22.docx; EO12866_RIN2060-AU84_RevisedCSAPRUpdate_Final Rule_FRdocument_2021-02-22.docx; CSAPR Final Revised Update RIA 02-22-2021.docx; 2016v1_EmisMod_TSD_Feb2021.docx; Air Quality Modeling TSD_Final Revised CSAPR Update.docx; Appendix A_Revised CSAPR Update.docx; Appendix B Contribution Code Steps.docx; Appendix C 2021 Contribution Metric Table.docx; Draft Non EGU Assessment Technical Memo February 19 2021 for FINAL.docx; CoST Control Strategy - Max Reduction $10k 150 tpy cutoff 12 States updated Modeling - No Replace - 07-23.xlsx; CoST Control Possibilities $10k 150 tpy 12 States Updated Modeling - 06-30-2020.xlsx; Control Summary - Max Emission Reduction $10k 150tpy cutoff 12 States Updated Modeling - No Replace - 05-.xlsx; 2017 NEI Data_Twelve States_Merged_ Greater than 100 Tons.xlsx; Estimating PM2.5- and Ozone-Attributable Health Benefits TSD.docx; Study Information Table for the Estimating PM2.5- and Ozone-Attributable Health Benefits TSD.xlsx; Status of CAA Section 110(a)(2)(D)(i)(I) SIPs for the 2008 Ozone NAAQS for States Covered by the final Re.docx; EGU NOx Mitigation Strategies Final Rule TSD (2_19 draft).docx; Allowance Allocation under the Revised CSAPR Update Final Rule TSD - draft 021921.docx; Impact of coal consent decrees for the Revised CSAPR Update final rule - draft 021921.xlsx; state_totals_2016-2021-2023-2028_maysep_calc2021_updated_airports_v2.xlsx; Ozone Transport Policy Analysis Final Rule TSD.docx(2_19 version).docx; Unit-level allocations and underlying data for the Revised CSAPR Update final rule - draft 021921.xls

Importance: High

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Monday, February 22, 2021 12:53 PM
To: Carbonell, Tomas <Carbonell.Tomas@epa.gov>
Cc: Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Kim, Eun <Kim.Eun@epa.gov>
Subject: URGENT, FOR YOUR REVIEW: SAN# 7811 Revised CSAPR Update Rule materials for transmittal to OMB
Importance: High

Tomas, the attached is ready for your review and concurrence to begin interagency (OMB) review. Once you are comfortable, I will pass along to Joe for his concurrence as well. For ease of review, attached is an RLSO (RLSO for OAR-IO) which captures changes since the last time you reviewed the document. As you know, this is time sensitive.

Thank you,

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Mcquilkin, Wendy <Mcquilkin.Wendy@epa.gov>
Sent: Monday, February 22, 2021 12:48 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Cc: OAPREGPROCESSING <OAPREGPROCESSING@epa.gov>; Rivera, Reiniero <Rivera.Reiniero@epa.gov>
Subject: SAN# 7811 Revised CSAPR Update Rule materials for transmittal to OMB
Importance: High

SAN#7811

TO: THE IMMEDIATE OFFICE FOR REVIEW AND CONCURRENCE FOR OMB SUBMITTAL.

OP is expecting it today. Per Ann's recommendation, a RLSO of the rule with Joe's and Tomas' comments is attached to facilitate a quick IO review. Please let me know if you need anything else. Thank you in advance for your help.

Deirdre Clarke
Office: 202-343-9296, *RPCV* Tanzania

Wendy

Wendy Mcquilkin
USEPA - OAR/OAPPS
1200 Pennsylvania Ave, NW
Washington, DC 20460
Rm 5442S WJC North – MC 6103A
(202) 564-1348
Prejudice is a burden that confuses the past, threatens the future and renders the present inaccessible – Dr. Maya Angelou

Message

From: Senter, Stephen [Senter.Stephen@epa.gov]
Sent: 3/17/2021 1:58:17 PM
To: OAR Briefings [OAR_Briefings@epa.gov]
CC: Koerber, Mike [Koerber.Mike@epa.gov]; Brown, Annette [Brown.Annette@epa.gov]
Subject: BRIEFING MATERIALS: March 18 Goffman Briefing - EGU GHG Emission Reductions under CAA 111
Attachments: EGU GHG Emissions Reductions under CAA 111_03.18.21_OAR.pptx

Please see the attached for the following briefing:

Thursday, March 18 @ 3pm - EGU GHG Emission Reductions under CAA 111

Please let me know if you have any questions.

Message

From: Morgan, Ruthw [morgan.ruthw@epa.gov]
Sent: 2/24/2021 7:03:11 PM
Subject: Administrator's Weekly Report for the week ending February 24, 2021
Attachments: Administrator Weekly Report 022421.docx; Administrator Weekly Report 022421.pdf

Good afternoon Acting Administrator Nishida and colleagues,

Attached please find the **Administrator's Weekly Report** (in both PDF and Word), which includes programs and regional office updates for the week ending February 24, 2021.

Sincerely,
Ruth

Ruthw Morgan, Special Assistant
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1326
Morgan.Ruthw@epa.gov

Message

From: Wysor, Tad [wysor.tad@epa.gov]
Sent: 3/5/2021 5:46:55 PM
To: OAR Briefings [OAR_Briefings@epa.gov]
CC: Dunham, Sarah [Dunham.Sarah@epa.gov]; Charmley, William [charmley.william@epa.gov]; Moran, Robin [moran.robin@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Mroz, Jessica [mroz.jessica@epa.gov]; Burch, Julia [Burch.Julia@epa.gov]
Subject: Materials for Monday Early Guidance meeting with Acting Adminstrator Nishida
Attachments: Light-Duty Vehicle GHG Standards NPRM Early Guidance Final.pptx

Hello. This reflects the changes we discussed with Joe Goffman and Ale Nunez this morning. We recommend that it be forwarded to the Administrator's office for Monday's Early Guidance meeting.

Message

From: Carbonell, Tomas [Carbonell.Tomas@epa.gov]
Sent: 3/11/2021 3:11:26 AM
To: Grundler, Christopher [grundler.christopher@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]
Subject: RE: EJ comments on the RCU

Thank you Chris!

From: Grundler, Christopher <grundler.christopher@epa.gov>
Sent: Wednesday, March 10, 2021 5:21 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Subject: Fwd: EJ comments on the RCU

FYI

Christopher Grundler, Director
Office of Atmospheric Programs
U.S. Environmental Protection Agency
(202) 343-9140 (Office)
(734) 645-5221 (Mobile)

Begin forwarded message:

> **From:** "Harvey, Reid" <Harvey.Reid@epa.gov>
> **Date:** March 10, 2021 at 2:14:41 PM EST
> **To:** "Grundler, Christopher" <grundler.christopher@epa.gov>
> **Subject: EJ comments on the RCU**
>
> I checked and there was one comment on the EJ portion of the RCU, but nothing major. I've copied it below with our response:

Ex. 5 Deliberative Process (DP)

Message

From: POLITICO Pro Energy [alert@email.politicopro.com]
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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: GAO: Climate change poses massive risks to the grid

GAO: Climate change poses massive risks to the grid

By Anthony Adragna

03/10/2021 11:33 AM EST

The nonpartisan Government Accountability Office warned on Wednesday that the changing climate could "affect every aspect of the grid from generation, transmission, and distribution to demand for electricity" and cost billions of dollars annually.

In the new report, commissioned by Environment and Public Works Chair Tom Carper (D-Del.) and Energy Chair Joe Manchin (D-W.Va.), GAO recommends two key government entities take steps to enhance the resilience of the grid.

The details: GAO suggests the Energy Department develop "a department-wide strategy to enhance grid resilience to climate change."

In addition, the report recommends the Federal Energy Regulatory Commission "identify and assess climate change risks to the grid and plan a response." FERC has announced a virtual technical conference for June to discuss these issues and is considering other steps following last month's devastating power crisis in Texas.

Congress reacts: Carper, speaking at an EPW hearing, said the crisis in Texas was "heartbreaking and it never should have happened in this country." He said it underscored the need to invest in grid resilience by Congress.

"This wasn't the first time we've seen devastation fueled by climate change and sadly, it won't be the last," Carper said. "But a future of more suffering from climate change is not written in stone."

Ranking member Sen. Shelley Moore Capito (R-W.Va.) said fuel diversity is a crucial component of ensuring grid reliability.

"We need to ensure our energy systems are resilient to the impacts such as extreme weather, storms, wildfires or cyberattacks," Capito said. "Fuel diversity will pay dividends in addressing reliability by providing the flexibility to switch sources if one source becomes unavailable."

Los Angeles Mayor Eric Garcetti urged lawmakers to "scale up" a national green bank and expand electric vehicle credits for drivers.

"Make your investments bigger and bolder and faster," Garcetti said. "In other words, federal urgency has to match local drive and, trust me, we'll have local dollars to match that as well."

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Message

From: Daguillard, Robert [Daguillard.Robert@epa.gov]
Sent: 2/4/2021 3:08:01 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: FW: Special Clips - Michael Regan Confirmation Hearing - 2/4/21

A selection of clips on Thursdays hearing, courtesy of Region 7. More may follow.

Associated Press - Biden EPA nominee vows 'sense of urgency' on climate change – 2/3/21 - President Joe Biden's nominee to run the EPA says he learned the importance of preserving the outdoors while hunting and fishing with his father and grandfather in rural North Carolina. http://bit.ly/2MWHXNb

PBS - WATCH: Biden EPA nominee vows 'sense of urgency' on climate change – 2/3/21 - Michael Regan told a Senate committee that under Biden the EPA "will stand up for environmental justice and equity" and will collaborate with business and community groups, state and local governments and others "who know their own communities better than the federal government ever could." http://to.pbs.org/2YWTbV3

Washington Post - Biden's EPA nominee vows 'urgency' on climate change – 2/3/21 - Michael Regan, who would be the first Black man to serve as EPA administrator, promises to seek consensus as he pursues an ambitious agenda. http://wapo.st/2YKuFGs

RFD-TV - Sen. Grassley and Ernst weigh in on EPA Administrator nominee – 2/3/21 - According to Sen. Grassley, "By 2022, the statutory requirements of the RFS run out and will be up to EPA to set those, and I urge Regan not to do anything less than what the law requires now and hopefully more requirements for biofuels." Senator Joni Ernst also had the opportunity to discuss Renewable Fuels with the EPA nominee, but was concerned with his answers on small refinery waivers. http://bit.ly/3trWpNu

FarmWeek - EPA Administrator nominee: 'We will restore the role of science and transparency at EPA' – 2/3/21 - Michael Regan, nominee to be administrator of the U.S. Environmental Protection Agency, (EPA) said he aims to approach the role with transparency, science and stakeholder engagement in mind. http://bit.ly/36IFQ6N

Radio Iowa - Senator Ernst questions EPA nominee – 2/4/21 - Iowa Senator Joni Ernst asked nominee Michael Regan about issues surrounding renewable fuels — including the Renewable Fuel Standard. "RFS is definitely a priority for this administration… the reality is that I want to sit down with my staff, sit down with legal counsel. There are a number of things that are caught up in litigation, there are a number things that we more transparency around how we arrived at those decisions," Regan says. http://bit.ly/3jkyJqu

Roll Call - EPA nominee Regan says environmental progress is good for jobs – 2/3/21 - Republican Sen. Shelley Moore Capito said she fears Biden's environmental agenda will represent a third Obama term. President Joe Biden's pick for EPA administrator on Wednesday told skeptical Republican senators that environmental progress can also foster economic growth. http://bit.ly/3aAsRVU

DTN Progressive Farmer - Regan Faces Barrage of Senate Questions | EPA Nominee Intends to Review Implementation of RFS as Head of Agency – 2/3/21 - EPA Administrator nominee Michael Regan said he wants to strike a balance between government regulation on the environment and stakeholder input about life on the ground. http://bit.ly/3oR0NCK

MarketScreener - ACE Statement on EPW Committee Confirmation Hearing with EPA Chief Nominee Regan – 2/3/21 - American Coalition for Ethanol (ACE) CEO Brian Jennings issued a statement following Mr.

Regan's confirmation hearing. 'If confirmed as EPA Administrator, Mr. Regan inherits a long list of unfinished business with respect to the Renewable Fuel Standard (RFS). https://bit.ly/3avPGdr

Biomass Magazine - Regan promises 'no surprises' in EPA's administration of the RFS – 2/3/21 - Michael Regan, President Biden's nominee to serve as administrator of the U.S. EPA, said the Renewable Fuel Standard will be a priority for the new administration and stressed agriculture will have a seat at the table when it comes to Biden's climate objectives during his Feb. 3 appearance before the Senate Committee on Environment and Public Works. http://bit.ly/3oW4kQx

Bloomberg Law - EPA Nominee Touts Power to Set Auto Rules Aligned With EV Push – 2/3/21 - President Biden's nominee to lead the EPA said the agency can help chart fuel-economy and tailpipe emissions standards that guide an automobile industry already embracing electric vehicles. https://bit.ly/3azU4YY

Bloomberg Law - Biden's EPA Pick Promises Holistic Review of Biofuel Mandate – 2/3/21 - EPA Administrator-designee Michael Regan vowed "a thorough review" of renewable fuel standard decisions, including waivers exempting oil refineries from annual biofuel-blending quotas. https://bit.ly/3tBzyQq

Bloomberg Law – Biden's EPA Pick Promises 'Thorough Review' of Biofuel Waivers – 2/3/21 - President Joe Biden's nominee to lead the EPA is promising a "thorough review" of waivers exempting oil refineries from biofuel-blending requirements, one of the thorniest issues confronting the agency. https://bit.ly/3oR3yE6

Bloomberg Law – EPA Pick Regan Vows Collaboration as GOP Warns of Lost Jobs – 2/3/21 - President Joe Biden's nominee to run the EPA vowed to collaborate with local governments, businesses and working Americans to confront major environmental threats if confirmed by the U.S. Senate. https://bit.ly/39N7VMn

Bloomberg Law – Biden's EPA Pick Sees Limits of Regulations – 2/4/21 - Michael Regan, Joe Biden's pick to run the EPA, sought to reassure skittish Republicans that the president's early executive orders reducing fossil fuel emissions and reviewing Trump-era regulations will not kill jobs or strangle industry. https://bit.ly/2MVehQA

Inside EPA - Regan Vows To 'Assess' Trump EPA Record But Focus On New Actions – 2/3/21 - EPA Administrator nominee Michael Regan is vowing to senators that, if confirmed, he will conduct an "assessment" of the agency's Trump-era actions in line with President Joe Biden's directive to review specific policies for revision but will focus more on collaborative approaches in crafting new high-priority policies. http://bit.ly/2YJr0bP

Inside EPA – Regan Defends Biden GHG Agenda, Hedges On Details of EPA Rules – 2/3/21 - EPA Administrator-designate Michael Regan during his first Senate confirmation hearing broadly defended the Biden administration's emerging climate change agenda as an environmental and economic priority, while keeping his options open on how the agency would help implement that agenda and pledging to work with industry. http://bit.ly/3azULBy

Inside EPA - Regan could boost enforcement as EPA administrator – 2/3/21 - If the Senate confirms Michael Regan to be EPA administrator, the agency's focus on enforcement could increase, according to a new analysis of Regan's leadership of North Carolina's environment department that found a boost in inspections and penalties levied by the state although less of a clear-cut trend in other enforcement actions. http://bit.ly/39LrxjH

Fox News - Biden's EPA pick says U.S. can't 'regulate our way out of every problem' | Michael Regan nominated to steer Biden's climate agenda along with John Kerry, Gina McCarthy - Under questioning from GOP senators, Regan, 45, vowed to "follow the law, not exceed my statutory authority" in enacting a slew of new regulations on everything from powerplants to vehicle tailpipes, mercury emissions to waterways. http://fxn.ws/3pNRdlF

Wall Street Journal - President Biden's EPA Nominee Says He Will Work With Business | Republican senators say Michael Regan gained reputation for fairness as environmental regulator in North Carolina – 2/3/21 - Michael Regan, President Biden's nominee to lead the Environmental Protection Agency, drew bipartisan support at his Senate confirmation hearing Wednesday, including from North Carolina Republicans who said he has a history of working constructively with businesses. http://on.wsj.com/36GVPlI

Twitter - @SenJoniErnst – 2/3/21 - At today's @EPWGOP hearing, I pressed President Biden's nominee to lead the @EPA, Michael Regan, on his commitment to defending the #RFS and his view on the new #WOTUS rule. (includes video) https://bit.ly/3cHr3NM

HuffPost - Biden EPA Pick Pledges To Take Swift Action On Climate, Fix Trump-Era Damage – 2/3/21 - Michael Regan, President Joe Biden's pick to lead the Environmental Protection Agency, told lawmakers Wednesday that he would move swiftly to rein in planet-warming greenhouse gas emissions, repair the damage that the Trump administration inflicted at the federal agency and put environmental justice communities at the heart of the agency's efforts. http://bit.ly/39OofMK

Reuters - Biden's EPA Pick to Review Options on Biofuel Waiver Program – 2/3/21 - U.S. President Joe Biden's pick to lead the Environmental Protection Agency said on Wednesday he will consult with general counsel to understand the options available for a program that exempts small refiners from biofuel blending obligations. https://bit.ly/3roCKwW

The Hill - EPA nominee Regan pledges 'urgency' on climate change at confirmation hearing – 2/3/21 - During his confirmation hearing on Wednesday, President Biden's pick to lead the Environmental Protection Agency (EPA), Michael Regan, pledged to act with "a sense of urgency" on climate and to increase the agency's focus on science, transparency and combating inequality. http://bit.ly/3jogg5t

The Independent - Biden's EPA nominee will do 'damage assessment' of Trump era's impacts on science, morale and transparency – 2/3/21 - President Biden's nominee to run the Environmental Protection Agency has said that he will do a "damage assessment" at the agency if confirmed, following four years in which former President Donald Trump sidelined science and rollbacked or weakened dozens of environmental and climate policies. http://bit.ly/3jor3Dt

Daily Caller - Biden EPA Nominee Faces Questions About Agency's Independence During Confirmation Hearing – 2/3/21 - - EPA Administrator nominee Michael Regan faced questions about the agency's independence within the Biden administration during his confirmation hearing Wednesday before the Senate Environment and Public Works Committee. http://bit.ly/3pNU7XB

UPI – EPA nominee Michael Regan pledges to focus on environmental justice - 2/3/21 - Michael Regan, President Joe Biden's selection to head the EPA, pledged Wednesday to place a focus on environmental justice if confirmed.

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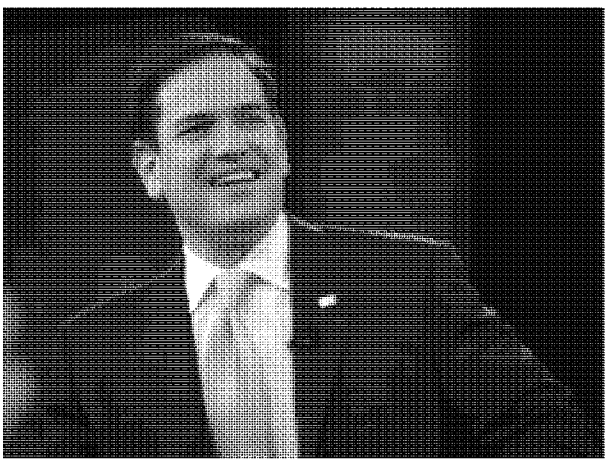
Biden raises hopes for farm labor reform, but prospects remain cloudy in Congress

President Joe Biden's proposal to provide a path to legal status for illegal immigrants offers farm groups a new chance to persuade Congress to expand the availability of guest workers for agriculture, but winning critical Republican support for a major immigration bill could be harder than ever in the post-Trump era.

Congress hasn't passed comprehensive immigration reform in 25 years, the year the H-2A visa program was first authorized. In 2013, the Democratic-controlled Senate passed a sweeping bipartisan bill that included an expansion of H-2A as well as legalization of undocumented workers.



Sen. Marco Rubio, R-Fla. (Photo: Gage Skidmore)

However, that deal eventually died in the House, which was then under Republican control, and some of the GOP senators who backed the 2013 bill say they don't think a comprehensive immigration measure can pass the Senate this time — or should be a priority.

"Given all the other challenges we're facing as a country, I think those have to take precedence" over immigration reform, said Sen. Marco Rubio, R-Fla.

Biden's proposed U.S. Citizenship Act of 2021 would make no changes in the H-2A program, but, in a recent conversation with farm group leaders, Agriculture Secretary nominee Tom Vilsack said he hopes Congress would fold in the Farm Workforce Modernization Act, which passed the House in 2019. That bill would expand the H-2A program to year-round farmworkers and provide growers with some relief on wage rates.

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For farm groups, an expansion of the H-2A program must go hand in hand with legalizing undocumented workers, a million of which work in agriculture. Many would be expected to leave agriculture if they get legal status. Moreover, H-2A visas can't be used to import year-round workers until Congress changes the law.

Tom Stenzel, president and CEO of the United Fresh Produce Association, welcomed Biden's bill and also said the Farm Workforce Modernization Act "charts a clear path forward to a long-term, bipartisan solution" on farm labor challenges.

Chuck Conner, president and CEO of the National Council of Farmer Cooperatives and a leader of the Agriculture Workforce Coalition, a collection of farm groups that works on farm labor policy, said it's too early to tell whether a major immigration bill can get through the Senate, or whether a smaller ag-related bill like the Farm Workforce Modernization Act might have a chance.

"There's an interest in the Senate — always has been — in a strong agricultural sector," Conner told *Agri-Pulse*. "I can't believe the members of the U.S. Senate aren't going look at that and want to be helpful in as many ways as they possibly can."

The incoming chairmen of the Foreign Relations and Judiciary committees, Sens. Bob Menendez, D-N.J., and Dick Durbin, D-Ill., respectively, both say they would be talking to some Republicans about a possible compromise. Menendez and Durbin were members of the Gang of Eight that negotiated the 2013 bill.

"I've reached out to half a dozen Republicans on immigration," Durbin told reporters last week. "They have been open to the conversation. We haven't agreed on anything, but they've been open to it, and that's what it's going to take."

Sen. Lindsey Graham, R-S.C.

But former President Donald Trump successfully made an issue out of the 2013 bill during the 2016 campaign, and two GOP members of the Gang of Eight, Rubio and Lindsey Graham of South Carolina, express pessimism that similar legislation will get anywhere in this Congress. Rubio was pilloried during the 2016 presidential primaries for his role in the Gang of Eight.

Democrats control the 50-50 Senate only because Vice President Kamala Harris can break ties, and they would need at least 10 Republican votes to end a filibuster. Democrats technically could do away with the filibuster — Majority Leader Charles Schumer, D-N.Y., refused to protect it under a new Senate organizing resolution — but two Democratic senators now insist they won't agree to end the filibuster.

"It sounds like Democrats don't have their party fully supporting the idea of getting rid of the filibuster. That means that anything that passes the Senate (in regards to immigration policy) will have to be bipartisan," said Allison Crittenden, director of congressional relations for the American Farm Bureau Federation.

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Graham says Biden's bill is "to the left" of the Gang of Eight compromise and the most Congress is likely to do is to pass legislation addressing the Dreamers, immigrants who were brought to the United States illegally as children and how have temporary legal status under the Deferred Action for Childhood Arrivals (DACA) program.

"I just think comprehensive immigration (reform) is going to be a tough sale, given this environment, but doing DACA I think is possible," he told reporters.

Rubio and Graham both noted the lack of border security measures in Biden's bill. The 2013 compromise would have proved $30 billion for border security. "**ironically, had that bill been passed and signed into law, President Trump wouldn't have had to fight for all he money for the wall. He would have had much more than even he asked for," Rubio told reporters.**

Rubio, who is considered a likely presidential candidate in 2024, also contends that Biden's proposal to legalize undocumented workers will encourage more people to leave Central America and try to enter the United States. "People sort of read it that there's going to be a very permissive environment for people to come here and overstay visas or come here and enter illegally," he said.

Adding to the urgency of the labor issue for farm groups is that the Trump administration failed to come through with administrative reforms to the H-2A program, including changes in the way that the wage rates are calculated. The Labor Department finalized a rule in November that would have ended the practice of basing rates on an annual USDA survey of farm labor wages, but a judge in late December struck down the regulations, less than a month before Trump was set to leave office Jan. 20.

On Jan. 15, the department announced that it had finalized additional rule to streamline other H-2A regulations, but the measure was not published in the Federal Register before Trump left office, and the incoming Biden administration has now withdrawn it.

Acting FCC Chair: The digital divide is very real and very big

As Jessica Rosenworcel transitions into the role of acting chair of the Federal Communications Commission, rural broadband leaders are expecting her to maintain her criticism of the agency's broadband coverage maps and keep a focus on identifying gaps in high-speed internet service.

President Joe Biden appointed Rosenworcel as acting chair of the FCC last week. She replaced outgoing Chairman Ajit Pai, who was appointed as chair by former President Donald Trump. Biden still must appoint a full-time chair.

Rosenworcel, who has been an FCC commissioner since 2012, has been a staunch critic of Pai moving forward with rural broadband funding programs before broadband maps show which areas of the U.S. do and do not have high-speed internet.

In a note Tuesday, Rosenworcel said the commission during its upcoming February meeting will hear about the work the agency is doing to improve its broadband maps.

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"I've always said you cannot manage what you do not measure. But for too long, the FCC has lacked the data it needs about precisely where service is and is not throughout the country," Rosenworcel said. She further stated it is good to see "Congress just appropriated $65 million to help the agency develop better data for improved maps so we can get started on this in earnest."

That was also evident last week after she blasted the Trump administration's rural broadband deployment report, which said the digital divide is closing.

"If this crisis has revealed anything, it is the hard truth that the digital divide is very real and very big," Rosenworcel said in a statement.

On Jan. 19, the FCC released its annual broadband report touting "significant progress" in closing the digital divide. The report claimed the gap between urban and rural areas with 25 megabits per second download and 3 megabits per second upload speeds of fixed broadband service has dropped more than 46% since 2016.

It further stated roughly 83% of rural Americans lived in areas served by 25/3 broadband service. But Rosenworcel was extremely skeptical.

"There are people sitting in parking lots using free Wi-Fi signals because they have no other way to get online. There are students who fall in the homework gap because they lack the high-speed service they need to participate in remote learning," Rosenworcel said.

Mike Romano, NTCA — The Rural Broadband Association

Speaking before a House Appropriations Subcommittee last March, she said, "We need to have maps before money and data before deployment.

"Let's take just a little time to make sure they are better."

However, it could be difficult for Rosenworcel to do much with only a total of four commissioners at the FCC. The commission typically has five commissioners, with three coming from the party in control of the White House.

Despite the FCC's current dynamics, Mike Romano with NTCA-The Rural Broadband Association expects improving rural broadband access will be an area where the FCC can move ahead.

"One of the things Chairwoman Rosenworcel has been interested in from the start is making sure every American, rural or urban ... has the ability to get robust and affordable broadband," Romano told *Agri-Pulse*.

He said docket orders relating to rural broadband have been moved in the past by both sides. Romano also said with Rosenworcel leading the commission during the interim, it provides continuity for the agency.

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"The fact is that the FCC has processes already underway to improve the maps," Romano said. **"It's clear that she would have liked these processes to move much faster than they have, but the pieces are now in place for things to move — specifically, the FCC will be able to start gathering new, more granular reports from providers in coming months, and it has the funding now to create better underlying maps on top of which those reports would sit."**

He noted while he could not weigh in on her anticipated agenda as a whole, he thought it safe to say, given her strong focus on mapping concerns in the past, that moving on these implementation pieces will presumably be near the top of her agenda.

Jon Conradi with Connect Americans Now, a coalition of organizations and companies representing voices from agriculture to health care, said there is widespread bipartisan agreement that in order to tackle the rural broadband mapping issue, access must be measured and locations must be identified.

He said this became evident after Congress passed the Broadband Data Act, which requires the FCC to change how broadband data is collected, verified, and reported in more granular service availability data. The act passed Congress in March 2020 and was funded in the last omnibus.

"It'll be up to new leadership at the FCC, in order to swiftly implement those changes in a way that solves this problem once and for all to better guide both public and private investments in tackling the broadband gap," Conradi told *Agri-Pulse.*

At this time, it is uncertain if Biden will appoint a different chair or formally nominate Rosenworcel to lead the commission on a permanent basis. Even though Rosenworcel was tapped as acting chair, it does not mean she will get the top spot, but National Grange President Betsy Huber said her experience warrants it.

"She's been at the FCC for more than 20 years, so I hope President Biden takes that experience into consideration. I think her experience would definitely make her a good candidate for chairwoman," Huber told *Agri-Pulse.*

Rosenworcel was appointed by former President Barack Obama to serve on the commission and confirmed to the position in May 2012. She served a five-year term until to January 2017 and was confirmed by the Senate in August 2017 to serve an additional five-year term.

Prior to joining the FCC, Rosenworcel served as senior communications counsel for the United States Senate Committee on Commerce, Science, and Transportation, under the leadership of Sens. Jay Rockefeller, D-W.V., and Daniel Inouye, D-Hawaii, according to the FCC.

US beef exports in danger of triggering Japanese tariff

U.S. beef exports to Japan have been very good in recent months — maybe too good. The Japanese have imported so much U.S. beef, it's looking like they will hit a "safeguard trigger" designed to protect domestic producers with a tariff.

If the U.S. exports more than 242,000 metric tons of beef to Japan in the Japanese fiscal year — April to March — the tariff on U.S. beef rises by more than 10 percentage points, shooting up from 25.8% to 38.5%. And the sooner that trigger is set off, the longer the tariff increase will be in place.

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By Jan. 10 — a little over nine months into the Japanese marketing year — the U.S. had exported 203,721 tons of beef to Japan. That's about 84% of the way toward the trigger, according to calculations by USDA's Foreign Agricultural Service, leaving less than three more months with just a little over 16% of what is essentially a tariff rate quota left to fill.

"It's something we'll need to continue to monitor," says Kent Bacus, director of international trade and market access for the National Cattlemen's Beef Association. **"I hope it's something that can be avoided, but we are pretty close to hitting that (trigger)."**

If the trigger is hit in February, the tariff on U.S. beef will increase for 45 days. If that happens in March, the tariff will increase for 30 days.

Either way, it will have a negative impact on U.S. beef exports, says Bacus.

Kent Bacus, NCBA

"It'll be a temporary setback for us," he told *Agri-Pulse*. "Obviously, when you raise the price on a hot commodity like beef in such a prolific market like Japan, that could have some temporary restrictions on our sales."

U.S. Meat Export Federation economist Erin Borror said she is also concerned.

"Because the United States is the only beef supplier approaching its safeguard threshold, USMEF is concerned that chilled exports to Japan could decline if and when the snapback tariff rate is in place," she said. "This may include the weeks leading up to the 'Golden Week' holidays, a key time period for Japanese buyers."

Japan is the largest foreign market for U.S. beef, and U.S. exports, despite the logistical and demand problems caused by the COVID-19 pandemic, have been on track or better in 2020 than they were in 2019, according to data and analysis from the USMEF.

The U.S. exported 280,954 metric tons of beef to Japan — valued at about $1.8 billion — from January through November in 2020. Most of that trade (238,539 tons worth $1.4 billion) was in muscle cuts, according to USMEF.

But even if Japan's safeguard tariff is triggered, there may be a way to stop Japan from implementing it.

U.S. negotiators convinced Japan to scrap its quarterly safeguard trigger in the free trade agreement that went into effect about a year ago. It was replaced with a yearly mechanism believed to be much less of a threat to disrupting trade, but that may still happen unless the two sides agree to renegotiate — an option made possible by a provision tucked into a side letter of the U.S.-Japan Trade Agreement.

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Japan, according to the Office of the U.S. Trade Representative, agreed "to consult to adjust the applicable safeguard trigger level to a higher level if the safeguard is ever triggered."

Bacus said that if the safeguard tariff is triggered, those consultations will need to happen.

"These are conversations that we'll need to have so our governments can figure out the best path forward," he said. "This is something we need to pursue because it's overwhelmingly clear that Japanese consumers want more U.S. beef."

It is unclear how long it would take to set up those consultations between the U.S. and Japan, and what the result would be.

Regardless, the safeguard tariff would only be temporary and won't stop U.S. beef, says Bacus. "I think the important thing to keep in mind is that the safeguard — if it is triggered — would be temporary," he stressed. "But it's also just another signal of how strong our sales are in Japan and how much the Japanese consumers prefer the great American beef that we produce."

That's not to say that the U.S. beef sector does not want a bigger quota for U.S. beef. The Japanese quota for members of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which includes Australia, is bigger at 613,600 tons for the Japanese fiscal year.

The U.S. quota is set to begin growing by 4,860 tons per year, beginning in the 2023 Japanese fiscal year for the following six years.

Nevertheless, expanding the quota for U.S. beef is something both countries are "going to have to revisit," Bacus said.

But the Japanese government has become increasingly concerned about too much imported beef hitting the Japanese market, according to a new analysis by USDA's Foreign Agricultural Service.

Japan's Agriculture and Livestock Industries Corporation, a state trading enterprise, began offering on Jan. 1 to pay importers to freeze the more expensive chilled cuts of beef they bring into the country. The government organization is willing to spend the equivalent of $14.2 million to pay importers "to fill the price gap between chilled and frozen products given the deterioration in quality due to freezing" in order to "stabilize beef demand and supply in Japan due to potential demand declines as a result of COVID-19."

California growers struggle to absorb higher farmworker labor rates, look to mechanization as the rest of the country watches

California agricultural employers are continuing to adapt to the increasing minimum wage and the rollout of new overtime pay requirements, sometimes by moving away from manual labor to mechanized solutions. The rest of the country is watching closely to see whether these farm labor trends expand.

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The first wave of changes for overtime began in 2019 for larger employers (26 or more employees), and this is the last year of the transition period. Overtime now kicks in at 8.5 hours per day or 45 hours per week; at the beginning of 2022, field workers will earn time and a half when they put in more than 8 hours in a day or 40 hours in a week, the same as workers in other industries. For small employers, the rollout period begins in 2022 and runs through Jan. 1, 2025.

The implementation of California's statewide minimum wage increase also has been different for the smaller and larger ag employers. As of this month, the schedule requires larger employers to pay a minimum of $14 per hour and smaller employers $13 per hour. Next year, the larger employers will hit the $15 per hour mandate while the smaller employers have until Jan. 1, 2023.

Farmworkers are generally exempt from the federal minimum wage and overtime requirements, although President Joe Biden proposed in his campaign to remove those exemptions.

California already had the "most stringent overtime of any farming state" even before the new wage rules, said Roger Isom, president and CEO of the Western Agricultural Processors Association.

Roger Isom, Western Agricultural Processors Association

Now, a minimum-wage worker tipping into overtime in California will earn $21 per hour, while someone doing similar farm work in Texas might only make $7.25 an hour, the federal minimum wage, even after working more than 8.5 hours in a day.

"It's not that it's bad per se," Isom said, "it's just we're the only ones doing it."

When paying employees becomes too expensive, he says growers switch to less labor-intensive crops. He remembers a Central Valley farm that grew the "greatest peach you would ever have." But those white-fleshed sugar giants are gone.

"They pulled out 5,000 acres of tree fruits and put in 5,000 acres of tree nuts," Isom said. "Tree fruit is high labor, and guys just aren't growing it anymore."

Across the U.S., fewer peaches are being grown. The number of U.S. acres bearing peaches declined from 102,540 in 2014 to 74,400 acres in 2019, according to USDA's National Agricultural Statistics Service.

For some, the higher cost of labor makes investing in expensive equipment more practical.

"Some of my almond processors had sorting lines," Isom said. "They've gone to robotic sorters, which are million-dollar pieces of equipment." He says it took less than four years for the labor savings to cover the cost of the equipment, more than a year less than they expected.

Bryan Little runs Farm Employers Legal Service for the California Farm Bureau Federation and has watched employers trying to adjust to the higher cost of labor.

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"They are struggling to comply with it because it has the effect of increasing their operating costs pretty dramatically," he said. Recently he spoke with a vineyard employer who was looking into autonomous tractors. He says an articulated handle on a self-propelled tractor could replace a pruning crew of four to five people.

"In some parts of the state there's very little hand-pruning still going on," Little said. "They are taking out old vineyards and orchards that require handwork and replacing them with different varieties, different crops that are cultivated and managed in different ways."

Another trend Isom sees expanding is growing crops in California but processing them elsewhere. He points to two examples: A walnut operation that grows and hulls in California sends the nut meat to Nevada for processing and then ships it back to the Port of Oakland for export. Some almonds that are grown in California are being made into almond butter in Lubbock, Texas.

Isom says a nationwide minimum wage closer to California's would help keep jobs and employers in the state.

"We might not be actively out there supporting it," he said, "but we wouldn't oppose it because it would level the playing field."

Aldicarb decision welcomed by Florida citrus, slammed by enviros

Citrus growers are pleased but environmental groups are concerned about the Environmental Protection Agency's approval of aldicarb for use on oranges and grapefruit in Florida to combat citrus greening, which has devastated the industry in the state since it was first identified in 2005.

The decision came about a week before the Biden administration took office and only about six weeks after EPA had put its proposal out for public comment.

Nathan Donley, senior scientist with the Center for Biological Diversity, said EPA moved with "lightning speed. They approved it six days after the comment period ended — I've honestly never seen EPA move that fast." He contends EPA could not have adequately considered the comments submitted in that amount of time.

CBD and other environmental groups have criticized the decision, saying it will put both workers and the environment at risk, but EPA, responding to comments on the proposed use, said "dietary and drinking water exposures resulting from use of the pesticide are sufficiently low that there are no aggregate risk concerns. Also, significant personal protective equipment (PPE) or engineering controls are required to limit risks to agricultural workers."

"Overall, it's good news, and I really don't think it's going to represent any problems with people or the environment," grower and consultant Pete Spyke of Arapaho Citrus Management said, citing experience growers had using it for decades before it was pulled from the market for use on citrus and potatoes under an agreement between Bayer CropScience and EPA in 2010.

At the time, EPA said a risk assessment had shown that aldicarb, sold under the brand name Temik, "no longer meets our rigorous food safety standards and may pose unacceptable dietary risks, especially to infants and young children."

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However, EPA continued to allow use of the product on some crops so long as mitigation measures were in place. Bayer nonetheless decided to voluntarily cancel all remaining uses, leaving the door open for North Carolina company AgLogic, which received approval to market a new aldicarb product, Meymik, on peanuts, cotton, sugar beets, dry beans, soybeans and sweet potatoes in certain states.

EPA is limiting the use of the product on citrus in Florida to 2.5 million pounds annually (about 100,000 acres) and said in response to comments on the proposal that capping the amount, along with "label mitigation requiring soil incorporation at greater than 3 inches and minimum 500-foot drinking water well set-backs" reduces risks enough to allow Meymik to be used safely.

The product is being conditionally registered, with AgLogic required to submit additional data on the risk to bees. "Aldicarb is highly toxic to bees on an acute contact basis," EPA said, but added that "contact exposure and risk are not expected for honey bees for the proposed uses on oranges and grapefruit since the pesticide granules will be incorporated into the soil."

"It's safe to use as directed," says Antoine Puech, managing member and principal at AgLogic. Puech says the company's stewardship program requires the product only be sold to restricted-use pesticide license holders and that the state — which still has to make a decision on its use — issuing permits to each end-user before it's applied.

Nathan Donley, Center for Biological Diversity

In addition, Meymik will not be applied in certain soils that are more porous, he said, limiting its use.

Environmental groups, however, criticized the decision. The Center for Biological Diversity noted that EPA said in its ecological risk assessment that a bird or mammal can die from eating a single granule of aldicarb. "The agency also estimated use of aldicarb could expose bees to 76 times the amount of the pesticide known to cause harm," CBD said.

As for whether a lawsuit is in the works, Donley, the CBD scientist said, "We are certainly weighing our options, but it's still too soon to know exactly what we're going to do about it."

Given its toxicity and the fact that it's banned in more than 100 countries, aldicarb "really should not be used at any level," Donley said.

Karen McCormack, who used to work in EPA's Office of Pesticide Programs and raised the alarm with environmental groups when she saw EPA was moving to approve aldicarb in Florida, said numerous other products are registered for aldicarb and that EPA itself acknowledged in its benefits assessment that aldicarb will not completely control the psyllid.

Puech, however, says there's plenty of data showing the effectiveness of aldicarb, pointing to comments filed by the Florida Fruit & Vegetable Association.

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"Historical research has shown that net returns for mature citrus trees that receive an aldicarb application can be as much as $500 greater per acre (± 25%) than net returns for identical acreage that uses alternative pest control options," FFVA said in its Jan. 4 comments. "Also, based on grove historical tree reset data, it has been shown that following an application of aldicarb, the resulting increased yields for 3-year-old trees more than covered the additional cost of applying the aldicarb."

Florida citrus growers pushed hard for the approval, meeting in Washington in October with EPA Administrator Andrew Wheeler, where, FFVA Director of Science and Regulatory Affairs Mike Aerts told citrusindustry.net, "The management opportunities of the product well beyond the Asian citrus psyllid were brought out, such as the material's capabilities in managing multiple species of nematodes, rust mites, mealybugs, etc., and the product's historical abilities to increase various tree vigor components."

Spyke said aldicarb will not solve the citrus greening problem in Florida but "it's another tool in the toolbox" that, when used according to the label, should not cause environmental or human health issues.

He cautioned, however, that aldicarb needs to be used in rotation with the other products to reduce the potential for resistance.

News Briefs:

Ag groups back Tai USTR nomination. More than 100 food and agriculture organizations say Katherine Tai is "eminently qualified" to be the next U.S. Trade Representative. In a letter to Senate Finance Committee leaders, 115 food and ag groups threw their support behind Tai, a former staffer on the House Ways and Means Committee, and urged her confirmation. They say she is "deeply familiar" with USTR's mission and its role in "opening foreign markets and reducing barriers for U.S. food and agriculture workers and exporters." "We especially value Ms. Tai's demonstrated ability to build bipartisan support for trade policies," the groups noted. "We submit that these capabilities are essential to the success of the next Trade Representative in addressing the most pressing trade policy issues, including trade relationship challenges with China and the European Union, as well as enforcement of existing trade agreements and tackling non-tariff barriers to trade." According to the letter, companies represented by the associations employ more than 23 million people, or about 15% of total U.S. employment. A similar show of support was recently issued for Ag Secretary nominee Tom Vilsack. The committee has yet to announce a date for Tai's confirmation hearing.

New version of conservation corps on tap in executive orders, NWF says. Executive orders expected to be signed by President Joe Biden will include an idea borrowed from Franklin Delano Roosevelt, the National Wildlife Federation says. NWF is being told that the orders will "lay out a framework for a 21st Century Civilian Conservation Corps," spokesperson Mike Saccone said. The CCC was used to help the country rebound from the Great Depression. "This is incredible news given how this type of program can put millions of Americans back to work supporting climate resilience, restoring our public lands and natural resources, and supporting job training and apprenticeships," Saccone said. In anticipation of the action, the group's president and CEO, Collin O'Mara, said an updated CCC "is as close as we have to a silver bullet to address the climate, biodiversity, and unemployment crises facing our nation today." The idea has bipartisan support in Congress, O'Mara said. "We will keep working with our allies on the Hill to ensure we not only create a new Civilian Conservation Corps, but

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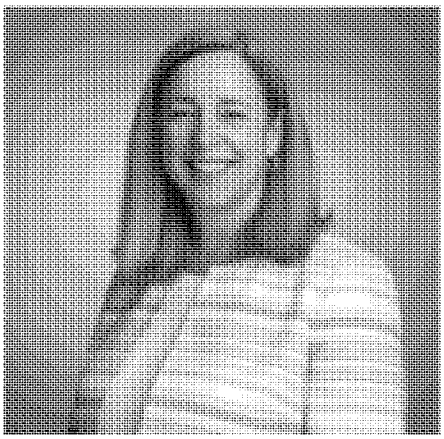
also that it is inclusive, equitable, and supports workers," he said. Bills reestablishing a CCC were introduced in both houses of Congress last year. In his clean energy plan while running for president, Biden proposed a Climate Conservation Corps that would, among other things, "restore wetlands to protect clean water supplies and leverage greater flood protection [and] repair dilapidated irrigation systems to conserve water."

Cargill idling two beef plants for maintenance. A major beefpacker has announced a pair of upcoming facility shutdowns, but not due to the coronavirus pandemic. Cargill plans to temporarily idle its Dodge City, Kan., and Schuyler, Neb., facilities for scheduled maintenance on refrigeration systems. Both plants will be shut down for about a week; the Dodge City maintenance is scheduled to begin Feb. 4, the work in Schuyler will start March 18. "We have been in communication with producers in advance of the idling to work with them to ship cattle to other facilities within our robust supply chain or make accommodations to process as many cattle before the maintenance work commences," said Jarrod Gillig, supply chain lead for Cargill's North American protein business. "We will continue to fulfill all customer orders and do not anticipate disruptions to their operations." According to a company release, employees will be paid during the idle time to comport with the collective bargaining agreements in place. Each facility will process all cattle on site before the idling takes place. Plant shutdowns became a fixture of the industry — and a major problem — during the early days of the coronavirus pandemic as the virus ripped through populations of plant workers. Taken together, the shutdowns of various facilities created backlogs in the animal protein sector that took months to work through.

Farm Hands on the Potomac...

USDA has announced the appointment of three new deputy undersecretaries and a handful of key staff appointments as the department begins to fill positions with Biden administration officials.


Stacy Dean

Stacy Dean has been tapped to be the deputy undersecretary for food, nutrition and consumer services, overseeing the Food and Nutrition Service. Dean has been with the Center for Budget and Policy Priorities since 1997, and most recently was vice president for food assistance policy. **Justin Maxson**, CEO of the Mary Reynolds Babcock Foundation, has been named deputy undersecretary for rural development, and **Mae Wu** has been named deputy undersecretary of marketing and regulatory programs, overseeing the Animal and Plant Health Inspection Service and the Agricultural Marketing Service. Wu previously worked as a senior director at the Natural Resources Defense Council. To read more on the three appointments, click here.

Tapped to serve in top staff positions include **David Grahn,** who was named principal deputy general counsel in the office of the general counsel. Grahn previously served as the director of the Office of Regulatory Policy at the Farm Credit Administration. Before that, he served almost 27 years in the Office of the General Counsel at USDA. **Farah Ahmad** was named chief of staff in the Office of the Undersecretary for Rural Development. Ahmad previously served as the senior program coordinator in the Office of Consumer Education and was a senior adviser to the COO at the Consumer Financial Protection Bureau. **Olugbenga Ajilore** is now the senior adviser

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in the Office of the Undersecretary for Rural Development. Ajilore was a senior economist at the Center for American Progress and is the former president of the National Economic Association.

Mike Schmidt has been tapped to be the senior adviser in the Office of the Undersecretary for Farm Production and Conservation. Previously, Schmidt was senior professional staff for Sen. **Debbie Stabenow, D-Mich.,** on the Senate Agriculture Committee. **Marcus Graham** is now the deputy administrator for field operations in the Farm Service Agency. Most recently, Graham was the legislative director in FSA's Office of External Affairs. **Matt Herrick** has been named director of communications in the Office of Communications. Herrick previously served as senior vice president of the International Dairy Foods Association and also served as USDA's director of communications during the Obama Administration.

USDA has announced **Heather Dawn Thompson** as the new director of the Office of Tribal Relations. Thompson is a member of the Cheyenne River Sioux Tribe, a Harvard Law School graduate, and an expert in American Indian law, tribal sovereignty, and rural tribal economic development. Thompson most recently served as a member of the American Indian Law Practice Group at Greenberg Traurig, where she worked on federal Indian law and Tribal agriculture.

The Environmental Protection Agency has announced members of its incoming leadership team. **Radha Adhar** will be the deputy associate administrator for congressional affairs. Adhar previously served as senior policy adviser for Sen. **Tammy Duckworth**, D-Ill., covering energy, environmental and science issues. **Vicki Arroyo** returns to EPA after serving as executive director of the Georgetown Climate Center for 12 years. She will be the associate administrator for policy. **Alison Cassady** will be the deputy chief of staff for policy. She most recently served as the deputy staff director for the House Select Committee on the Climate Crisis. **Dimple Chaudhary** joins EPA after serving as deputy litigation director at the Natural Resources Defense Council. She will be the new deputy general counsel for Nationwide Resource Protection Programs. **Rosemary Enobakhare** also returns to EPA to be the associate administrator for public engagement and environmental education. She most recently has been the director of campaigns at The Hub Project. **Philip Fine** is the new principal deputy associate administrator for policy. He spent the last 15 years at the South Coast Air Quality Management District in Southern California, most recently serving as the deputy executive officer for the planning, rule development and area sources division.

Radhika Fox has been appointed to be the principal deputy assistant administrator of the Office of Water. She was previously the CEO of the U.S. Water Alliance. **Michal Ilana Freedhoff** has been tapped to be the principal deputy assistant administrator for chemical safety and pollution prevention. Freedhoff comes to EPA from the Senate Environment and Public Works Committee, where he was minority director of oversight. Appointed to principal deputy assistant administrator for the Office of Air and Radiation is Joseph Goffman, who most recently served as executive director of the Environmental and Energy Law Program at Harvard Law School. **Lindsay Hamilton** has been tapped to be the associate administrator for public affairs. She comes to EPA from Climate Nexus, where she was senior director of national media strategy. **Sinceré Harris** will be the White House liaison. Since 2015, she has served as the executive director of the Pennsylvania Democratic Party.

Melissa Hoffer has been appointed principal deputy general counsel at EPA. She previously was with the Massachusetts Attorney General's Office, where she served as the chief of the Energy and Environment Bureau. **Casey Katims** will be the deputy associate administrator for intergovernmental affairs. Katims most recently served as director of federal and interstate

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affairs for Washington Gov. **Jay Inslee**. **John Lucey** has been hired to be the special assistant to the administrator. Lucey previously worked at the North Carolina Department of Environmental Quality, most recently as the chief strategy officer. **Dan Utech** will be the chief of staff. Utech has over 20 years of experience in the federal environmental and energy sectors.

The Republican Steering Committee has announced new GOP members on the House Agriculture Committee. They include Rep. **Michelle Fischbach**, R-Minn.; Rep. **Tracey Mann**, R-Kan.; Rep. **Randy Feenstra**, R-Iowa; Rep. **Michael Cloud**, R-Texas; Rep. **Kat Cammack**, R-Fla.; Rep. **Barry Moore**, R-Ala.; and Rep. **Mary Miller**, R-Ill. To read more on the appointments to the committee, click here.

Tate Bennett moved to the private sector and has taken a job with Forbes Tate Partners, helping build upon the firm's agriculture and food policy portfolio. Most recently, Bennett was at the White House National Economic Council, where she served as special assistant to the president for agriculture, trade and food assistance. Before that, she held various roles at EPA.

Brandon Smith has been tapped as the new executive vice president and general counsel for CHS Inc., effective in late March. Bringing more than 15 years of experience, Smith most recently served as senior vice president, general counsel and corporate secretary at Tenneco Inc.

Caitlin Kennedy Eannello is leaving the National Association of Wheat Growers, where she served as the director of communications, effective Jan. 29. She is headed to the Department of Homeland Security. **Sonia Muñoz** retired from the U.S. Wheat Associates after serving 39 years with the organization. Muñoz retired as regional program director for the USW Santiago Office, where she helped manage South American regional programs.

Christina Grozinger

The National Academy of Sciences has awarded the 2021 NAS Prize in Food and Agriculture Sciences to **Christina Grozinger** for her work addressing the pollinator crisis. Grozinger is a professor of entomology and the director of the Center for Pollinator Research at Pennsylvania State University. The NAS Prize is endowed by the Foundation for Food and Agriculture Research and the Bill and Melinda Gates Foundation.

Emma Stewart has joined the National Rural Electric Cooperative Association as the organization's new chief scientist, replacing **Craig Miller,** who is retiring to academia as a professor at Carnegie Mellon University. Stewart most recently served as associate program leader of defense infrastructure at Lawrence Livermore National Laboratory in California. She also managed the Grid Integration Group at Lawrence Berkeley National Laboratory.

Candice Herndon has been named President of IFCO North America, a provider of reusable plastic containers for fresh food packaging. Herndon comes to IFCO from CHEP, where she was vice president of European key accounts and was Inbound Solutions Business lead.

Rachel Millard is leaving the Commodity Futures Trading Commission, where she served as the deputy director of the office of public affairs, and is headed to Edelman's Financial

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Communications team. Before joining the CFTC, Millard was the communications director for the House Ag Committee.

Rep. **Tracey Mann**, R-Kan., has announced additional members of his D.C. staff. **Laura Schlapp** is Mann's communication director. She previously worked at the Department of Defense and most recently served as regional media director for Vice President Mike Pence. **Katherine Thomas** is the new deputy legislative director. She previously worked on agriculture issues for former Sen. **Pat Roberts**, both as a legislative assistant on the Senate Ag Committee and as senior agriculture policy adviser in his personal office.

Zach Jacobs is a new legislative assistant for Rep. Tom Emmer, R-Minn., covering the agriculture portfolio. Jacobs previously worked at USDA.

Logan Penfield has left the office of Sen. Mike Rounds, R-S.D., where he was a legislative assistant covering agriculture and environmental issues. He has returned to his native South Dakota and has accepted a job with the Realtor Association of the Sioux Empire.

The Ecosystem Services Market Consortium welcomes **Andrew Lentz** and **Lizzie Rose** to its team. Lentz has been hired to be a policy director, working to develop ECSM's national policy plan. He comes to ECSM from Deloitte where he served as a senior lead in the firm's policy and government relations office. Rose has been brought on as a project coordinator. Rose is a graduate of St. Olaf College, and holds a Master of Natural Resources Stewardship with a specialization in Forest Sciences from Colorado State University.

AgBiome has named **Dr. Marijn Dekkers** as the company's new chairman. Dekkers is the founder and chairman of Novalis LifeSciences, an investment and advisory firm for the Life Science industry. He previously served as the CEO of Bayer AG, and before that, was CEO of Thermo Fisher Scientific Inc.

The Transportation, Elevator, and Grain Merchants Association (TEGMA) has selected **Terry McDermott**, director of supply chain for Bunge North America, as the new chairman of the board of directors. He succeeds outgoing chairman **Scott Mills**, senior vice president, The Andersons. **Wyatt Brummer**, vice president of western rail grains for The Scoular Company, was elected as first vice chairman, and **Greg Beck**, senior vice president of the Grain Division at CGB Enterprises, was elected second vice chairman.

The International Poultry Council (IPC) Working Groups have chosen **Anne-Marie Neeteson**, **Shraddha Kaul** and **Erica Charlton** to lead WGs on Animal Health and Welfare, Communication and Food Safety and Processing. Neeteson has been responsible for welfare and sustainability in Aviagen Group since May 2011. Kaul is the director of external affairs for the British Poultry Council. Charlton represents the Canadian Poultry and Egg Processors Council, where she has held the position of CPEPC Technical Director since 2006.

Ag Processing Inc. has elected **Rob Jacobs**, general manager of Farmers Cooperative Elevator, to its board of directors, serving a three-year term. Reelected to the board and also serving a three-year term are **Bruce Granquist**, producer from South Dakota, and **Larry Oltjen**, producer from Kansas. **Lowell Wilson**, producer from Iowa, was tapped to be chairman of the board, succeeding **Brad Davis**, also from Iowa. Wilson has served on the board since 1985 and has held the position of vice chairman since 1995.

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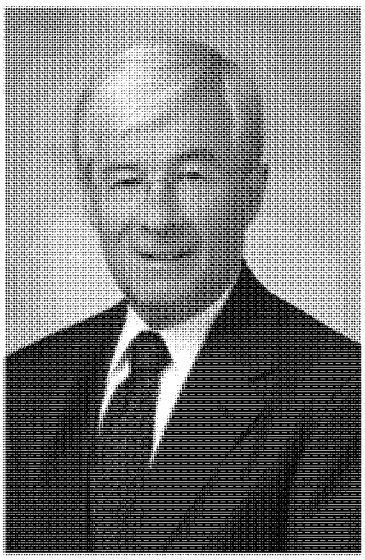
David Kubik has been hired by the Illinois Soybean Association as its public policy manager. Kubik previously served as a communications specialist for the Illinois House of Representatives.

Floyd Gaibler passed away Jan. 21, due to complications from surgery. Gaibler had a colorful and diverse career serving in roles at USDA, U.S. Grains Council, International Dairy Foods Association, the Lesher & Russell consulting firm, and elsewhere. To read more on Gaibler's career, click here.


Floyd Gaibler

Jerold Harris of Parkville, Mo., passed away Jan. 15 at the age of 79. A graduate of Colorado State University, Harris began his career in 1963 with the Farm Credit System. In 2007, he retired as president and chief executive officer of US AgBank. He then served on the board of directors of American AgCredit in Santa Rosa, Calif., until 2017. Memorial contributions are suggested to Children's Mercy Hospital, Kansas City, Mo., and may be left in care of Meyers Northland Chapel.

Dairy industry advocate **Gaylord Joe Lyon** passed away on Jan. 22. He was 92. At a young age, Lyon and his cousins started showing his family's dairy cattle all around the country, later creating a world-renowned breeding herd of dairy cattle called Lyon Jerseys. He even shook the Queen of England's hand after judging her own Jersey herd. This led him to embark on a journey to reform the existing farm milk pricing system. He was appointed by President Ronald Reagan as the only Democrat on the inaugural National Dairy Board in early 1984 and served as president of the American Jersey Cattle Club in 1970. He often referred to himself as "The Husband of the Butter Cow Lady" being a proud supporter of his wife Duffy Lyon, who gained world renown for her nearly fifty years of sculpting the butter cow at the Iowa State Fair.

Best Regards,
Sara Wyant
Editor

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Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 2/25/2021 4:06:51 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eun [Kim.Eun@epa.gov]
Subject: FW: EO 13990 - List of Not Significant Actions Completed in 2021 (Due COB 2/24)
Attachments: EO 13990_Action Completed in 2021_Pursuant to section 2a_Not Significant.Draft.2.22.21.xlsx

FYSA

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Campbell, Ann
Sent: Wednesday, February 24, 2021 11:06 PM
To: Manibusan, Mary <manibusan.mary@epa.gov>
Cc: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Farrar, Wanda <farrar.wanda@epa.gov>
Subject: EO 13990 - List of Not Significant Actions Completed in 2021 (Due COB 2/24)

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions. Thank you,

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Manibusan, Mary <Manibusan.Mary@epa.gov>
Sent: Monday, February 22, 2021 3:17 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Farrar, Wanda <farrar.wanda@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>; Green, Noelle <Green.Noelle@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Banks, Dawn <Banks.Dawn@epa.gov>; Judd,

Jennifer <Judd.Jennifer@epa.gov>; Lavoie, Emma <Lavoie.Emma@epa.gov>; Trombley, Michael <Trombley.Michael@epa.gov>; Ruf, Christine <Ruf.Christine@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>; Martin, Tina <martin.tina@epa.gov>; Maldonado, Mayra <maldonado.mayra@epa.gov>; Ngo, Kim <Ngo.Kim@epa.gov>; Meltzer, Kathy <Meltzer.Kathy@EPA.GOV>; Miles-McLean, Stuart <Miles-Mclean.Stuart@epa.gov>
Cc: Nickerson, William <Nickerson.William@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Kramer, Melissa <Kramer.Melissa@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Sughrue, Karen <Sughrue.Karen@epa.gov>
Subject: EO 13990 - List of Not Significant Actions Completed in 2021 (Due COB 2/24)

RSC Members (OAR, OCSPP, OGC, OLEM, OMS, OP, ORD, OW, R4, R5, R6 and R9) and Management:

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions.

Best regards,
Mary

Message

From: Shoaff, John [Shoaff.John@epa.gov]
Sent: 2/26/2021 12:59:43 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Kim, Eun [Kim.Eun@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Farrar, Wanda [farrar.wanda@epa.gov]; Whitehurst, Shanika [whitehurst.shanika@epa.gov]
Subject: By Noon Friday -- Final Review of E.O. "Unwinding list"
Attachments: Final Signficant actions issued since 1-2017 with guidances OAR.xlsx

Dear all,

Ex. 5 Deliberative Process (DP)

We owe a final response to OP by noon Friday.

Thanks.

John

JOHN SHOAFF | DIRECTOR
OFFICE OF AIR POLICY & PROGRAM SUPPORT (OAPPS)
OFFICE OF AIR & RADIATION | U.S. EPA | WJC NORTH 5442-C
1200 PENNSYLVANIA AVE. NW | MC 6103A | WASHINGTON, D.C. | 20460 | USA
Shoaff.john@epa.gov | **1-202-564-0531 DIRECT | 1-202-257-1755 MOBILE**

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 2/26/2021 7:06:38 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Materials For Your 4p
Attachments: OAR BCA Rule - Feb 26 2021 updates.docx; EO 13990 30 day data call.xlsx

Ex. 5 Deliberative Process (DP)

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

Message

From: POLITICO Pro Energy [alert@email.politicopro.com]
Sent: 2/22/2021 9:08:37 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Haaland softens tones on fossil fuels before Senate nomination hearing

Haaland softens tones on fossil fuels before Senate nomination hearing

By Ben Lefebvre

02/22/2021 04:05 PM EST

Rep. Deb Haaland, the Biden administration's nominee to lead the Interior Department, will tell senators at her Tuesday hearing that, if confirmed, she will bring to the role an appreciation of fossil fuel jobs and the federal revenue the industry generates, as well as a need to responsibly manage natural resources to protect them for future generations.

Details: In her opening statement released on Monday, Haaland addresses criticism from some Republican senators that she is a "radical" who would decimate the fossil fuel industry.

"There's no question that fossil energy does and will continue to play a major role in America for years to come," Haaland says in her prepared remarks. "I know how important oil and gas revenues are to fund critical services. But we must also recognize that the energy industry is innovating, and our climate challenge must be addressed."

And if confirmed, she said, "I will work my heart out for everyone: the families of fossil fuel workers who help build our country, ranchers and farmers who care deeply for their lands, communities with legacies of toxic pollution, people of color whose stories deserve to be heard, and those who want jobs of the future."

Haaland will appear before the Energy and Natural Resources Committee on Tuesday.

Context: Haaland's remarks on fossil fuels will be seen as a way to mollify GOP critics who have said they would vote against sending her nomination to the Senate. Republican Sens. Steve Daines of Montana and John Barrasso (Wyo.) and Cynthia Lummis of Wyoming have criticized Haaland's cosponsoring the Green New Deal resolution that Democratic progressives unveiled in 2019 and her opposition to the Keystone XL pipeline that Biden pulled the plug on.

Still, not all Republicans have opposed her. Rep. Don Young (R-Alaska) will introduce Haaland at the Senate committee, a move that could help the New Mexico Democrat with Sen. Lisa Murkowski, another Alaska Republican seen as a potential vote for Haaland's nomination.

While energy state Republicans have been fairly vociferous in their criticism of Haaland, the actual energy industry has been more circumspect ahead of the hearing.

"This confirmation hearing presents an opportunity for the Senate to have a meaningful discussion on the economic and environmental benefits of oil and gas development on federal lands and waters, and we encourage lawmakers to give these important energy issues the attention they deserve," API Vice President of Policy, Economics and Regulatory Affairs Frank Macchiarola said in a press release.

What's next: Haaland's confirmation hearing is scheduled for Tuesday at 9:30 a.m. ET.

To view online:
https://subscriber.politicopro.com/energy/article/2021/02/haaland-softens-tones-on-fossil-fuels-before-senate-nomination-hearing-2036960

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USA

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 2/9/2021 12:14:02 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Kim, Eun [Kim.Eun@epa.gov]
Subject: ADD'L READING: Items for your response
Attachments: REVIEW: comms materials and press inquiries ; Seeking approval for five OAQPS "frozen" actions; HDTA FRM and SNPRM Background for Resignature.docx; FW: draft Revised CSAPR Update Rule (Preamble) for Your Review; RE: Hoping to get your attention on an urgent matter; RE: Due-out for next Cars Meeting; Reminder to sign the attached Mobile Device form

Ex. 5 Deliberative Process (DP)

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

Message

From: Koerber, Mike [Koerber.Mike@epa.gov]
Sent: 2/8/2021 9:53:06 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]
CC: Senter, Stephen [Senter.Stephen@epa.gov]; Iglesias, Amber [Iglesias.Amber@epa.gov]; Cozzie, David [Cozzie.David@epa.gov]
Subject: Seeking approval for five OAQPS "frozen" actions
Attachments: 1-BP Status February 2021.docx; Primary Copper RTR-OMB-Non-Sig-Request-01-08-2021.doc; Half-pager-Primary-Copper-RTR-2-4-2021 REV2.docx; SSM ministerial action OAR.2.8.21 rev.docx; OP pager ME Section 176A Petition_2021_0106_3.docx; LandfillsCorrSummary.OAR.2.8.2021 rev2.docx

Joe: As mentioned on today's OAQPS Weekly, I am seeking your approval to move forward with five OAQPS regulatory actions currently subject to the January 20th regulatory freeze memo, which paused promulgation of regulations in the Federal Register until new agency heads and teams have an opportunity to review them. Here are the five actions, along with a short description of each (see also attached background papers).

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]
Sent: 2/8/2021 5:47:05 PM
To: Campbell, Ann [Campbell.Ann@epa.gov]
Subject: FW: draft Revised CSAPR Update Rule (Preamble) for Your Review
Attachments: Draft for OAR-IO review_Final Revised CSAPR Update_preamble_02.08.21.docx

Flag: Follow up

FYI – pre-submittal review of CSAPR

From: Grundler, Christopher <grundler.christopher@epa.gov>
Sent: Monday, February 08, 2021 12:46 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>
Cc: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Harvey, Reid <Harvey.Reid@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kocchi, Suzanne <Kocchi.Suzanne@epa.gov>
Subject: draft Revised CSAPR Update Rule (Preamble) for Your Review

Joe and Tomás:

Attached for your review is the draft Revised CSAPR Update Rule premble. We need to begin FAR this Friday, so please complete your review of the materials by COB Wednesday, February 10 so that we can incorporate your changes into the FAR package. We are available anytime during this period to answer questions or discuss the draft materials as needed.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Chris

Christopher Grundler, Director
Office of Atmospheric Programs
U.S. Environmental Protection Agency
202.343.9140 (o)
734.645.5221 (m)

Message

From: Debbie Aust [daust@eenews.net]
Sent: 2/3/2021 2:09:51 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Hackel, Angela [Hackel.Angela@epa.gov]
Subject: ACCESS CODES - E&E Daily, Climatewire, Energywire, Greenwire, E&E News PM!

E&E News -- The essential news for energy & environment professionals

E&E NEWS

Hi Joseph,

Debbie Aust here with E&E News.

Per Angela's request, I have added you to OPA's. You now have subscription access to *E&E Daily*, *Climatewire*, *Energywire*, *Greenwire*, and *E&E News PM*!

To access the publications, click the link in each email alert, or go to **https://www.eenews.net/** and select the story or publication you wish to read.

When prompted, enter your personal access codes:

Username: goffman.joseph@epa.gov
Password: eenews

Here's a quick breakdown of all our services:

E&E DAILY
TRACKING CONGRESS, LEGISLATION AND POLITICS
Detailed coverage and insight on the energy and environment policy debate.

ENERGYWIRE
THE TRANSFORMATION OF THE ENERGY SECTOR
How markets, policy and technology are changing the oil, gas and electric utility business.

CLIMATEWIRE
THE POLICY, SCIENCE AND BUSINESS OF CLIMATE CHANGE
How the threat of a warming world is driving emissions regulations, politics and adaptation strategies.

GREENWIRE

THE LEADER IN ENERGY AND ENVIRONMENT NEWS

The one-stop source for the top action in energy, environment and natural resources.

E&E NEWS PM

LATE-BREAKING NEWS

The critical end-of-the day news from Capitol Hill and around the country.

E&E's award-winning editorial staff now also includes veteran reporters across the nation in this field who have joined our team from the *Wall Street Journal*, *Washington Post*, *Bloomberg News*, *Platts*, *SNL Energy*, *St. Louis Post-Dispatch*, *Atlanta Journal-Constitution*, *Politico*, *National Journal*, and more – broadening our coverage to be the premier source of comprehensive, timely, objective journalistic analysis on significant policy, legislation, science, legal, regulatory affairs, industry and international developments across the environment and energy spectrum.

Please let me know if there is anything else I can do to be of assistance, or if there are any others on your team who are also tracking these issues and should be set up for access.

Here's also a link you can forward to any of your staff or colleagues to easily sign up for access to our services: https://www.eenews.net/get_access/

Sincerely,

Debbie Aust
Manager, Existing Business
202-446-0441 (office)
daust@eenews.net

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Phone: 202-628-6500
www.eenews.net

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Message

From: POLITICO Pro [alert@email.politicopro.com]
Sent: 2/24/2021 7:00:42 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Manchin: VAT may be 'only tool' to pay for infrastructure

Manchin: VAT may be 'only tool' to pay for infrastructure

By Anthony Adragna

02/24/2021 01:59 PM EST

Sen. Joe Manchin (D-W.Va.), the most-watched member of his conference, said Wednesday that a value-added tax could be the "only tool" available for Congress to pay for its forthcoming infrastructure package, a sprawling effort with a price tag that could reach into the trillions.

Manchin, a critical vote in the evenly-divided Senate, acknowledged the difficulty of selling the prospect of new taxes — "nobody likes taxes, I know that" — but said it would be crucial for Congress to pay for the legislation. He again did not rule out a hefty $4 trillion package.

"A VAT tax, basically, for infrastructure might be the only tool. Now if the public believe that the politicians will keep their hands off of it and not rob it, it might have a chance," Manchin said on a virtual American Council for Capital Formation event. "If you want to do a $4 trillion infrastructure bill over 10 years — you want to do a perpetual one — you're going to have to have an infrastructure bank that states and communities can work out of ... and match down."

Merely hiking a gasoline or fuel tax is "not going to do what we need" and Congress needs to look "much broader" for options, he said.

Manchin noted the national debt, nearly $28 trillion already, is "getting unmanageable" and paying for legislation would be essential for the country to continue to enjoy "your water and your sewer and your roads and everything that you receive in food and all the amenities you have in life."

"We're going to have to pay for whatever we do — sooner or later, we've got to pay," the Energy Committee chair said.

Nuclear energy essential: The West Virginia Democrat said continuing support for nuclear energy would be essential in meeting the country's goals of reducing the emissions that fuel climate change.

"Without nuclear, forget about climate — you're not real," he said.

Manchin stressed he thinks the emerging Democratic consensus of reaching net-zero emissions by 2050 is within reach if the country invests heavily in new technologies.

"I believe we can meet zero net carbon [emissions] by 2050 through technology — I truly believe that," he said.

He stressed soon-to-be Energy Secretary Jennifer Granholm "knows exactly where we're coming from" on the need to develop new technologies and vowed to hold her accountable.

"We're going to be working very close with her to make sure that we're putting money out for these new technologies around the country," Manchin said. "Now you see the political divide — urban versus rural — it'll get deeper and deeper if we don't pull together."

To view online:
https://subscriber.politicopro.com/tax/whiteboard/2021/02/manchin-vat-may-be-only-tool-to-pay-for-infrastructure-3987211

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Message

From: Kim, Eun [Kim.Eun@epa.gov]
Sent: 2/23/2021 10:24:15 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]
Subject: READING: Materials for Wednesday, February 24, 2021
Attachments: Evidence Act for OAR mtg 2-24.pptx; LimeTree PAL Permit briefing paper.docx; SPeCS overview for OAR Acting AA 2.24.21.pptx; Briefing Topic Template Evidence Act and PM Benefits Learning Agenda Feb 19 clean.docx

---

Goffman, Joseph Calendar
Goffman.Joseph@epa.gov
On Wednesday, February 24, 2021
Time zone: (UTC-05:00) Eastern Time (US & Canada)
(Adjusted for Daylight Saving Time)

February 2021

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	**24**	25	26	27
28						

Busy | Tentative | Free
Out of Office | Working Elsewhere | Outside of Working Hours

February 2021

Wed, Feb 24

	Before 8:00 AM	**Free**
	8:00 AM – 9:15 AM	**Free**
	9:15 AM – 10:00 AM	Air Issues - SI
	10:00 AM – 10:30 AM	**Free**
	10:30 AM – 11:00 AM	One-on-One with Chris Grundler
	11:00 AM – 11:45 AM	Evidence Act Learning Agenda & OMB PM Benefits Research Comment (materials attached, 1 doc & 1 ppt)
	11:45 AM – 12:00 PM	**Free**
	12:00 PM – 1:00 PM	Limetree Bay PAL Permit: Petition for Reconsideration and EAB Appeal (materials attached, 1 doc)
	1:00 PM – 1:30 PM	Informational call with David Harlow
	1:30 PM – 2:00 PM	**Free**

■	2:00 PM – 2:30 PM	State Planning Electronic Collaboration System (SPeCS) Overview (materials attached, 1 ppt)
■	2:30 PM – 3:00 PM	ALI & GINA: Clean Car Standards Meeting
■	3:00 PM – 4:00 PM	Acting Regional Administrator Meeting - For introductions & remarks
■	4:00 PM – 4:30 PM	Meeting wth Timothy Searchinger re: woody biomass
■	4:30 PM – 5:00 PM	General Discussion with Dave Tenney re: Climate Change
■	5:00 PM – 5:45 PM	Meeting with RFA re: RFS
□	**After 5:45 PM**	**Free**

Eunjung Kim
Special Assistant
Office of Air and Radiation
(202) 815-7252

Message

From: POLITICO Pro [alert@email.politicopro.com]
Sent: 2/4/2021 3:02:39 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Report outlines path for clean energy standard in reconciliation

Report outlines path for clean energy standard in reconciliation

By Anthony Adragna

02/04/2021 10:00 AM EST

Progressives groups are making a new pitch, backed by some powerful Democrats, that a federal clean energy standard can be structured in a way to comply with congressional rules for a reconciliation bill that would allow it to pass the Senate with a simple majority vote.

In a report out Thursday, Evergreen Action and Data for Progress outlined several ways to structure a clean energy standard, which would set a minimum level of renewable energy, to survive the constraints of the budget reconciliation process, unlocking a powerful tool for lawmakers to address climate change and helping to deliver on President Joe Biden's push for 100 percent clean electricity by 2035.

"We centrally propose that a [clean energy standard], and related policies that contribute to full power sector decarbonization, could pass through reconciliation and achieve an 80% reduction in carbon pollution in the power-sector over the 10-year federal budget window that is traditionally germane to reconciliation by 2030, putting the nation well on its way to fully meeting the goal of 100% clean, carbon-free electricity by 2035," the paper argues.

The plan is designed to enable Democrats to pass aggressive climate action without the support of any Republicans, but even garnering the backing of all 50 Democrats in the Senate may be a difficult lift. Sen. Joe Manchin (D-W.Va.), chair of the Energy Committee, has expressed some openness to the idea of a clean energy standard but stressed the details would matter significantly.

Who's on board: Sens. Martin Heinrich (D-N.M.), Tina Smith (D-Minn.), Ben Ray Luján (D-N.M.) and Rep. Paul Tonko (D-N.Y.), who chairs the Energy and Commerce Environment and Climate Change Subcommittee, all issued statements praising the report. Smith and Lujan had teamed up on legislation, S. 1359 (116)/H.R. 2597 (116), establishing a clean energy standard last Congress.

Tonko said Congress must "explore the full range of options outlined in the report as we work to enact meaningful climate legislation," while Heinrich said the report "put forward a number of options that Congress should consider" as it works on infrastructure legislation.

Prominent Democrats outside of Congress also endorsed the approach, including former Senate Majority Leader Harry Reid, Govs. Jay Inslee of Washington and Jared Polis of Colorado.

Among the authors of the piece are Narayan Subramanian, now a legal adviser in the Biden Energy Department; Sam Ricketts, climate director on Jay Inslee's presidential campaign; and Leah Stokes, a political science professor at the University of California, Santa Barbara.

Stokes told POLITICO implementing a federal clean energy standard would be "absolutely critical" toward delivering on Biden's vow for 100 percent clean energy electricity by 2035.

"This is the jewel in the crown in my view," she said. "We have a tried and true policy from the states for how we can get this done. What we really need is for the federal government to build on all that progress."

Not all Democrats, though, are in agreement. Energy and Commerce Committee Chair Frank Pallone (D-N.J.) said in comments last month that a clean energy standard "probably wouldn't survive" the budget reconciliation process.

How it's structured: The report lays out several proposals for how a clean energy standard could be crafted to satisfy rules that require provisions included in reconciliation must have an impact on the federal budget and not be "merely incidental."

One approach calls for the creation of a clean energy credit trading system where utilities would aim to meet zero emissions targets, buying credits from the government or paying an alternative compliance fee if they came up short.

Notably, the report recommends "fossil gas generation without carbon capture should not receive credit under a federal CES," noting some existing Democratic proposals included partial credit for gas plants. However, it argues that using emissions benchmarks for those plants does not take into account potential methane leakage and its lifecycle climate change impacts.

It also notes a federal CES would need to be integrated within "existing regulatory structures" and said EPA, the Energy Department or the Federal Energy Regulatory Commission could all be tapped to be the lead agency to oversee it. And it says the program must reflect the fact that "regions vary in their current energy costs and economic challenges."

To view online:
https://subscriber.politicopro.com/sustainability/article/2021/02/report-outlines-path-for-clean-energy-standard-in-reconciliation-2032479

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Message

From: Dunham, Sarah [Dunham.Sarah@epa.gov]
Sent: 2/3/2021 8:51:10 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]
Subject: RE: Feb 2 2021 Light-duty Vehicle Options Paper_ revised8pm.docx - JG comments
Attachments: Feb 3 2021 Light-duty Vehicle Options Paper_revised per OAR comments_clean.docx

Hi Joe and Ale-
Attached is a revised paper per both of your comments and observations. Let me know please if you want more changes to make it ready to be shared with Dan and subsequently Ali and others. Joe, there was one comment you had in the paper itself that we thought worth answering directly, not by way of changes in the text. That question and response is below:

Ex. 5 Deliberative Process (DP)

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Tuesday, February 2, 2021 11:16 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Subject: Feb 2 2021 Light-duty Vehicle Options Paper_ revised8pm.docx - JG comments

This is quite good. I've added some marginal comments and questions, with merely quick-reaction, but my no means deep or truly reflective, thoughts. Feel free to dismiss once you've looked at them. Thanks.

Message

From: Cassady, Alison [Cassady.Alison@epa.gov]
Sent: 2/17/2021 3:59:15 AM
To: Grundler, Christopher [grundler.christopher@epa.gov]
CC: Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]
Subject: Re: Plan for this week's NDC sector meetings

I will confirm with Sonia in the WH that it is ok to rotate participants. Thank you!

Alison L. Cassady
(202) 941-6036

On Feb 16, 2021, at 9:34 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Alison/Joe et.al:
Here is our plan for this week's NDC meetings for the transport, electricity, industrial, buildings, and lands sectors. We held a coordination call today with OAR contacts, and went over the steps described below:

Ex. 5 Deliberative Process (DP)

Recommendation for Participation in Sector Calls:

Ex. 5 Deliberative Process (DP)

For the other sectors I suggest:

Ex. 5 Deliberative Process (DP)

Please let me know if you have any comments, concerns, or questions about this approach. The schedule for calls this week is as follows:

Wednesday: Transportation 3-3:45

Thursday: Electricity 12-12:45
Industrial 4-4:45

Friday Buildings 3:45-4:30
Lands 4:45-5:30

Thanks, Chris

Christopher Grundler, Director
Office of Atmospheric Programs
U.S. Environmental Protection Agency
202.343.9140 (o)
734.645.5221 (m)

Message

From: Adhar, Radha [Adhar.Radha@epa.gov]
Sent: 3/9/2021 1:50:31 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: FW: FOR YOUR REVIEW: Draft response to Sen. Duckworth regarding Veolia
Attachments: 21.01.27 - Senator Duckworth Letter to Acting Administrator Nishida - Multi-Metal Air Monitoring Requirement in Sauget IL.pdf; Sen. Duckworth - AL-21-000-1842 - Veolia 210308.docx

Hey Joe,

Ex. 5 Deliberative Process (DP)

Thanks in advance for your feedback!
Radha

From: Beckmann, Ronna Erin <beckmann.ronna@epa.gov>
Sent: Monday, March 8, 2021 8:38 PM
To: Adhar, Radha <Adhar.Radha@epa.gov>
Cc: Richardson, RobinH <Richardson.RobinH@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Thundiyil, Karen <Thundiyil.Karen@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Moody, Christina <Moody.Christina@epa.gov>; Deamer, Eileen <deamer.eileen@epa.gov>
Subject: FOR YOUR REVIEW: Draft response to Sen. Duckworth regarding Veolia

Hi, Radha. I hope you're well.

Please find attached the incoming and draft response to Senator Duckworth regarding the Veolia facility in Sauget, Illinois. The draft was approved by OAR, OECA, and the Region 5 Acting RA.

We'd appreciate your review of the draft and thoughts regarding who should sign the response. I do not expect that my RA will have any concerns with signing it; but given that it was addressed to HQ, we wanted to run it by you.

Thanks,

Ronna Beckmann
External Communications Office
U.S. Environmental Protection Agency, Region 5
312-886-0689
beckmann.ronna@epa.gov

Message

From: Joseph Goffman [joegoffman@gmail.com]
Sent: 2/26/2021 6:13:10 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Fwd: Hello! availability for a brief call next week

---------- Forwarded message ---------
From: **Kenya Wiley** <knw@georgetown.edu>
Date: Fri, Feb 26, 2021 at 1:12 PM
Subject: Hello! availability for a brief call next week
To: <joegoffman@gmail.com>

Dear Joe,

I hope you are well and staying safe. We worked together when I was a counsel for HSGAC. I've listened to episodes of your Clean Law podcast and wanted to reach out. How is your availability for a 20-30 minute call early next week?

I'm currently teaching a course at Georgetown that covers climate policy and sustainability related to fashion, and it would be great to get your thoughts regarding an upcoming panel. For background, here's an election op-ed that I penned for a fashion news site last September.

Thanks and I look forward to discussing soon!

Best,
Kenya

Kenya N. Wiley
Adjunct Professor
Communication, Culture and Technology
Georgetown University
https://cct.georgetown.edu/
https://gufaculty360.georgetown.edu/s/contact/00336000015bWj9AAE/kenya-wiley

Message

From: Fawcett, Allen [Fawcett.Allen@epa.gov]
Sent: 2/12/2021 2:10:41 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]
Subject: FW: For Review: Comments due 2/16: Draft SC-GHG Technical Support Document
Attachments: Draft TSD_2.11.21_CLEAN.docx

OMB sent the draft SC-GHG TSD to the IWG last night with a request for comments by COB Tuesday. We had one more

Ex. 5 Attorney Client (AC)

OGC is doing a more thorough review now, and we will also do another round of review before the Tuesday deadline.

Allen

From: Hodson Marten, Elke L. EOP/OMB <Elke.L.HodsonMarten Ex. 6 Personal Privacy (PP) >
Sent: Thursday, February 11, 2021 9:14 PM
To: Hohenstein, William - OCE, Washington, DC <william.hohenstein@usda.gov>; cynthia.nickerson@usda.gov; letise.lafeir@noaa.gov; karen.hyun@noaa.gov; Sarah.Garman@ee.doe.gov; Donohoo-Vallett, Paul <Paul.Donohoo-Vallett@Hq.Doe.Gov>; McGartland, Al <McGartland.Al@epa.gov>; Fawcett, Allen <Fawcett.Allen@epa.gov>; Kopits, Elizabeth <Kopits.Elizabeth@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Sean.McCluskie@hhs.gov; sryker@usgs.gov; tanya_trujillo@ios.doi.gov; Don.Pickrell@dot.gov; andrew.wishnia@dot.gov; Sophie.Shulman@dot.gov; Adair.Morse@treasury.gov; didem.nisanci@treasury.gov
Subject: For Review: Comments due 2/16: Draft SC-GHG Technical Support Document

Colleagues,

Please find the draft "Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990". On behalf of the co-chairs of the Interagency Working Group (IWG) established under E.O. 13990, we are circulating this document for review by the IWG.

Because we are operating on an expedited timeline to ensure publication following E.O. 13990, we are requesting comments **by COB Tuesday, February 16th**.

Summary:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The attached materials are deliberative and pre-decisional and may not be shared or discussed with anyone outside of the Executive Branch. Please help us maintain the integrity of the interagency review by respecting these process requirements.

Thank you for your review.
Best regards,
Elke

Elke Hodson
Office of Information and Regulatory Affairs
Office of Management and Budget
Elke.L.HodsonMarten Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP)

Message

From: Enos, Kendra [Enos.Kendra@epa.gov]
Sent: 2/2/2021 5:01:57 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips: Morning Edition 2-2-21

Daily News Clips: Morning Edition
February 2nd, 2021

Administration
A Consensus Builder for E.P.A. When Some Want a Fighter
Agency
Latest Trump EPA rule to get tossed? The 'secret science' ban
Agriculture
Nufarm announces EPA registration for Engulf GHN
Air
Court tosses lawsuit by pro-business group seeking to alter environmental data reporting
Energy
Switch Awarded Environmental Protection Agency's ENERGY STAR® Certification for Superior Energy Efficiency
Environmental Justice
Biden Administration Executive Order Further Signals Environmental Justice Focus?

Administration
A Consensus Builder for E.P.A. When Some Want a Fighter
https://www.nytimes.com/2021/02/02/climate/biden-epa.html?searchResultPosition=1

Michael S. Regan, President-elect Joseph R. Biden Jr.'s pick to lead the Environmental Protection Agency
By Lisa Friedman
Feb. 2, 2021
Updated 7:12 a.m. ET
WASHINGTON — As Michael S. Regan was settling in as North Carolina's top environmental regulator in a new Democratic administration, a powerful Republican wanted to send a message to the young head of the state's Department of Environmental Quality.

So in 2017, State Senator Brent Jackson slashed Mr. Regan's budget.

"Let's just say that's how I first got his attention," Mr. Jackson said. But instead of lashing back, he recalled, Mr. Regan asked for a one-on-one meeting. That discussion led to several others, and eventually extended to Mr. Regan spending time at Mr. Jackson's family farm.

"I tell him he's one of my favorite tree-huggers," Mr. Jackson said. "He and I didn't see eye to eye and we still don't see eye to eye, but we have become friends."

Mr. Regan's willingness to reach across the aisle helped secure his nomination to be the next administrator of the Environmental Protection Agency, people close to the Biden administration said. On Wednesday, Mr. Regan will testify before the Senate Committee on Environment and Public Works for his first test of whether he can win over Republicans in Washington as well.

But after four years during which former President Donald J. Trump ruthlessly rolled back virtually every Obama-era clean air, water and climate change regulation, environmental activists say a consensus approach is precisely what the E.P.A. doesn't need. The next E.P.A. administrator must complete major new regulations on power plants, automobile tailpipes, mercury emissions and waterways — and be willing to anger Republicans in the process.

"His heart is in the right place, but he's not tough," said Steven Norris, an environmental activist from North Carolina.

A relative unknown outside Washington, Mr. Regan, 44, started his career at the E.P.A.'s headquarters in 1998 where he worked on air quality and energy programs under presidents of both parties. In 2012, he returned to his home state of North Carolina where he joined the Environmental Defense Fund, an environmental group that has partnered with energy companies to reduce greenhouse gas emissions, working on climate change and clean energy programs.

Roy Cooper, the Democratic governor of North Carolina, said Mr. Regan's reputation as someone who worked with both liberals and conservatives was a major factor in appointing him to lead the state environmental agency.

"I knew that I needed a strong consensus builder," Governor Cooper said.

One of Mr. Regan's main achievements in North Carolina was brokering a multibillion-dollar settlement for coal ash cleanup with Duke Energy, the state's largest electric utility, which won praise from both industry and environmental groups.

"He was a leader of high integrity, who worked to bring stakeholders together to advance environmental protections," Julie Janson, executive vice president of Duke Energy and president of its Carolinas region, said in a statement.

Interviews with more than a dozen people who worked with Mr. Regan both in the nonprofit world and in government describe him as charismatic, with a megawatt smile who can command a room without dominating it. Virtually everyone who has come in contact with him praised his willingness to meet personally with people to hear out their concerns.

Yet some in North Carolina's environmental community said they feared Mr. Regan was too eager to find middle ground.

Mr. Norris and others in the environmental community criticized the state agency under Mr. Regan's leadership for not blocking permits for the Atlantic Coast Pipeline, a natural gas pipeline that has since been canceled. They praised Mr. Regan for establishing an Environmental Justice and Equity advisory board, the first for the agency, but they also accused him of not doing enough to work with communities most directly affected by big industrial projects, like a liquefied natural gas site in Robeson County and wood pellet plants that routinely received permits despite concerns about deforestation.

Donna Chavis, senior fossil fuel campaigner for Friends of the Earth, said Mr. Regan would certainly leave the North Carolina Department of Environmental Quality in better shape than he found it. The department had been decimated by budget cuts and led by a Republican who was hostile to climate change.

But, she said, “Michael set a floor of what D.E.Q. can do but didn’t reach for the ceiling.”

Others, including Governor Cooper, defended Mr. Regan and said they believed that he was the leader that the E.P.A. needed. During the Trump years, nearly 5 percent of the E.P.A.’s federal work force quit or retired. Employee satisfaction plummeted and concerns about the politicization of science skyrocketed.

“He will take over an E.P.A. that is in the same position that he found North Carolina’s D.E.Q. four years ago,” Governor Cooper said, crediting Mr. Regan with restoring morale among career staff and emphasizing a respect for science.

As for whether Mr. Regan can get tough, he said: “He can fight when he needs to. Ask Duke Energy.”

Mr. Regan, he said, “pulled off the largest coal ash clean up in the history of the country, and it required a lot of pressure to get that done.”

On issues sure to meet Republican resistance, such as cutting emissions from power plants and automobiles, Governor Cooper said, “He will take them on and knows that is part of the charge.”

Senator Shelley Moore Capito of West Virginia, the top Republican on the Senate Environment and Public Works Committee, said in her online interview with Mr. Regan last month that she had told him her coal-dependent state felt ignored during the Obama years, as the administration adopted regulations to reduce the country’s dependency on fossil fuels.

“If you don’t come and listen, the air in the balloon gets bigger and tighter, and the pressure of being ignored just grows and foments,” Ms. Capito said. Mr. Regan, she said, had promised to “come and listen” — but also sidestepped some of her specific questions about policy plans.

Raised in Eastern North Carolina, Mr. Regan when he was nominated recalled fishing and hunting with his father and grandfather, experiences he said shaped his love for the environment. Growing up with asthma, he said, also opened his eyes to the ways that industrial and heavily polluting factories and power plants are overwhelmingly in and near poor neighborhoods and communities of color. President Biden has made a focus on environmental justice a core part of his climate and environmental strategy.

Mr. Regan and Mr. Biden also share a personal tragedy: the death of a young child. Mr. Biden’s first wife and young daughter died in a car accident in 1972. Mr. Regan’s first son, Michael Stanley Regan Jr., who was known as MJ, died when he was 14 months old after being diagnosed with Stage 4 neuroblastoma, a rare childhood cancer.“

He has taught us the true meaning of love, patience, perseverance and strength,” the family wrote in MJ’s obituary. Former colleagues said they felt, in some ways, that Mr. Regan channeled the loss into a redoubled commitment to the environment.

“He hurt a lot,” said Jim Marston, who hired Mr. Regan when he served as vice president of the energy program at the Environmental Defense Fund. “He didn’t just care about his son, he cared about everybody’s children. I think that’s why he is so good at environmental advocacy. He cares about the impacts on people, and he knows that pollution means often sickness or even terrible diseases like cancer.”

Agency

Latest Trump EPA rule to get tossed? The ‘secret science’ ban
https://www.peoplesworld.org/article/latest-trump-epa-rule-to-get-tossed-the-secret-science-ban/

February 2, 2021 9:54 AM CST BY ZOYA TEIRSTEIN
EPA | AP

Former President Donald Trump will forever leave his mark on the federal government, but some of his administration's rules aren't standing the test of time. President Biden wants to reconsider and possibly scrap more than 100 anti-environmental actions his predecessor took during his term, including Trump's efforts to weaken protections for migratory birds and gray wolves and loosen regulations on pesticides, oil and gas drilling, and appliances. That could take years, but the process has already begun. And Biden is getting an assist from courts.

On January 19, the U.S. Court of Appeals for the District of Columbia Circuit rejected Trump's rollback of emissions regulations for coal-fired power plants, ruling that Trump's rule replacing the Obama administration's Clean Power Plan "hinged on a fundamental misconstruction" of the Clean Air Act. Last Friday, a three-judge panel on the D.C. Circuit Court found that parts of Trump's rollback of ozone pollution laws were illegal. The judges found that elements of Trump's policy "contravene the statute's unambiguous language," and "rests on an unreasonable interpretation of the statute."

On Monday, a federal court in Montana dealt another blow to Trump's industry-friendly environmental legacy. U.S. District Judge Brian Morris, an Obama appointee who was a thorn in Trump's side for much of his presidency, vacated the Trump administration's so-called "secret science" rule that limited the kinds of studies the Environmental Protection Agency could use to craft its policy.

The rule, which was finalized just two weeks before Biden took office, would have required researchers to disclose the underlying data from their health studies, like medical records, before the government could use the studies' conclusions as evidence in its rulemaking. Researchers typically do not disclose this data in order to protect the privacy of their human subjects. Many health studies rely on anonymized health data, and federal agencies have been using their findings to inform policy for decades.

"By shining light on the science we use in decisions, we are helping to restore trust in government," former EPA administrator Andrew Wheeler wrote in an op-ed in the Wall Street Journal in January.

Environment groups didn't agree. Last month, the Environmental Defense Fund, the Montana Environmental Information Center, and Citizens for Clean Energy challenged the rule in court, arguing that the Trump administration misclassified the rule in its rush to finalize it before Trump left office. Morris sided with the environmental groups and said that Trump's EPA had acted out of order by issuing the rule as though it were procedural rather than substantive. It's now up to Biden's EPA to reconsider the rule.

"The 'censored science' rule was one of the Trump administration's most brazen efforts to undermine the scientific foundations of regulatory policy," Richard Revesz, director of the Institute for Policy Integrity at New York University, said in a statement on Monday. "Today, the Trump anti-science effort, which had been opposed by the leadership of major scientific organizations, was quickly dispatched."

Agriculture

Nufarm announces EPA registration for Engulf GHN
https://www.greenhousemag.com/article/nufarm-announces-epa-registration-for-engulf-ghn/

The miticide is labeled for greenhouse and shadehouse ornamental crops, greenhouse tomatoes, and Christmas tree and conifer plantations and nurseries.

February 2, 2021
Posted by Julianne Mobilian
Supplier News
Nufarm Americas announced the EPA registration of Engulf GHN Greenhouse and Ornamental Miticide, a new miticide labeled for greenhouse and shadehouse ornamental crops, greenhouse tomatoes, and Christmas tree and conifer plantations and nurseries. Engulf GHN is pending state registrations.

Nufarm-formulated Engulf GHN features a higher concentration of bifenazate than the competition. This provides several benefits to greenhouse growers, including easier mixing, storage efficiency, and low use rates resulting in lower residue. Because of its selectivity, Engulf GHN can be used in conjunction with most biological control organisms available for mite control. When used as directed, it does not adversely affect populations of beneficial/predaceous mites and insects, including common lacewing, predatory mites, spider mite destroyer and others.

In addition to ornamentals grown in greenhouses and shadehouses, Engulf GHN is also labeled for tomatoes grown in greenhouses. To learn more about Engulf GHN, view the label, or download a product information bulletin, visit www.nufarm.com/usturf/engulf-ghn

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Air

Court tosses lawsuit by pro-business group seeking to alter environmental data reporting
https://www.coloradopolitics.com/courts/court-tosses-lawsuit-by-pro-business-group-seeking-to-alter-environmental-data-reporting/article_80be51cc-6569-11eb-858c-1f6aa1d5b93d.html

By MICHAEL KARLIK michael.karlik@coloradopolitics.com Feb 2, 2021 Updated 18 min ago

Air pollution over Denver in an undated photo.

The state's air quality regulator does not have the authority to report lower ozone levels to the federal government by factoring in international emissions and forest fire effects, the Court of Appeals decided last week in dismissing a pro-business group's lawsuit.

"Polluters in the region refuse to clean up their mess and instead are pointing the fingers at neighbors — a hypocritical, cynical attempt to avoid accountability," Jeremy Nichols, the climate and energy policy director for WildEarth Guardians, said following the ruling. "Thankfully, the court shot them down, keeping us on track for real clean air solutions in the Denver metro area and beyond."

Defend Colorado, which describes itself as an alliance of community leaders "focused on defending Colorado's economy from extreme anti-business policies," asked the Air Quality Control Commission in 2019 to change the way the state calculated ozone emissions in the Front Range. Previously, the U.S. Environmental Protection Agency had classified the Denver metropolitan area and the northern Front Range as a moderate "non-attainment zone" for air quality based on 2008 standards.

If states do not meet standards in their problem areas by a certain date, the EPA may reclassify the non-attainment level more severely. At the end of 2019, the agency did just that, downgrading Colorado's non-attainment to "serious." In total, the non-attainment area covers Denver, Boulder, Jefferson, Adams, Arapahoe and Douglas counties, and portions of Weld and Larimer counties.

Ground-level ozone contributes to smog or haze, which can inflame airways and induce asthma attacks in humans. The EPA revisions mean Colorado must control emissions more strictly.

Each year, the state must submit to the EPA by May 1 a certification that air monitoring data are accurate. If the Colorado Department of Public Health and Environment could demonstrate to the federal government that Colorado would have met air quality targets but for emissions that originate outside the country or from “exceptional” events like forest fires, the state would avoid changes to its air quality classification.

The ACQQ declined to consider Defend Colorado's February 2019 petition to include those extra factors in the state’s reporting, saying the group lacked standing.

Defend Colorado filed a complaint in Denver District Court, alleging the ACQQ was obligated to hold a hearing, and that any data certification that did not include the extra factors was invalid.

Colorado Attorney General Phil Weiser echoed the AQCC’s determination to the court, arguing Defend Colorado had not demonstrated it would be harmed if the certified data remained unchanged.

“Defend Colorado claims to advocate for Colorado’s economy and to protect the state’s natural resources, but fails to identify how the Commission might resolve a controversy regarding how the law is applied to the organization or its members,” he wrote.

Judge Brian R. Whitney sided with the ACQQ and the Polis Administration, determining the annual data certification was not the proper means of demonstrating international emissions or exceptional events, and that the commission had no legal authority in the "creation, transmission, ratification, or manipulation” of the data.

In the Court of Appeals’ opinion issued on Jan. 28, the three-member panel agreed that a method existed for notifying the EPA of a state’s intent to demonstrate outside effects on air data — and Defend Colorado’s request was not it.

Furthermore, the Air Pollution Control Division, not the ACQQ, is the entity responsible for air quality monitoring and data submission, the court noted.

“Accordingly, we, like the district court, reject Defend Colorado’s contention that the Commission has a statutory duty to oversee Colorado’s May Data Certifications to the EPA,” wrote Judge David H. Yun.

The panel also found that although the AQCC is required to conduct public hearings prior to changing air quality standards, emission control regulations or other regulatory programs, certifying the air quality data did not fall under those categories.

Finally, the court dismissed allegations that the governor improperly influenced the AQCC's actions, citing a “dearth of factual allegations.”

Defend Colorado and its attorneys did not immediately respond to a request for comment. The Denver Post reported in March 2019 that the group’s lawyer refused to disclose to the AQCC who the funders were for Defend Colorado.

Nichols, with WildEarth Guardians, said that the Clean Air Act’s provision for international emissions was intended to apply to urban areas near the border, and that the dismissal of a lawsuit was a victory for health and climate in Colorado.

“Regulating clean air and public health isn't about throwing up your hands and saying there's nothing to be done, it's about confronting the pollution you can control so that you can account for the likelihood of events and still keep people safe,” he said.

The case is Defend Colorado v. Polis.

Energy

Switch Awarded Environmental Protection Agency's ENERGY STAR® Certification for Superior Energy Efficiency
https://www.prnewswire.com/news-releases/switch-awarded-environmental-protection-agencys-energy-star-certification-for-superior-energy-efficiency-301219690.html

NEWS PROVIDED BY
Switch
Feb 02, 2021, 09:00 ET

LAS VEGAS, Feb. 2, 2021 /PRNewswire/ -- Switch, Inc. (NYSE: SWCH) ("Switch") the global technology infrastructure corporation, today announced it has earned the U.S. Environmental Protection Agency's (EPA) ENERGY STAR certification at its Core Campus in Las Vegas. The certification signifies that the building performs in the top tier of facilities nationwide for energy efficiency and meets strict energy efficiency performance levels set by the EPA.

"The EPA's ENERGY STAR certification is an important recognition of CEO and Founder Rob Roy and Switch's long-standing commitment to the highest standards of sustainability in the design and operations of our company," said Adam Kramer, Switch EVP of Strategy. "Switch is committed to remaining the global industry leader in the development of sustainable technology infrastructure solutions. In doing so, we will continue to be the leader in reduced carbon footprints, increased water efficiency and expanded renewable power resources."

Commercial buildings that earn EPA's ENERGY STAR certification use an average of 35 percent less energy than typical buildings and also release 35 percent less carbon dioxide into the atmosphere. Switch has surpassed those numbers for decades with its energy performance by managing energy strategically across the entire organization and by making cost-effective improvements to its data center facilities.

"Improving the energy efficiency of our nation's data centers has become more critical than ever as our digital economy expands," said Jean Lupinacci, Chief of the ENERGY STAR Commercial & Industrial Branch. "Switch's data centers are among the most efficient in the industry, and we also commend the company for its use of renewable energy in powering its data centers."

Switch's patented designs make its data centers the most efficient in the industry, supported by an industry- leading Power Usage Effectiveness (PUE) rate. Since January 1, 2016, Switch is the largest colocation data center provider powering all of its data centers with 100% renewable energy.

ENERGY STAR was introduced by EPA in 1992 as a voluntary, market-based partnership to reduce greenhouse gas emissions through energy efficiency. Today, the ENERGY STAR label can be found on more than 65 different kinds of products, 1.4 million new homes and 20,000 commercial buildings and industrial plants that meet strict energy-efficiency specifications set by the EPA. Over the past twenty years, American families and businesses have saved more than $230 billion on utility bills and prevented more than 1.8 billion metric tons of greenhouse gas emissions with help from ENERGY STAR.

About Switch
Switch, Inc. (NYSE: SWCH), is the independent global leader in exascale data center ecosystems, edge data center designs, industry-leading telecommunications solutions and next-generation technology innovation. Switch Founder and CEO Rob Roy has developed more than 500 issued and pending patent claims covering data center designs that have manifested into the company's world-renowned data centers and technology solutions.

We innovate to sustainably progress the digital foundation of the connected world with a focus on enterprise-class and emerging hybrid cloud solutions. The Switch PRIMES, located in Las Vegas and Tahoe Reno, Nevada; Grand Rapids, Michigan; and Atlanta, Georgia are the world's most powerful exascale data center campus ecosystems with low latency to major U.S. markets. Visit switch.com for more information or follow us on LinkedIn and Twitter.

Environmental Justice
Biden Administration Executive Order Further Signals Environmental Justice Focus?
https://www.jdsupra.com/legalnews/biden-administration-executive-order-1654454/?

Biden Administration Executive Order Further Signals Environmental Justice Focus
Vinson & Elkins LLP

On January 27, 2021, President Biden released an "Executive Order on Tackling the Climate Crisis at Home and Abroad." Among a host of sweeping proclamations and orders involving foreign and domestic policy on climate change, the Biden administration has reaffirmed that Environmental Justice ("EJ") is one of its core concerns. As we noted in our recent article, the Biden administration has strongly signaled that EJ enforcement matters will be a priority and has clearly laid out a framework of plans to strengthen its enforcement response regarding environmental matters involving EJ. This recent Executive Order will further those goals by coordinating government strategies, providing additional oversight within the executive branch, providing environmental data to monitoring at fenceline communities, and increasing engagement with affected communities, among other things.

Here are the highlights of the Executive Order as pertains to EJ and enforcement:

Section 220 of the Order creates through the Executive Office of the President a White House Environmental Justice Interagency Council (Interagency Council), chaired by the Chair of the Council on Environmental Quality (likely nominee Brenda Mallory) and a White House Environmental Justice Advisory Council (Advisory Council).

The Interagency Council and Advisory Council will, among other things, "ensure a whole-of-government approach to addressing current and historical environmental injustices, including strengthening environmental justice monitoring and enforcement through new or strengthened offices at the Environmental Protection Agency, Department of Justice, and Department of Health and Human Services."1
The Interagency Council and Advisory Council will also provide recommendations on how to expand and strengthen Executive Order 12898 — which directs federal agencies to address health and environmental effects disproportionately affecting low-income populations, develop a strategy for EJ, and promote federal programs and increase public participation regarding EJ.
In Section 222, the Order goes on to, among other things:

Direct the CEQ Chair to create a "Climate and Economic Justice Screening Tool and . . . annually publish interactive maps highlighting disadvantaged communities."2 This tool will build off of EPA's EJSCREEN tool and will help identify disadvantaged communities.
Direct the EPA Administrator to:
"strengthen enforcement of environmental violations with disproportionate impact on underserved communities through the Office of Enforcement and Compliance Assurance"; and
"create a community notification program to monitor and provide real-time data to the public on current environmental pollution, including emissions, criteria pollutants, and toxins, in frontline and fenceline communities."
"Frontline communities" is a phrase that has been used to describe communities that experience the "first and worst" consequences of climate change, and a "fenceline community" describes a neighborhood that is immediately adjacent to a facility and is directly affected by the operations of the facility.

Direct the Attorney General at the DOJ to:
Consider renaming the "Environment and Natural Resources Division" the "Environmental Justice and Natural Resources Division";
Coordinate with the Office of Enforcement and Compliance Assurance of EPA to "develop a comprehensive environmental justice enforcement strategy, which shall seek to provide timely remedies for systemic environmental violations and contaminations, and injury to natural resources"; and
Coordinate EJ issues throughout the DOJ by creating an Office of Environmental Justice.

This Executive Order appears to be the beginning of a serious and sustained effort to elevate EJ issues. This Order is one more indication that EJ issues will likely be prioritized in environmental enforcement matters, which could mean increased scrutiny on facilities that impact EJ communities, and increased legal risk for environmental enforcement matters where there are EJ concerns.

1. https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/27/fact-sheet-president-biden-takes-executive-actions-to-tackle-the-climate-crisis-at-home-and-abroad-create-jobs-and-restore-scientific-integrity-across-federal-government/
2. https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/

Message

From: Grundler, Christopher [grundler.christopher@epa.gov]
Sent: 2/11/2021 12:16:21 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]
CC: Shaw, Betsy [Shaw.Betsy@epa.gov]; Maranion, Bella [Maranion.Bella@epa.gov]; Newberg, Cindy [Newberg.Cindy@epa.gov]
Subject: OAP's Bella Maranion Featured on UN's Ozone Protection Website!

Thought you'd be interested in this short feature. We are very proud of Bella and grateful for her service and international leadership.

https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fozone.unep.org%2Fwomen-scientists-protecting-ozone-layer-and-safeguarding-environment&data=04%7C01%7CGoffman.Joseph%40epa.gov%7C8f090e9c8d9d4a08612708d8ce224280%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637485993828644110%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=95K%2Fzd%2Fox3DgbMdRRdJ8JtcL3PaPE72Pn7GxXCaYLdM%3D&reserved=0

_____
Christopher Grundler, Director
Office of Atmospheric Programs
U.S. Environmental Protection Agency
(202) 343-9140 (Office)
(734) 645-5221 (Mobile)

Message

From: Samulski, Michael [samulski.michael@epa.gov]
Sent: 3/16/2021 7:26:31 PM
To: OAR Briefings [OAR_Briefings@epa.gov]
CC: OTAQ Materials [OTAQMaterials@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Hambright, Rosemary [Hambright.Rosemary.E@epa.gov]; Charmley, William [charmley.william@epa.gov]; Leggett, Cullen [Leggett.Cullen@epa.gov]; Manning, Bryan [manning.bryan@epa.gov]; Yen, David [Yen.David@epa.gov]; Mueller, John [mueller.john@epa.gov]; Sargeant, Kathryn [sargeant.kathryn@epa.gov]; Hoyer, Marion [hoyer.marion@epa.gov]; Cook, Rich [Cook.Rich@epa.gov]; Kirkbride, Robin [Kirkbride.Robin@epa.gov]; Gonzalez, Gail [Gonzalez.Gail@epa.gov]
Subject: Materials for Tomorrow's 1:00 Briefing on Aircraft Planning
Attachments: Aircraft Programs draft 3 17 21.pptx

Here are the materials for tomorrow's briefing with OAR leadership.

Mike

****
Michael Samulski
U.S. Environmental Protection Agency
Office of Transportation and Air Quality
Director, Large Marine and Aviation Center
samulski.michael@epa.gov
****

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 2/8/2021 11:59:51 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Kim, Eun [Kim.Eun@epa.gov]
Subject: READING: Materials for February 9, 2020
Attachments: Goffman Joseph Calendar.ics; OAR and EJ Background_Final.docx; ACE letter - 2_8_21 - FINAL.docx; ACE CPP Repeal issues - 2_8_21 - Administrator Briefing.docx; EGU-GHG outreach discussion (2-8-2021).docx; BCA rule - OGC IO_2-6-2021_final.docx; Backgrounder for OAR Meeting with Growth Energy.docx; YOU are on the Agenda - ADD Small call 2/9; 2021-Feb 9 ADDs call.docx; SIPs and permits talking points.docx

Joe, attached are your briefing materials for tomorrow. I will send you, via a second email, additional reading items for the evening. I will also forward these materials to Tomas and Ale, minus the ACE materials (due to recusals).

Goffman, Joseph Calendar
Goffman.Joseph@epa.gov
On Tuesday, February 9, 2021
Time zone: (UTC-05:00) Eastern Time (US & Canada)
(Adjusted for Daylight Saving Time)

February 2021

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

Busy | Tentative | Free
Out of Office | Working Elsewhere | Outside of Working Hours

February 2021

Tue, Feb 9

	All Day	Reminder: Submit Time
	Before 8:00 AM	**Free**
	8:00 AM – 8:30 AM	**Free**
	8:30 AM – 9:00 AM	Check-In
	9:00 AM – 9:15 AM	**Free**
	9:15 AM – 10:30 AM	Air Issues Meeting - EJ Discussion (background materials attached)
	10:30 AM – 11:00 AM	Delegated to Tomas Carbonell: Management Roundtable

■	11:00 AM – 11:45 AM	OAR Senior Staff
■	11:45 AM – 12:30 PM	OTAQ Weekly
■	12:30 PM – 1:00 PM	Lunch/Management time
■	1:00 PM – 2:00 PM	Briefing: DC Circuit Vacatur and Remand of ACE Rule (materials attached)
□	**2:00 PM – 2:15 PM**	**Free**
■	2:15 PM – 3:00 PM	Review OAR BCA Rule and Options with EO (materials attached)
■	3:00 PM – 3:30 PM	VDI Install
■	3:30 PM – 4:00 PM	Discussion with Growth Energy re: HollyFrontier (background materials attached)
■	4:00 PM – 5:00 PM	ADD Small Call - 2/8 (materials attached)
■	5:00 PM – 5:30 PM	Management Time
■	5:30 PM – 6:00 PM	Cars Working Group
□	**After 6:00 PM**	**Free**

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

Message

From: Geoff Cooper [GCooper@ethanolrfa.org]
Sent: 2/3/2021 1:56:47 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Hengst, Benjamin [Hengst.Benjamin@epa.gov]
Subject: RFA Letter of Support for Regan Confirmation
Attachments: 2-1-2021 RFA Letter of Support for Regan Nom.pdf

Joe,

FYI – this letter from the Renewable Fuels Association supporting swift confirmation of Michael Regan as EPA Administration went to Senate EPW Monday.

Best regards,

Geoff Cooper
President & CEO
Renewable Fuels Association
O: 636.594.2284
C: 636.399.4928
gcooper@ethanolrfa.org

February 1, 2021

The Honorable Thomas R. Carper
Chairman, Committee on Environment & Public Works
United States Senate
Washington, D.C. 20510

The Honorable Shelly Moore Capito
Ranking Member, Committee on Environment & Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

As the leading association representing America's renewable fuels industry, the Renewable Fuels Association wishes to express our support for the nomination of Michael Regan to serve as Administrator of the Environmental Protection Agency.

As you know, renewable fuels play a critical role in lowering tailpipe emissions and shrinking the carbon footprint of our transportation sector, while also contributing greatly to the nation's economy. Ethanol and other renewable fuels are the right fuels right now. Expanding their use—as required under the Renewable Fuel Standard—will immediately cut greenhouse gas emissions and reduce the toxic urban air pollution that disproportionally impacts low-income and economically disadvantaged communities.

The U.S. ethanol industry has experienced numerous difficulties over the last four years, with many of the most pressing challenges emanating from the Environmental Protection Agency's mismanagement of the RFS. As Secretary of the North Carolina Department of Environmental Quality, Administrator-designee Regan built a strong track record of listening to all stakeholders to find practical, science-based solutions to the environmental issues impacting the people of the state. We welcome a similar approach to problem-solving as he takes the helm at EPA, and we appreciate the outreach he has already conducted to renewable fuel stakeholders. We are confident Mr. Regan will strongly uphold President Biden's commitment to "...honor the critical role the renewable fuel industry plays in supporting the rural economy and the leadership role American agriculture will play in our fight against climate change."[1]

We look forward to working with Administrator-designee Regan to resolve the numerous biofuels-related issues that were mishandled and left unresolved by the last administration. The renewable fuels sector is eager to work together and do our part to better protect our nation's environment.

Sincerely,

Geoff Cooper

Geoff Cooper
President & CEO

[1] http://biomassmagazine.com/articles/17318/biden-announces-commitment-to-rfs

Message

From: Morgan, Ruthw [morgan.ruthw@epa.gov]
Sent: 2/24/2021 6:52:09 PM
Subject: AO Staff Office Weekly Report for the week ending February 24, 2021
Attachments: AO Staff Weekly Report 022421v2.docx; AO Staff Weekly Report 022421v2.pdf

Good afternoon Acting Administrator Nishida and colleagues,

Attached please find the **AO Staff Office Weekly Report** (in both PDF and Word) for the week ending February 24, 2021.

Sincerely,
Ruth

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Message

From: POLITICO Pro [alert@email.politicopro.com]
Sent: 2/5/2021 12:48:42 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: 'We need to be in the room': The Green Movement's long overdue racial reckoning

'We need to be in the room': The Green Movement's long overdue racial reckoning

By Zack Colman

02/04/2021 07:47 PM EST

When the leaders of the "Big Green" environmental groups realized last fall that they'd be confronting, at best, a closely divided House and Senate with only a wavering appetite for carbon restrictions, they knew President-elect Joe Biden would need an all-star EPA chief with the savvy necessary to use existing laws to lead the fight against climate change.

He needed Mary Nichols.

The California air cop had engineered secret climate deals with major automakers, infuriating President Donald Trump. Her command over the Golden State's environmental rules gave her unparalleled clout within the movement. She implemented one of the country's largest greenhouse gas emissions trading schemes to blunt global warming.

But the environmental organizations that quietly backed Nichols and allies like Senate Majority Leader Chuck Schumer who publicly promoted her did not anticipate the backlash she would ignite within Black, Latino and Indigenous communities. Complaints that Nichols had failed to adequately address local pollution concerns in urban neighborhoods in California derailed her candidacy to lead the Environmental Protection Agency. Biden ultimately nominated Michael Regan, a North Carolina environmental regulator, who is Black and has scored victories for communities in a state considered the birthplace of environmental justice.

Environmental influence in U.S. politics is ascendant. Big Green groups have pushed Biden, whom most would never confuse with a crunchy activist, into crafting the most aggressive environmental platform in the nation's history that calls for spending $2 trillion.

But as the Nichols saga proved, their greatest obstacle may not be Republican opposition: Would-be allies within the Black, Latino and Indigenous communities are disaffected by an agenda that many see as focused on save-the-planet idealism at the expense of the nuts-and-bolts concerns of their communities, from elevated asthma rates in pollution-clogged urban communities to safeguarding traditions on Indian lands.

"The grassroots environmental justice community has tentacles in communities all across the country," said Cecilia Martinez, a longtime environmental justice organizer who now heads that portfolio at Biden's White House Council on Environmental Quality. "They're not shy about stepping up and asking for involvement, and we have to make sure that we make those spaces and hear them out."

The crucial backdrop for these tensions is the history of white-male domination of the Big Green groups, which have just 22 percent non-white senior staff in a nation that is about 40 percent non-white. In addition, at the very moment they see an opportunity to advance their policy agendas, many large, mainstream environmental organizations are facing internal reckonings over race and gender equity.

In 2019, POLITICO revealed a culture of gender discrimination, sexual harassment and racial disparities at The Nature Conservancy that led to the departure of its top two officials. E&E News last year reported on a "traumatic" culture on race within the Union of Concerned Scientists. POLITICO in November uncovered persistent racial inequity at the National Audubon Society, where staff accused CEO David Yarnold of overseeing a workplace rife with intimidation and threats.

The internal convulsions and the external tensions appear to have sent a message that environmental leaders can't ignore: the only way to fashion their movement into a formidable political force is by becoming more Black and brown. That requires expanding beyond a purely ecological agenda and zeroing in on issues that highlight racial and social inequalities. An important step is to partner with smaller, Black and Latino-dominated groups in what they call the environmental justice movement.

"The environmental justice movement basically flexed its muscle for the very first time in a very collaborative, effective and unapologetic way," said Robert Bullard, a Texas Southern University professor who is a leader in the environmental justice movement, referring to the effort to block Nichols from the EPA. "We are not going to be taken for granted. We are not going to let the white groups go in the room, close the door and speak for us. No, we need to be in the room."

Danielle Deane-Ryan, a former Energy Department appointee during the Obama administration, put it this way: "We need to have the mainstream organizations and the environmental justice organizations come together and figure out how to be more effective as a movement. Remember what we're fighting here is ultimately the power of the fossil fuel industry, which is often looking to undermine efforts of climate and equity."

Some fault lines will be difficult to paper over. Much of the anger over a possible Nichols appointment stemmed from the fact that Big Green organizations backed California's cap-and-trade law despite opposition from local environmental justice organizers who said it failed to reduce pollution from sources in their communities. That became an albatross for Nichols, the principal charged with installing the scheme.

"We're not a spinoff of the environmental movement. We're not a sidepiece," said Miya Yoshitani, executive director of the Oakland, Calif.-based Asian Pacific Environmental Network, which opposed cap-and-trade because it allowed industrial firms, like the Richmond, Calif. oil refiners that catalyzed her group, to buy credits as absolution for their pollution. "The ultimate way that we are going to get the change we need might not be to join forces."

Yoshitani's view sends chills down the spines of Big Green leaders, who are grasping at ways to patch up differences within the movement.

"There's some excitement about a change in administration and new opportunities for locking in big wins. It will take some work and there will be challenges with that," said Kathy Rest, executive director with the Union of Concerned Scientists. "We need to figure out, 'How do we begin to understand that we have shared goals and begin to tackle these issues?' We need to listen and learn."

That job may be even harder with Trump, whose unraveling of environmental regulations was a unifying force for activists, in the rearview.

"For the last four years you've had a bogeyman and that bogeyman has placed a spotlight on the egregious things that were happening," reasoned Mustafa Santiago Ali, a former career EPA official and environmental justice activist who now works at the mainstream National Wildlife Federation. "You have a new generation that is refusing — and rightly so — for the old paradigms to continue to operate. And as this new generation continues to gain power, you will see these organizations pushed even more to make this change happen."

A legacy of racism

"We have to start from the beginning," explains Tamara Toles O'Laughlin, former North America director of the environmental organization 350.org.

Top U.S. environmental groups like the National Audubon Society and the Sierra Club originated with white supremacy: John James Audubon was a slave owner and John Muir, who founded the Sierra Club, sought to preserve land by urging policies that pushed Native Americans and Blacks off it.

While later leaders did not share the racial precepts of their founders, the groups tended to be dominated by science-minded, white-male writers and idealists.

That led to charges that the needs of non-white communities were being ignored when the Big Greens set their environmental agenda. A foundational 1990 letter from the SouthWest Organizing Project, a coalition of local activists, academics and faith leaders, laid those tensions bare. The coalition accused the so-called "Group of Ten" environmental organizations — Sierra Club, Audubon, National Wildlife Federation, Environmental Defense Fund, Friends of the Earth, Izaak Walton League, The Wilderness Society, National Parks and Conservation Association, Natural Resources Defense Council and Earthjustice, then known as the Sierra Club Legal Defense Fund — of "disruption of our communities."

"In the name of eliminating environmental hazards at any cost … our survival needs and cultures are ignored. We suffer from the end results of these actions, but are never full participants in the decision-making which leads to them," the letter stated.

The past three decades saw some fitful progress, but divisions remained. In the eyes of the critics, an environmental caste system was baked into the Big Green agenda. Polar bears stranded on melting ice floes galvanized white-led organizations while Black, Latino and Indigenous Americans choked on polluted air. That contributed to the rise of the environmental justice movement, a grassroots effort set in opposition to the Big Greens, even while sharing some of the same goals.

"It's important to fight for somebody you don't know," Mattias Lehman, a digital director with the youth-led Sunrise Movement, told POLITICO in June as the nation convulsed from protests against police killings of Black men in the wake of George Floyd's murder. "That's something that's too often forgotten in climate circles."

Whereas legacy environmental groups were conceived with conservation in mind, environmental justice is a civil rights movement offshoot — labor, income inequality and racial justice organizers are closer kinfolk.

"The environmental movement was born of a colonial narrative, that nature was out there to be explored and to be used," said Michelle Martinez, a Detroit organizer and acting executive director of the Michigan Environmental Justice Coalition. "I've had people at mainstream environmental organizations tell me point blank, 'If we start doing this racial justice stuff, we're going to lose some of our funders.' And that risk is real. It's this idea that focusing on racial justice, it becomes less about the environment. And that's simply not true. That's that colonial mindset."

Some groups rethought strategy following the 2010 collapse of federal cap-and-trade legislation, an attempt to use market forces to incentivize businesses to reduce their carbon footprint. While the plan would have done much to reduce carbon emissions, and slow global warming, it failed to inspire much support within communities of color. The bill passed the House but died in the Senate.

"We are learning from our environmental justice partners who have really defined their environment as not something that is far away, but as where you live," said Sara Chieffo, vice president of government affairs with the League of Conservation Voters, who said that after cap-and-trade floundered, "we started to have a reflection that we are not mobilizing and connecting with portions of the population that would directly benefit."

The power structure and focus for environmental organizations began to shift somewhat in the last decade as groups like 350.org tapped into local networks to resist oil and gas pipelines spanning the continent in the wake of the fracking-propelled shale gas boom. Activists rallied around the fight against the Keystone XL oil sands pipeline, an effort that pulled together Indigenous people and rural landowners opposing the Canada-to-Texas project.

The battle over Keystone XL delivered a lesson: Success is most possible when everyone has a stake and a voice. Organizers insisted that Indigenous communities were involved in any events and messaging, a call that the Big Green groups heeded — ultimately succeeding in securing then-President Barack Obama's rejection of the pipeline.

"Plain talk, it's always been frustrating... [but] there's been a lot of work over the last two decades to hold them accountable to frontline voices," Dallas Goldtooth, a Minnesota-based organizer with the Indigenous Environmental Network, said of working with mainstream groups. "I'm hopeful about the solidarity with Big Greens. It really is all-or-nothing: we need to go big and push hard."

In 2019, environmental groups big and small put that concept into practice by signing the Equitable and Just Climate Platform, which laid out principles for working together.

But now that Democrats control government and climate change is a key motivator for left-leaning voters — a trend unlikely to reverse itself — some environmental justice organizers worry that Big Greens might feel emboldened to take action on their own, without buy-in from their partners in the environmental justice space.

"The [Big Green] access is still the access," National Black Environmental Justice Network Director Tina Johnson said. "There are better-resourced organizations who have tentacles into these spaces because that is the work that they do."

"We're so used to being thrown under the bus," added Yvette Arellano, a Houston-based environmental justice organizer.

Still, the mere existence of a joint platform reflects a growing understanding that the Big Greens need to do more than hire people of color or pay greater lip service to egalitarianism; they need to share decision-making power with grass-roots activists.

"Diversity should be the end result of equitable work and inclusive work," Toles O'Laughlin said. "Equity is movement of resources and people. Equity is what Martin Luther King Jr. was killed over."

A lack of senior leaders

Jason Ward hasn't been in the birding community too long, but he's been Black his whole life.

The Bronx native got started through an Audubon internship. He worked with other birders, many of whom were people of color, in the Southeast. It was rewarding. It inspired growth. It provoked questions.

In this new world Ward occupied, it became quickly apparent there weren't many people who look like him in leadership roles.

"How committed are we to achieving true inclusivity if we're not allowing people of color to rise through the ranks and become CEOs one day?" said Ward, who is now at the American Bird Conservancy. "It's very, very confusing because when you meet these people they're great people and they say all the right things, but the practices behind closed doors don't match."

The numbers show the environmental movement fails at ensuring a proportionate number of Black, Latino, Asian and Indigenous people fill senior leadership roles.

People of color accounted for 22 percent of senior staff and 26 percent of full-time employees across 35 major environmental organizations and eight philanthropies, according to Green 2.0, an organization tracking the movement's diversity. Nearly 40 percent of the U.S. is non-white.

Senior leadership roles and upward mobility for people of color are key indicators — groups rounding out staff with people of color who are "low on the totem pole" or "don't have a voice" have accomplished little, said Andres Jimenez, Green 2.0's executive director.

"That's one of the biggest hurdles — getting [the Big Greens] out of their comfort zone and saying we need to look in the mirror internally," Jimenez said. "A lot of organizations refuse to do that."

If they did, say some in the environmental-justice movement, they'd realize that the lack of diversity in their ranks contributes to a lack of energy and urgency. The environmental justice leader Nina Morgan said most of the Big Greens that she has worked with in Birmingham, Ala., espouse "performative" values that don't translate to action.

"When it comes down to the nitty gritty, when the rubber hits the road, it's failure," said Morgan, who is the climate and environmental justice organizer with the Greater-Birmingham Alliance to Stop Pollution, which claims four full-time and one part-time staffers.

"You can't just say the right words, you can't just have the right policies, you can't hire just the right people. There has to be a core shift," she said.

The board of directors sets the tone for many organizations. In the environmental space, those directors are 76 percent white, according to Green 2.0.

Many directors of leading environmental organizations are betraying their own liberal values, noted Deane-Ryan, the former Obama DOE appointee who now is a senior adviser at the Libra Foundation, a philanthropy that focuses on social and racial justice.

"These are people that pride themselves typically on being well-connected, well-read, smart and strategic," she said. "They seem to have a big blind spot."

Dissention within the Big Greens

Audubon is one such organization getting that microscope treatment after employees complained of a culture that marginalized, diminished and chased out people of color. Yarnold, the CEO, touted the organization's

workforce as nearly one-quarter people of color, but also pledged to take action to increase diversity, though some employees are skeptical that the commitment will reach the highest ranks.

"Many of our Centers are already meeting Equity, Diversity, and Inclusion goals, and we wish we saw the same level of commitment from the Executive Team," staffers at Audubon sites across the country wrote in a Dec. 14 letter to Chair Maggie Walker that was obtained by POLITICO.

Jimenez, the Green 2.0 leader, said Audubon in many ways exemplifies the shortcomings of other Big Green organizations. Its board is large and overwhelmingly white. People of color represent only 18.8 percent of senior staff.

Or, as the National Wildlife Federation's Ali put it: "It's such a mess. … They're losing credibility in a lot of places and with that may lose funding. I'm worried about them on multiple levels."

Ali's own organization hasn't escaped scrutiny: When the SouthWest Organizing Project picked a chief recipient for its 1990 letter, it chose the National Wildlife Federation. At his first board meeting in 2018, before accepting a staff job, Ali recalled walking around the room to see photos of white faces staring back at him. He said it felt like the scene in Spike Lee's "Do The Right Thing" when Buggin' Out, played by Giancarlo Esposito, asks a pizza shop owner, "How come you ain't got no brothers on the wall here?"

So Ali was skeptical when the Federation's current CEO Collin O'Mara courted him for the job he'd eventually take. Ali was satisfied when the organization committed to spending hundreds of thousands of dollars for internal race and equity work, hiring, and partnerships in Black, Latino and Indigenous communities.

Other Big Greens are working on those issues, too. Among other steps, the Natural Resources Defense Council updated its recruitment, retention, pay and promotion policies while developing metrics to identify how a policy or project proposal would affect varying ethnic, racial or economic groups. UCS, which dealt with its own internal uproar on race last year, is making racial equity for mid-management and senior-level hiring a "huge priority," Rest said, along with other actions. LCV added C-suite positions with an equity focus while reconfiguring its legislative policies to emphasize such priorities as preserving urban green space.

Ali said the work is unfinished. The Federation is fortunate, he said, to have a leader who understands equity imbalances foreclose success. That's especially true for membership-driven conservation organizations funded by a white, aging clientele.

But many organizations rely on big philanthropic backers, whose failure to embrace environmental-justice groups creates a self-perpetuating cycle, noted Ali.

"There has to be more accountability for the dollars that we give to organizations," he said. "When you continually support bad behavior, bad behavior is going to continue on."

Putting funders on notice

Lois Debacker found it's much easier to seed climate change victories with already equitable groups than to make white-led environmental groups more equitable.

"It does make a difference who is sitting at the desk," said Debacker, who runs the environment program for the Kresge Foundation, a Troy, Mich.-based funder. Kresge applied the same principle internally: 30 percent of its grant dollars now go to groups led by a person of color, up from nearly 7 percent before 2014.

But other environmental funders have been slow to follow suit. Across 12 national philanthropies, just $18 million — 1.3 percent — of the $1.34 billion gifted to environmental groups in 2016 and 2017 went to environmental justice organizations, according to a study by Ana Baptista, an assistant professor at The New School in New York City.

A "misperception" that smaller, grass-roots environmental justice organizations cannot handle a cash infusion is one of the reasons foundations keep backing Big Green over upstart groups, Debacker said.

Tensions over which groups get the most money came to a head in November when Amazon founder Jeff Bezos's Earth Fund selected its first grantees. Most of the $791 million installment from the $10 billion kitty went to old guard environmental organizations. The scale of these gifts are enormous: The Environmental Defense Fund, one of the largest environmental groups in the U.S., received $100 million; the organization runs on a $230 million annual budget.

Of the total first tranche, $151 million — or less than 20 percent — went to environmental justice groups.

"The biggest issue right now is resources and the misallocation or the disparity in the distribution of green dollars," said Bullard, the environmental justice organizer and Texas Southern professor, noting more equitable funding would reduce local organizers' reliance on larger groups for personnel. "Green groups are more willing to diversify their racial and ethnic complexity in their boards and staff than they are to diversifying the green dollars."

Can Biden bridge the gaps?

This is the heart of the disconnection, according to environmental justice organizations: The Big Green emphasis on broad, national and even global goals fails to take account of the daily, lived experiences of average people.

Biden acknowledged that divide late in the campaign, refashioning his pitch to young voters and people of color around the notion that his environmental policies would right the wrongs of the past. He also delivered a somewhat amorphous pledge that 40 percent of spending on environmental causes would go to hard-up communities. But even some key Biden supporters acknowledge that Black and Latino voters are skeptical.

"I think it's the plan that will take the country in the right direction, but obviously it's a plan that has to be executed," said Rep. Donald McEachin (D-Va.), who helped shape Biden's environmental justice platform and is working closely with Big Greens such as the Sierra Club, LCV and UCS along with environmental justice outfits like New York City-based WE ACT for Environmental Justice.

The widespread expectation that Biden would nominate Nichols to the EPA triggered fears of business as usual. Environmental justice groups in California wrote a public letter criticizing Nichols' implementation of the state's cap-and-trade law, saying the revenues raised for selling emissions credits weren't spent in the communities where pollution persisted.

Since that blow-up, however, environmental justice organizers say they're starting to see an administration that is genuinely trying to quash decades-old animosities.

On Jan. 27, Biden through executive order created an interagency environmental justice advisory council staffed by representatives of 18 federal departments and offices. The order called for creating a screening tool to determine which communities face climate and economic disparities, toughening environmental law

enforcement in disadvantaged neighborhoods and establishing an environmental justice and climate change office within the Department of Health and Human Services.

It also called for the 40-percent investment in disadvantaged areas that Biden had discussed on the campaign trail.

"The Biden administration wants the coalition advocates to be part of the implementation and to develop the content and the process," said Peggy Shepard, executive director with WE ACT for Environmental Justice. "I've never seen anybody ask before."

Martinez, the White House environmental justice official, said the people Biden has hired and the early moves to transform his campaign pitches into actual directives means he's committed to the issue. The ongoing conversation with environmental justice groups has led environmental-justice advocates "to see themselves in this plan," adding, "I think people are seeing this is different. It didn't go away."

Many Big Green organizations have gotten into the act, taking steps to add environmental justice commitments to their missions. Bullard, of Texas Southern, is pleased to see organizations taking those "baby steps." Whether that act is performative or truly of conviction will likely define the next chapter of the movement's political and planetary success, he said.

Nonetheless, Ward, the birder, said he's participated in many diversity, equity and inclusion meetings at environmental organizations where, "It all felt rehearsed, it felt scripted, it felt like it was checking off a box."

"I don't get the feeling that they want to secede that power," he added. "It seems pretty daunting the task we have ahead of us."

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: March 8 -- Energywire is ready

Energywire -- The Transformation of the Energy Sector

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ENERGYWIRE — Mon., March 8, 2021

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From: Grundler, Christopher [grundler.christopher@epa.gov]
Sent: 2/10/2021 1:29:32 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: you need to look at slide 3 from today's noon presentation
Attachments: 20210210_Climate Analysis Working Group.pptx

Joe—this is being presented at deputies meeting today. Pls take a look at slide 3 and the ask for next week

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Christopher Grundler, Director
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Message

From: POLITICO Pro Energy [alert@email.politicopro.com]
Sent: 3/9/2021 1:12:55 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: California's fossil fuel expansion plan to test Newsom's clean energy record

California's fossil fuel expansion plan to test Newsom's clean energy record

By Colby Bermel

03/08/2021 08:11 PM EST

SACRAMENTO — Kern County officials are poised to approve a plan that could increase the number of oil wells in California by a staggering 40 percent or more over the next 15 years — a shift that is unfolding even as Gov. Gavin Newsom works to burnish his clean energy credentials.

Experts and insiders expect the Newsom administration will honor the local decision by signing off on many of the drilling applications, which could undermine the governor's climate-friendly image and damage his relationship with environmentalists.

Newsom is under similar pressure to take a stronger stance on proposals to ban fracking and impose drilling buffer zones. He called for a bill to prohibit the controversial extraction technique last fall when on stronger political footing, but in recent weeks he dodged questions about the measure — possibly to avoid alienating deep-pocketed fossil fuel interests during a recall drive.

"I think it would be political — I don't want to use the word 'suicide' — but it's extremely risky for him, especially now as the winds blowing against him are picking up. I don't think he will pick a big fight with oil right now," said Chandra Commuri, a public policy researcher at California State University, Bakersfield. "At the end of the day, he wants to remain governor; he has ambitions for higher office. I'm pretty sure he knows what's best for him in the long run."

The ordinance under consideration Monday would allow more than 40,000 new oil and gas wells over the next 15 years, even though California aims to achieve economy-wide carbon neutrality by 2045. Statewide, there are 101,300 wells in use and not all of those are active, meaning the increase could be higher than 40 percent.

Newsom, whose office deferred comment to the California Geologic Energy Management Division, has taken a series of well-publicized stances on energy and environmental issues, especially as climate change-exacerbated wildfires have caused record-setting death and destruction in recent years. He made a bold announcement last fall to stop the sale of new gasoline-fueled vehicles by 2035, along with a land conservation plan and other policies throughout the first two years of his term.

Yet the state has continued green-lighting permits, even during the pandemic — much to environmentalists' chagrin. Some of the approvals have gone to Aera Energy, whose lobbyist dined with Newsom during the now-infamous dinner party at the Napa Valley's French Laundry restaurant.

Environmentalists have pointed to those patterns as they argue that Newsom's rhetoric on clean energy hasn't matched his actions. The Center for Biological Diversity sued CalGEM last month, alleging the illegal permitting of wells. Drilling has disproportionately impacted communities of color, and environmental justice groups mobilized hundreds of residents to voice opposition to the new Kern County fossil fuel policies.

Juan Flores, a community organizer with the Center on Race, Poverty and the Environment, said the county's decision puts pressure on CalGEM to abide by its new public-focused mission and not sign off on any Kern-approved wells. The buck stops with Newsom, he argued, as the ultimate boss of the agency.

Climate issues may not be driving the campaign to recall Newsom, Flores said, but "a lot of his base, a lot of the people who voted for him, will be disenchanted and disenfranchised if he shows that he would rather sell out the dream that California can be an inclusive leader when it comes to environmental justice."

CalGEM said in a statement Monday that it "follows all state laws and regulations in approving permits," and that it will do the same with any applications from Kern County drillers.

"In addition, the Governor is committed to achieving our climate goals in ways that continue to grow our economy while preserving and creating high-quality jobs, including in counties like Kern that currently rely on resource-intensive industries for jobs and for the overall tax base," the agency wrote.

Fossil fuel drama confronted the governor two summers ago, when an inland oil spill leaked nearly 32,000 barrels' worth of oil near McKittrick. That news was followed by revelations that state officials owned stock in companies they regulated and that permit approvals accelerated without Newsom's knowledge. Those developments prompted the governor's office to craft reforms renaming the agency and changing its mission to focus on protecting public health and environmental quality instead of promoting the extraction of fossil fuels.

The changes weren't well-received by the Central Valley, which has always sparred with the state on oil and gas. Early last year, Newsom officials traveled to Kern County to explain the agency's new mandate but were roasted by county supervisors who accused the governor of being "under pressure from environmental extremists." One supervisor went so far as to display photos of public hangings in Saudi Arabia and burning pipelines in South America to justify why California should rely on in-state oil.

Kern County was dealt a defeat soon after that uproarious meeting, however, when a state appeals court rejected parts of its original plan to approve new wells over the next 20 years. Rather than protest the ruling at the California Supreme Court, the county decided to revise its environmental impact report. Its new, 1,842-page revised plan includes mandatory setbacks, noise mitigation and other protective measures, but it still allows for up to 2,700 new wells per year, pending CalGEM approvals.

Environmentalists argue the true number of new wells could be far greater than county officials have publicly acknowledged. In a letter to county supervisors, they write that the county's own documents show that the number of new wells that could come online in the next 15 years is 67,425, rather than the 40,445 well figure provided at a meeting last month.

Green groups argue that Kern County hasn't addressed the appeals court's concerns. The plan to expand fossil fuel activity, they say, will do long-lasting damage to the environment and public health, causing ecological disruptions, public health risks and planet-warming emissions.

Environmentalists also point to the influence of industry groups over the process, as the Western States Petroleum Association and the California Independent Petroleum Association helped draft the proposed changes. WSPA spent $4.33 million on state lobbying last year, the most of any organization. The groups declined to comment ahead of Monday's vote.

Tensions spilled over last month when Lorelei Oviatt, director of the Kern County Planning and Natural Resources Department, lamented the dynamic between local and state officials as she defended the revised plan.

"Characterizations have been made that Kern County only cares to allow oil to be produced," she said during a meeting. "I think these 72 binders show, and our years of public hearings show and the extensive environmental

protection that we've brought forward, that we are as interested as anyone in protecting the health and safety of our communities."

"We are not interested in allowing Sacramento to be the arbitrator of what is protection," Oviatt added.

Even those who support fossil fuel production, including Assemblymember Carlos Villapudua (D-Stockton), recognize Newsom's conundrum.

"The governor — God, I'd hate to be in his shoes — but that's what the head coach does; he's the one who has to answer and deal with everything that's being thrown at him," Villapudua said. "Of course he's under a lot of pressure. At some point, he's going to have to decide what his decision is going to be."

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Subject: U.S. and EU search for a China climate doctrine that works

U.S. and EU search for a China climate doctrine that works

By Karl Mathiesen, Zack Colman

03/09/2021 02:05 PM EST

BRUSSELS — "Together, we can move mountains," EU Executive Vice President Frans Timmermans said while standing alongside U.S. climate envoy John Kerry. If only they could move China.

That's the problem the pair confronted during a full day and evening of talks in Brussels Tuesday. Kerry's trip to Europe — the first from a Biden administration official — came just days after China indicated its intention to allow greenhouse gas emissions to continue rising beyond 2025.

It's an outcome both the EU and U.S. are lobbying Beijing to avert. Ahead of the U.N. climate talks in Glasgow in November, they want the world's largest polluter to shift its commitment to peak emissions from 2030 to 2025 and to end coal power investment at home and abroad.

But seven weeks into the Biden presidency, the revived transatlantic climate alliance is searching for a common strategy to convince China and other major emitters to, in Timmermans' words, "do the right thing."

"It is important for us to align ourselves now, which is what we will discuss today. Because no one country can resolve this crisis," said Kerry.

Despite years of careful relationship building with Beijing, EU officials admit that Friday's release of a draft summary of China's 14th Five-Year Plan was a rebuff.

While China boosted its renewable energy goals, the plan set modest emissions targets that were "hard to square with peaking in 2025 unless you assume very low economic growth over the next few years," said an EU official. With annual GDP growth of about 5 percent, emissions in 2025 would be 10 percent higher, Yan Qin, an analyst at Refinitiv, estimated.

While the demands from Washington and Brussels may be clear and common, the penalties for ignoring them are not.

"It doesn't seem like China sees a united front on this as the biggest of risks right now," said Jennifer Tollmann, a policy expert from the E3G think tank. "Is there a trade consequence for Chinese inaction this year? And is that something that the U.S. and the EU want to discuss jointly or not?"

Options include deploying a carbon border tax — something the EU is working on — or shutting China out of talks on setting clean economy standards, said Tollmann. "Why would you invite somebody to the table if they are not leading the charge?"

For the U.S., dragging climate into its trade confrontation with China is both a risk and a break with past policy, said Kelly Sims Gallagher, a former U.S. diplomat who oversaw China climate policy in the Obama

administration. "My own point of view is, you need to have a protective lane on climate change, because there's too much urgency."

This worked in 2014, when presidents Barack Obama and Xi Jinping made a siloed deal on cutting emissions. But with the U.S. planning to announce its new climate goals ahead of hosting an April 22-23 summit for major emitters, time is running out for a repeat of that approach.

"It's unclear whether the Biden administration intends to trade issues off of each other, or to keep separate lanes for separate issues," said Sims Gallagher.

Alliance building

Although together China, the EU and the U.S. account for more than half of global carbon emissions, any climate alliance will have to rope in more members. Nudging countries to greater efforts requires big emitters like India, Japan, Australia, Brazil or Indonesia to hear the same mix of encouragement, enticement and veiled threats.

That takes a united front, which is what Kerry is in Europe to build.

He met with U.K. Prime Minister Boris Johnson and organizers of the COP26 climate talks in London on Monday. The job ahead of the Glasgow talks is to "rally all countries, and most especially the world's major economies" to raise their climate goals, Kerry said in a joint statement with Alok Sharma, the U.K. minister who will lead the global climate talks.

On Wednesday, Kerry travels to Paris.

His tour so far has been a protocol blurring affair. He described his meeting with Johnson as a "surprise," as if the prime minister just happened to be rattling around the foreign office on a quiet Monday. Beyond his natural counterpart in Sharma, Kerry also held talks in London with Chancellor Rishi Sunak and the foreign and business secretaries.

The same protocol bending happened in Brussels, where Kerry met with Commission President Ursula von der Leyen — Timmermans at his side as a constant chaperone. He also attended a meeting of the College of Commissioners.

"That tells me," said Tollman, "they don't just want to set up the Timmermans-Kerry relationship." With climate change policy reaching into every aspect of the economy, it "requires links into the other commissioners as well."

"Everybody in the College is really thrilled to be able to have an exchange with him," said Timmermans. "You know we said when the Biden administration took office: 'They are back. They are back in Paris. They are back in the climate agenda.' This is the best proof that this is the case."

"The science is screaming at us," Kerry said, explaining why he and his "good friend" Timmermans were pressing for the biggest emitters to move now. "This decade must be the decade of action."

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Subject: House Energy and Commerce leaders unveil sweeping climate change legislation

House Energy and Commerce leaders unveil sweeping climate change legislation

By Anthony Adragna

03/02/2021 01:58 PM EST

Senior House Energy and Commerce Democrats unveiled a template of their plan to combat climate change this Congress that would take a sector-by-sector approach to eliminate carbon dioxide and reach net-zero emissions by 2050.

Their 981-page bill — an expanded version of last year's CLEAN Future Act — calls for a federal clean energy standard that sets an interim goal of 80 percent clean electricity by 2030 and 100 percent by 2035. The bill represents a push from Democrats for aggressive action on climate change that's in line with the goals laid out by President Joe Biden and as part of his Build Back Better agenda.

"I really believe that the time for slow, marginal change has gone," Chair Frank Pallone (D-N.J.) said Tuesday. "You can't just watch from the sidelines as the climate crisis wreaks havoc on Americans' health and home. The cost of inaction is staggering — it already is."

Pallone, Environment Chair Paul Tonko (D-N.Y.) and Energy Chair Bobby Rush (D-Ill.) unveiled the bill at a virtual press conference. They plan to take up the legislation through regular order.

Pallone also acknowledged that the bill did not call for imposing a price on carbon emissions, since that type of measure lacked political support.

"We don't have a carbon tax … I think it's time to try something new," he said. "The votes are just not there for a price on carbon."

Clean energy standard: Arguably the most consequential title is a clean energy standard, which would create a credit trading system for utilities to meet clean energy goals. Utilities would get at least partial credit if their carbon intensity is lower than 0.82 tons of carbon dioxide per megawatt-hour of power — including emissions calculated from producing and transporting the energy to the utility — through 2030 but that threshold would drop to 0.4 by 2035.

That approach would mean that natural gas power plants would not be able get partial credits without implementing carbon capture and sequestration technologies by the mid-2030s, although they would play a role in the energy transition during the 2020s. As structured, the standard also includes labor protections for the construction of new generating units.

New provisions: Overall, the legislation would authorize $565 billion in spending over ten years as the U.S. pursues deep decarbonization efforts. It includes a host of new provisions in areas like environmental justice, energy transition, waste reduction and transportation.

The bill would create a national green bank, seeded with $100 billion, to leverage public money for investments in new technologies needed to hit emissions reductions goals. The legislation also includes a requirement that 40 percent of funds go toward environmental justice communities that have suffered persistent pollution — a priority for the Biden administration.

The Democratic bill also would direct the Securities and Exchange Commission to require disclosure from public companies about their climate-related risks. And it seeks to aid communities affected by the transition to cleaner energy through a host of new programs, including one providing federal grants to communities suffering significant losses of revenue as fossil fuel production drops.

"We're not leaving anyone behind here, we're offering the vision for America's future," Tonko said. "Every person listening: You, your family and your community have an important role to play."

There's a new title of the bill aimed at waste reduction through new programs like a national bottle deposit program. It would temporarily pause permitting new or expanded plastics production facilities while EPA enacts new Clean Air Act regulations to limit emissions.

It also sets a new, interim national goal of reducing emissions 50 percent below 2005 levels by no later than 2030.

Environmental justice focus: The new environmental justice provisions would notably establish a grant program to finance lead drinking water service line replacements. That effort would prioritize disadvantaged communities and include requirements for U.S.-made raw materials and strong labor protections.

In addition, the bill sets a ten-year deadline for the cleanup of Superfund sites vulnerable to the impact of climate change and would limit the issuance of permits in census tracts facing significant pollution problems.

It would also require environmental justice training for federal employees at agencies and set up an environmental justice clearinghouse at EPA.

Hot docs: Full text of the CLEAN Future Act is available on POLITICO Pro, as well as a section-by-section summary and a summary of major changes to this year's legislation.

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CC: Campbell, Ann [Campbell.Ann@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: RE: Morning Energy?

OK – we'll sort it out – meantime, here's this morning's edition:

Feb 03, 2021 View in browser

POLITICOPRO

Morning Energy

BY **KELSEY TAMBORRINO**

Presented by The Wilderness Society

With help from Annie Snider, Ben Lefebvre, Anthony Adragna, Eric Wolff and Daniel Lippman

Listen to today's POLITICO Energy podcast!

QUICK FIX

— Michael Regan, a North Carolina environmental regulator, heads to the Hill this afternoon **where Republican senators are likely to grill him**

about his regulatory plans should he be confirmed as EPA administrator.

— Democratic lawmakers are relaunching a push for a national green bank, arguing that establishing government financing will speed the roll out of clean energy projects that are central to President Joe Biden's agenda.

— The Senate Energy and Natural Resources Committee will vote on the nomination of Jennifer Granholm to be Energy secretary this morning.

HELLO! IT'S WEDNESDAY. I'm your host, Kelsey Tamborrino. Jonathan Simon of Van Ness Feldman gets the trivia win. The Solar Impulse 2 was the first solar-powered plane to circle the globe. For today: What state has elected the most women to Congress? Send your tips and trivia answers to ktamborrino@politico.com.

Check out the POLITICO Energy podcast — all the energy and environmental politics and policy news you need to start your day, in just five minutes. Listen and subscribe for free at politico.com/energy-podcast.

A message from The Wilderness Society

President Biden recently took strong action to fight the climate crisis and protect public lands by setting a goal of protecting 30 percent of U.S. lands and waters by 2030; pausing new oil and gas leasing on public lands; supporting conservation and clean energy jobs; and prioritizing environmental justice across the government. These actions set a necessary course for the nation to tackle climate change and prioritize the health of our communities and economy. Learn More

DRIVING THE DAY

REGAN GETS THE HOT SEAT: Michael Regan, President Joe Biden's pick to lead EPA, is scheduled to go before the Senate Environment

and Public Works Committee this afternoon — the first major test for the 44-year-old North Carolina Department of Environmental Quality chief who in barely two decades rose from EPA intern to nominee for the top spot at the agency that will be critical to enacting the president's sweeping climate agenda.

Regan's ties to the environmental justice community and his reputation for consensus-building were key to his selection, as well as notable wins on coal ash and toxic "forever chemicals" while leading the Tar Heel state. But not all environmentalists think he's aggressive enough, especially at a time when EPA faces the task of untangling a mass of environmental rollbacks implemented by the Trump administration.

Nominee for EPA administrator, Michael Regan, speaks on Dec. 19, 2020 in Wilmington, Del. | Photo by Joshua Roberts/Getty Images

Nominees are typically schooled in the art of non-answers, and here are a few topics ME will be watching for:

GHGs: With former President Donald Trump's Affordable Clean Energy rule tossed out by the courts and automakers promising to sit down at the table with Biden on vehicle emissions, Regan's plans for greenhouse gas pollution are sure to take a starring role today. Though he can be expected to emphatically state that human activity is the primary driver of climate change, Regan likely will avoid making any specific promises on smokestack and tailpipe emissions rules.

Environmental justice : In the climate executive order last week, Biden set the goal of ensuring that 40 percent of the benefits of federal investments in clean energy, pollution cleanup and water infrastructure reach disadvantaged communities; ME will be watching

to see if Regan floats ideas for how this could be achieved through EPA programs.

RFS: Farm state senators are expected to press Regan on the Renewable Fuel Standard, particularly following Republicans' dissatisfaction with the Trump administration's ethanol actions. The RFS is an infamously sticky wicket, and the Trump administration left behind a mountain of unfinished (and overdue) business, so we would not be surprised to hear Regan utter those five little words: "I will follow the law."

PFAS: During the campaign, Biden vowed to set a mandatory drinking water limit for the toxic chemicals and designate them as hazardous under the Superfund law, but left open questions about which chemicals in the class of thousands of substances would be targeted. Regan faced a PFAS crisis in North Carolina and is intimately familiar with the challenges of not just the legacy PFAS but the newer types that have been designed to replace them and could face questions from both sides of the aisle on the topic. Worth noting: PFAS is a priority for both Chair Tom Carper and ranking member Shelley Moore Capito.

ON THE HILL

IN THE BANK: Democratic lawmakers are pushing to include a $100 billion national green bank as part of an upcoming Covid-19 recovery and infrastructure bill, Pro's Anthony Adragna reports this morning. The money in the bill being introducing today , a smaller version of which Democrats passed twice in the House last Congress as part of broader packages, would be used to spur $500 billion in private investments and create 4 million jobs over four years, its advocates say.

"We're going to have an infrastructure bill. This should be part of the infrastructure bill," Rep. Debbie Dingell (D-Mich.), who is leading the effort in the House, told POLITICO. Four Senate Democrats — Chris Van Hollen (Md.), Ed Markey (Mass.), Richard Blumenthal (Conn.) and Brian Schatz (Hawaii) — are leading the push in their chamber.

Outside backers include groups like the Coalition for Green Capital and Natural Resources Defense Council.

Biden's climate change platform called for "innovative financing mechanisms that leverage private sector dollars to maximize investment in the clean energy revolution," though it did not specify establishing a green bank. A National Academies of Sciences report released Tuesday endorsed a green bank initially capitalized at $30 billion to help hit a 2050 goal of achieving net-zero greenhouse gas emissions.

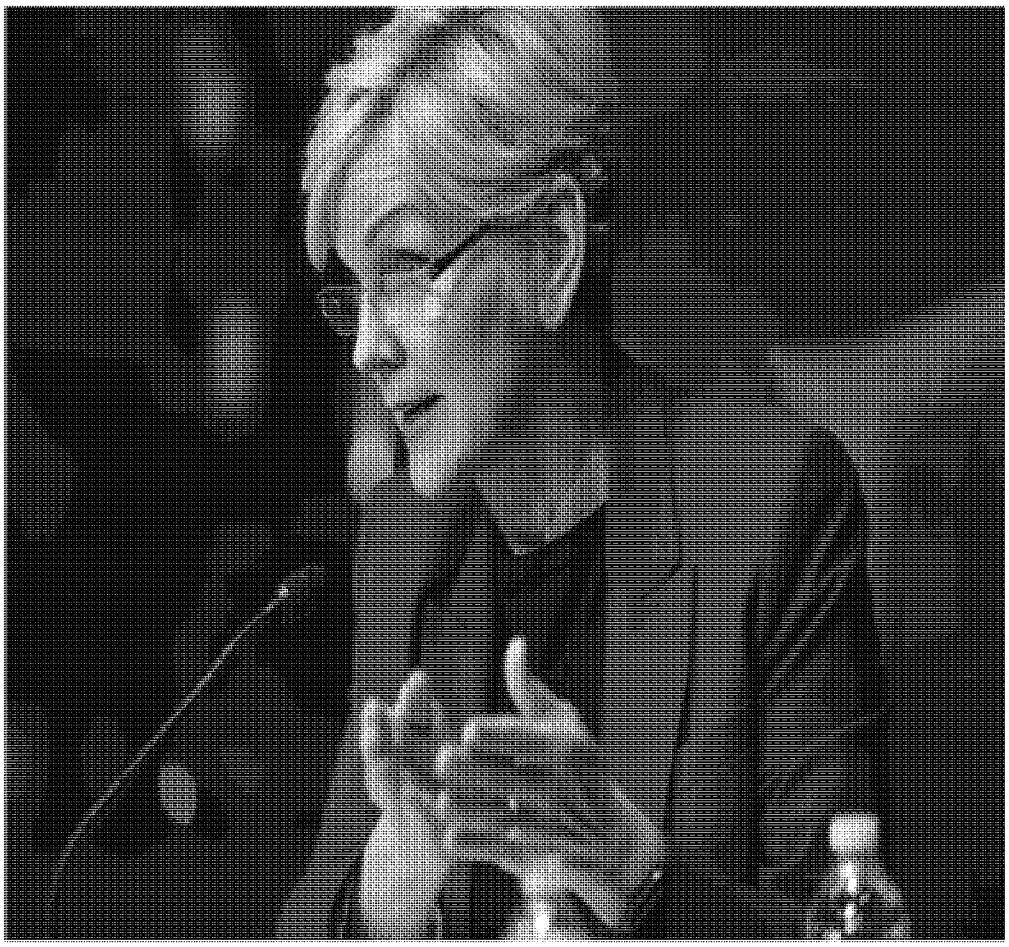
OMAR PRESSES BIDEN ON LINE 3: Less than two weeks after Biden scuttled the Keystone XL project, progressive lawmakers and activists are urging him to stop another pipeline project intended to move crude from Canada's oil sands through the Midwest: the expansion of Enbridge's Line 3. Minnesota Rep. Ilhan Omar urged Biden to "stop Line 3," which is still under construction, according to a copy of a letter obtained by ME. "At its core, the debate about Line 3 is about one specific issue: climate change," Omar writes. "Under even the best-case scenarios for climate change, we cannot afford to build more fossil fuel infrastructure." Native American tribes have also said the pipeline would threaten their lands. Activists on the ground are ratcheting up the pressure, with two protesters reportedly locking themselves to an excavator laying pipe on at a worksite.

Biden hasn't stated a position on Line 3, though his national climate adviser Gina McCarthy spoke out against it before joining the administration. He most likely wouldn't touch the presidential permit that Enbridge received more than a decade ago for the original pipeline. But the new administration could require Enbridge to halt construction while the Army Corps reworks the environmental impact reviews underpinning the permits the Trump administration granted the project, which environmentalists have alleged to be faulty.

Now with the Minnesota Court of Appeals on Tuesday ruling that Enbridge could keep building the pipeline while it hears the legal cases brought against it, and the uproar from environmental groups reaching fever pitch, ME will be watching the tea leaves to see whether the Biden

administration feels the need to act to at least press pause on the project.

GRANHOLM NOMINATION ON THE MOVE: **The Senate Energy Committee will vote to advance Granholm, Biden's nominee to head the Energy Department, this morning, ahead of the panel's first climate change hearing of the new Congress.**



Former Gov. Jennifer Granholm testifies before the Senate Energy and Natural Resources Committee | Graeme Jennings/Pool via AP Photo

Ahead of the vote this morning, ME **dug into Granholm's written responses to the committee, where she reiterated she'd recuse herself if confirmed from all matters that could affect the financial interests of electric car maker Proterra until she divests from the company, and ArcLight, after Proterra announced it would go public through a merger with the SPAC.**

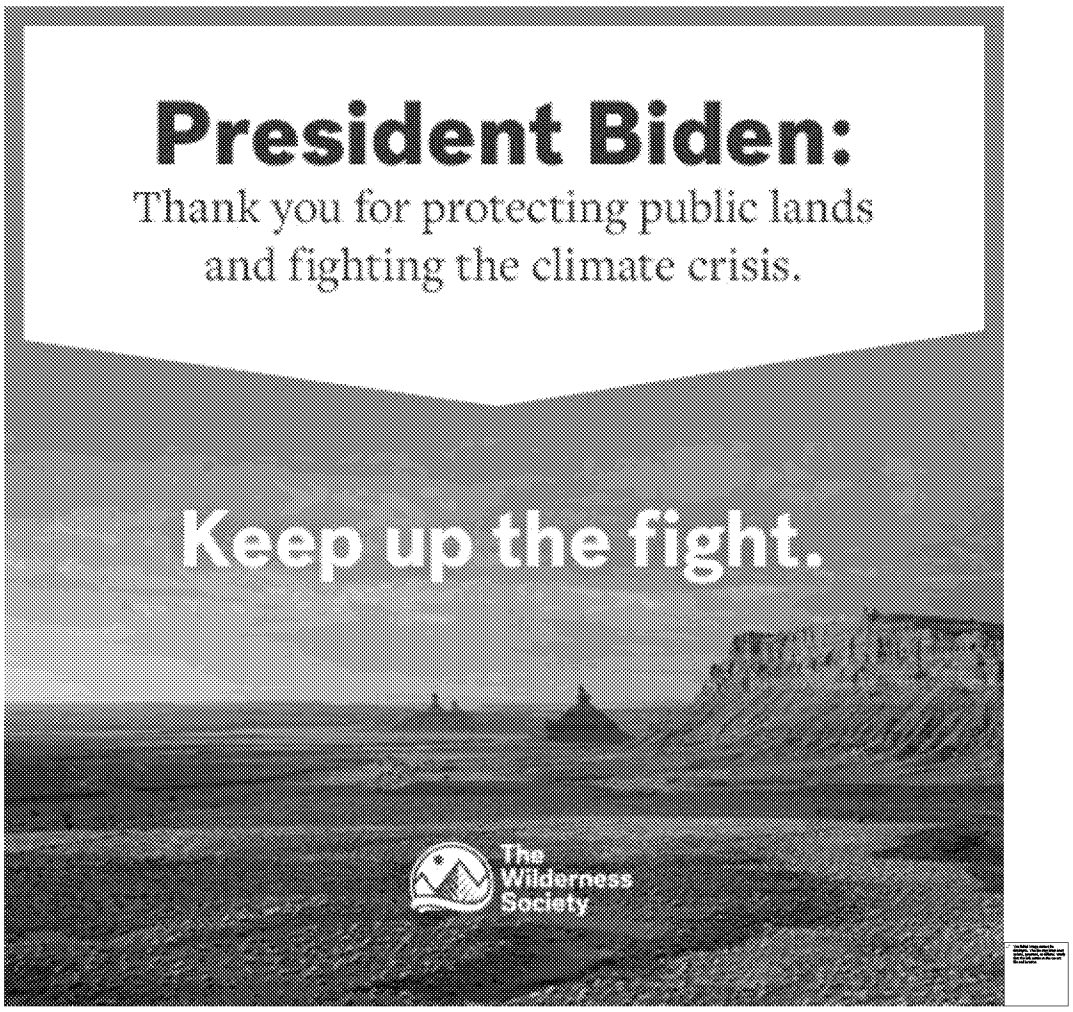
Leasing SPR space 'risky': Granholm took a skeptical view of leasing out extra space in the Strategic Petroleum Reserve in times of oil glut. The Trump administration floated the idea in April when oil inventories in Cushing, Okla., were overflowing as driving declined amid lockdowns. "I believe the SPR is designed for emergencies and leasing could create unnecessary risk," she responded to Sen. Bill Cassidy (R-La.). "That said, the amount of unused capacity would have to be examined. There may be an opportunity to invest back in maintenance and upgrades."

This must be the place: Granholm also followed up on comments during her hearing, defining a "place-based strategy" as "one in which the economic development program respects and builds upon the local, unique qualities and input of a community, instead of imposing a one-size-fits-all solution on a diverse country with a heterogeneous problem set."

VILSACK TALKS CLIMATE, BIOFUELS: The Senate Agriculture Committee on Tuesday advanced the nomination of Tom Vilsack for Agriculture secretary by voice vote, setting the former Iowa governor up for a quick Senate approval. During his confirmation hearing earlier in the day, Vilsack said he would promote access to fuels with 15 percent ethanol and advocate for use of higher blends of biofuels, as Pro's Eric Wolff reports.

He also said the agriculture sector was well-positioned to help the Biden administration score a "quick win" on climate change, as Pro's Helena Bottemiller Evich reports.

A message from The Wilderness Society:



OIL AND GAS

LOOKING AHEAD: **Industry giants Exxon Mobil, Chevron and ConocoPhillips told investors this week they aren't planning to significantly increase the capital expenditure budgets after slashing them last year. Exxon said Tuesday its projects budget for 2021 would range between $16 billion and $19 billion, down from $21 billion in 2020 and $31 billion in 2019, Pro's Ben Lefebvre reports.**

Chevron said it would spend $14 billion, **up slightly from 2020 but lower than the $20 billion it invested in 2019. ConocoPhillips said it would spend $5.5 billion in 2021, an increase from the year before, but it said only $400 million of that would go toward "major new projects."**

The companies' executives also downplayed to investors the effect their **individual businesses would feel from Biden's recent move to place a**

moratorium on new oil and gas drilling permits and leases on federal land. ConocoPhillips CEO Ryan Lance said he believed the pauses would be temporary. "As for the question of what a permitting moratorium could mean for ConocoPhillips specifically, let me take that head on," Lance added. The company "could manage through this issue without materially impacting our plans."

TRANSPORTATION

DINGELL: EV PUSH TO ONLY ACCELERATE: Dingell told ME on Tuesday that General Motors' aspiration to phase out traditional engines in its vehicles by 2035 reflects where the broader automotive sector stands. "Quite frankly, not only is it realistic but it has been coming," she said of the 2035 goal. "All of the autos have been talking about it. There have been lots of conversations with [United Auto Workers], the environmentalist community and the autos." Dingell, a former GM executive who represents a major auto producing district, said she's been "working very hard on this for months."

Welcome to 'Dodge' city: The environmental community is likely to want Biden to set future tailpipe emissions rules that are stricter than the Obama-era rules, while the Alliance for Automotive Innovation said Tuesday it wants rules "roughly midway between" the Obama and Trump versions. So, how does Dingell see that working out? "Everybody has been at a table and will continue to be at a table, and it is my hope that everybody will stay at a table and that there'll be a process set up to get this figured out," she said.

ICYMI: Automakers, including Fiat Chrysler and Toyota, that had been defending the Trump administration's revocation of California's Clean Air Act waiver dropped out of the litigation on Tuesday, Alex Guillén reports for Pros.

THE STATE OF EVs: California leads the nation in enabling use of EVs, according to a report this morning from the American Council for an Energy-Efficient Economy. The State Transportation Electrification Scorecard found that California is the only state to set deadlines for electrifying transit buses, heavy trucks and commercial vehicles, and to adopt statewide building codes for wiring most new buildings and

houses for EV charging — earning 91 points out of 100 in the scorecard. The next state in line, New York, earned 63.5 points, while Washington, D.C, came in third with 59 points, Maryland next with 56 points and Massachusetts with 54.5 points. The report tabulated 20 states that earned 15 points or fewer.

BEYOND THE BELTWAY

NEW YEAR, NEW RMI: The research organization formerly known as Rocky Mountain Institute announced today it will now go by RMI, as part of a major brand relaunch to mark its focus on the global clean energy transition. The group has a new logo and tagline — "Energy. Transformed." — and has rebuilt its portfolio to align with the goal of cutting global greenhouse gas emissions 50 percent by 2030 and moving the economy toward net-zero emissions by 2050, according to a release.

MOVERS AND SHAKERS

— Samantha Dravis has been named as a visiting fellow at Independent Women's Forum. She is currently an SVP at Clout Public Affairs and is also a Trump EPA alum.

— Annie Orloff and Andrew Overton are joining Finsbury Glover Hering as strategic communications directors in the energy and sustainability practice, Playbook reports. Orloff previously was deputy communications director for former Sen. Tom Udall (D-N.M.), and is an Obama DOE alum. Overton previously was a spokesperson and deputy comms director for the British embassy in Washington.

A message from The Wilderness Society:

Thank you, President Biden, for showing us that clean air matters, clean water matters, environmental justice matters, jobs matter and people matter. After four years of division and disregard for truth, science and justice we are ready to make our public lands part of the climate solution. Keep up the fight.

THE GRID

— "EU goes soft on China in hopes of a climate 'partnership' while the U.S. plays hardball," via POLITICO Pro.

— "BP says its electric car chargers aren't profitable yet," via Bloomberg.

— "U.S. cities are vastly undercounting emissions, researchers find," via The New York Times.

— "U.S. coal's 'road to extinction' may take well over a decade without policy push," via S&P Global Market Intelligence.

— " Siemens will cut 7,800 jobs from gas and power," via POWER Magazine.

— "Biden puts weight behind climate pledge with rules office pick," via Bloomberg Law.

ON THE CALENDAR

10 a.m.	Senate Energy and Natural Resources business meeting to consider the nomination of Jennifer Granholm to be the secretary of Energy.
10 a.m.	Senate Energy and Natural Resources Committee hearing on "Global Climate Trends and Progress in addressing Climate Change."
1 p.m.	U.S. Energy Storage Association holds its virtual Energy Storage Policy Forum.
1 p.m.	American Council on Renewable Energy webinar on "State of the Industry: Strengthening Global Competitiveness in a New Administration."

2 p.m. **Bipartisan Policy Center webinar on "Energy Information Administration's Annual Energy Outlook Release."**

2 p.m. **Senate Environment and Public Works Committee hearing on the nomination of Michael Regan for EPA administrator.**

3 p.m. **American Bar Association webinar on "When Race and Environment Collide: The Impact of Systemic Racism on Environmental Justice."**

Did we miss anything? **Send future events to: energycalendar@politicopro.com.**

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EPA nominee hits the Hill — Democrats push for national green bank — Granholm gets vote

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Subject: RE: Morning Energy?

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Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

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Not sure I get it? Thanks

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Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

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GREENWIRE — Wed., February 24, 2021

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1. NOMINATIONS:

Haaland Day 2: Biden's agenda, all the way

Deb Haaland concluded her Interior secretary confirmation hearing today, seemingly on her way to making history despite significant Republican opposition, oft repeating her plans to stay true to "President Biden's agenda."

TOP STORIES

2. WHITE HOUSE:

Biden to order EV battery, mineral supply chain review

3. INFRASTRUCTURE:

'Cascading failures' fueled Texas water disaster

4. NOMINATIONS:

Committees scrap votes on Neera Tanden

NATURAL RESOURCES

5. FORESTS:

Climate change altering how trees produce seeds — study

6. FOREST SERVICE:

Groups call for reduced Black Hills logging

7. ENDANGERED SPECIES:

Mayo is medicine for turtles hit by oil spill

ENERGY

8. UTILITIES:

Entergy: Much more power cut than necessary Mardi Gras night

WASTES & HAZARDOUS SUBSTANCES

9. CHEMICALS:

Groups press EPA to improve 'forever chemicals' disposal

10. CHEMICALS:

Air Force finds PFAS, offers Ariz. residents bottled water

AIR AND WATER

11. WATER POLLUTION:

EPA removes sunken, oil-leaking boat from Lake Tahoe

12. EPA:

Iowa man fined for wetlands destruction on Des Moines River

STATES

13. NEW MEXICO:

Overhaul of wildlife agency stalls

14. IDAHO:

Legislation would expand tools for wolf kills

15. WISCONSIN:

Hunters and trappers quickly exceed wolf kill target

16. MAINE:

Tribal rep seeks permanent voice on wildlife panel

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Sent: 3/5/2021 5:28:05 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Corps releases draft EIS for major Gulf restoration project

Corps releases draft EIS for major Gulf restoration project

By Annie Snider

03/05/2021 12:26 PM EST

The Army Corps of Engineers released a draft environmental impact statement on Friday for a major coastal restoration project in Louisiana that is seen by the state as key to stemming the region's rapid rate of wetlands loss.

The document, eight years in the making, represents a major step forward for the Mid-Barataria Sediment Diversion, which would essentially cut a hole in the main Mississippi River levee south of New Orleans to deliver sediment to the marsh system that provides communities with a natural buffer from hurricanes and tropical storms.

The details: The environmental analysis details the range of impacts that the project would have on fisheries, marine mammals, air quality, neighboring communities and the geology of the system.

It found that the diversion would reengineer the delta system in a way that would benefit freshwater and brackish water species that have suffered from saltwater intrusion as the marshes have dwindled. But those same changes in salinity would have "major, adverse impacts" on oysters in the Barataria basin, and also negatively impact some species of shrimp and the region's bottlenose dolphin population.

The analysis also found the diversion would cause moderate harm to the endangered pallid sturgeon and minor to moderate impacts on other species listed under the Endangered Species Act.

Overall, the analysis found that, over 50 years, wetlands loss in the region would be 17.4 percent less than it would have been without the project.

The context: The federal agencies' approach to the diversion proposal is seen by environmental advocates as a test case for how the government applies the National Environmental Policy Act to major restoration projects against the backdrop of a changing climate.

“We tend to think of systems as static, so you take action A and you’re going to change the system and you can predict in 50 years this is how you will have changed the system,” said David Muth, director of Gulf Restoration for the National Wildlife Federation.

But river deltas are never static, and the Mississippi River’s is even less so since it is facing dramatic subsidence on top of climate-driven sea level rise.

“It’s not about how it performs against what’s there now, it’s about how it performs against what’s there 50 years from now,” Muth argued.

Plans for the Mid-Barataria diversion project have been decades in the making, and the environmental analysis was aided by the fact that the same federal resources agencies that are charged with protecting the region's species also have an investment in the project. The National Oceanic and Atmospheric Administration and the Interior Department both serve as trustees for the National Resource Damage Assessment that enumerated the harm done by BP's Deepwater Horizon oil spill and planned how it could be compensated for.

Those trustees selected the Mid-Barataria Sediment Diversion as one of the projects to be funded by the $5 billion in spill settlement dollars tagged for restoration work in Louisiana.

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: UPDATED: Biden administration talks infrastructure — but not a price tag

UPDATED: Biden administration talks infrastructure — but not a price tag

By Tanya Snyder

02/11/2021 11:43 AM EST

President Joe Biden met in the Oval Office Thursday morning with senators and others who will be key to moving his climate and infrastructure goals through Congress, but after the meeting officials made clear that they still are figuring out just how big to go with any eventual legislative package, illustrating the challenges ahead.

Biden campaigned on a $2 trillion package that married infrastructure investments with sweeping climate change goals and other items such as broadband deployment. But now that policymakers are beginning talks on how to turn that into reality, they are confronted with the same set of obstacles that have dogged prior attempts, chief among them how to pay for everything they want to do.

After the meeting, White House press secretary Jen Psaki demurred when pressed about the administration's price tag for the plan they're cooking up.

Calling it a "process and ongoing discussion," she said the meeting was a reflection of the importance of the issue to Biden.

"But I don't have a number for you, we're not at that stage in the process yet."

Present at the meeting were Senate Environment and Public Works Chair Tom Carper (D-Del.) and ranking member Shelley Moore Capito (R-W.Va.), along with Sens. Ben Cardin (D-Md.) and Jim Inhofe (R-Okla.), who are expected to be the chair and ranking member on the subcommittee that oversees transportation. Vice President Kamala Harris and Transportation Secretary Pete Buttigieg also attended — Buttigieg remotely, since he is quarantining after a possible coronavirus exposure.

In an interview after the meeting, Cardin made it clear that revenues remain a sticking point and said that the EPW Committee will need help from the taxwriters on the Finance Committee to figure out funding.

"I raised the issue that would be good if we could do some of this during the Covid relief package to get us started, recognizing that it's going to be a challenge to make sure that we have adequate revenues to fund transportation moving forward," he said in an interview after the meeting broke.

Cardin, who said Carper shared a proposed schedule for moving a legislative package forward at the meeting, stressed that there is not yet consensus on how any package will move. He acknowledged that it could be broken into several smaller packages, saying "we need to make sure that we can get bipartisan support" and that "sometimes by making things in smaller packages you have a better chance, as we've done with transportation and water on EPW."

Cardin also noted that "infrastructure is more than just transportation; it includes also our schools, it includes broadband, it includes our water infrastructure" — but said no decisions have been made about the scope of a package.

With Democrats now in the majority, Carper has said he plans to make significant changes to the surface transportation bill, S. 2302 (116), that the EPW Committee approved unanimously in July 2019.

"Our staffs are going to exchange information," Cardin said. "The president said he was going to take a look at what we did last year, he may have some suggestions, would we consider those suggestions, and we said, 'absolutely.'"

At the Oval Office meeting, Biden said that the EPW committee "is central to everything that's going to happen" on infrastructure and asserted that infrastructure should be nonpartisan.

"I've been around long enough ... that infrastructure wasn't a Republican or a Democratic issue," he said.

Biden cited "a number of things out there that the American people are looking for us to step up" including "a lot of bridges in West Virginia" and "a lot of dangerous spots on Route 9 in terms of Cancer Alley" in Louisiana.

"There's a lot we have to do," Biden said, according to a pool report.

Biden also said that he talked to Chinese President Xi Jinping Wednesday night "for two straight hours," and cited China's "major new initiatives" on rail and their work on emerging vehicle technology.

"We don't get moving, they're going to eat our lunch," he said.

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Subject: March 8 -- E&E Daily is ready

E&E Daily -- Congress. Legislation. Politics.

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AN E&E NEWS PUBLICATION

E&E DAILY — Mon., March 8, 2021

READ FULL EDITION

1. POLITICS:
COVID-19 bill set to pass after energy, environment fights

Congress will approve pandemic relief legislation this week after votes this weekend on a host of amendments, including on energy and the environment. Passage of the COVID-19 bill will also make way for the next big push from President Biden and congressional Democrats.

TOP STORIES

2. NOMINATIONS:
Senate sets votes on Regan, Garland, others

3. HOUSE:
Lawmakers to examine how to 'undo the damage' at EPA

4. CLIMATE:
Panels take up infrastructure, 'Build Back Better'

POLITICS

5. CAMPAIGN 2022:
Trump goes after Murkowski for backing Deb Haaland

6. NOMINATIONS:
West Virginia AG urges senators to oppose EPA pick

7. SENATE:
Lindsey Graham eyes collaboration on climate change

ON THE HILL

8. ENERGY POLICY:
Grid resilience, Texas fallout on tap for Senate hearings

9. PUBLIC LANDS:

House Dems to review federal oil and gas reforms

10. INFRASTRUCTURE:

House appropriators probe water crises, financial fixes

IN COMMITTEE

11. AGRICULTURE:

Senate panel sets first hearing on climate change

12. TRANSPORTATION:

Panel to examine intersection of rail, climate policy

UPCOMING HEARINGS AND MARKUPS

13. CALENDAR:

Activity for March 8 - March 14, 2021

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To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips: Afternoon Edition, 2/23/21

Daily Media Clips: February 23, 2021 (afternoon edition)

Agency

JDSupra: Client Alert: What to Expect from the Biden Administration's Environmental Policy

Agriculture

SuccessfulFarming: EPA REGISTRATION EXPANDS USES FOR AMVAC'S IMPACT HERBICIDE

cna: US Senate approves Vilsack for Agriculture Department again

Air

North Bay Business Journal: EPA contest seeks ideas for a cheap air cleaner for wildfire season

Biofuels

KMA Land: Grassley pleased EPA sides with biofuels in critical RFS case

Chemicals

Chicago Tribune: Federal housing agency failed West Calumet families, leaving kids exposed for decades to lead, report says

ewg: Groups Urge Immediate Action by EPA To Improve PFAS Disposal Guidance for Communities

Climate

Architectural Record: What Biden's "Building Back Better" Could Mean for Architecture

Enforcement

Borneo Bulletin: EPA changes stand, sides with ethanol industry in court case

Water

Marine Tech News: EPA to Lift Sunken Vessel Leaking Oil in Lake Tahoe

WaterWorld: Essential: The Next Generation of Water Workers

Client Alert: What to Expect from the Biden Administration's Environmental Policy

https://www.jdsupra.com/legalnews/client-alert-what-to-expect-from-the-8365764/?

By Shumaker, Loop & Kendrick, LLP, Cheri Budzynski

During the 2016 campaign, Candidate Trump made one priority clear and that would be deregulating federal agencies should he win the presidency. In particular, Candidate Trump stated the United States Environmental Protection Agency (U.S. EPA) was at the top of his list for deregulation. Once in office, President Trump proposed to cut the U.S. EPA by 31 percent, lay off 25 percent of the employees, and eliminate 56 programs. He also signed an executive order to

repeal most of President Obama's rules and policies related to climate change.

In stark contrast, during the 2020 campaign, Candidate Biden made it clear he intended to reverse President Trump's deregulation policy and to focus on climate change and environmental justice.[1] Immediately after being sworn into office, President Biden signed several executive orders that withdrew a series of the Trump Administration's executive orders—a similar action that President Trump did once sworn into office in 2017. But, this is the only thing that the two Presidents have in common when it comes to implementing their environmental policies.

In his first executive order addressing environmental regulation,[2] the Biden Administration outlined its policy: Our Nation has an abiding commitment to empower our workers and communities; promote and protect our public health and the environment; and conserve our national treasures and monuments, places that secure our national memory. Where the Federal Government has failed to meet that commitment in the past, it must

advance environmental justice. In carrying out this charge, the Federal Government must be guided by the best science and be protected by processes that ensure the integrity of Federal decision-making. It is, therefore, the policy of my administration to listen to the science; to improve public health and protect our environment; to ensure access to clean air and water; to limit exposure to dangerous chemicals and pesticides; to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; to reduce greenhouse gas emissions; to bolster resilience to the impacts of climate change; to restore and expand our national treasures and monuments; and to prioritize both environmental justice and the creation of the well-paying union jobs necessary to deliver on these goals.[3]

The executive order further stated that the administration would conduct an immediate review of agency actions taken between January 20, 2017 and January 20, 2021. Further, in a letter from the U.S. EPA Acting General Counsel, President Biden requested a review of pending regulations by the new administration. Likewise, the Biden Administration asked the Department of Justice (DOJ) to stay litigation challenging the Agency's rules.[4]

These actions are not uncommon for a new administration from opposing parties. Like the Trump Administration, the Biden Administration began to implement its environmental policy via executive orders. However, unlike President Trump, President Biden has also issued far more U.S. EPA Federal Register filings in the first month of his administration (Figure 1).[5] Unlike the Trump Administration, this signals that the Biden Administration will take an aggressive approach to environmental regulation and enforcement.

Figure 1. EPA Federal Register filings during the first 30 days of the past five administrations. Regulations to be Reviewed, Revised, or Rescinded; Delayed Effective or Implementation Dates for Regulations.

Like the Trump Administration, the Biden Administration has already identified regulations that it intends to immediately review and possibly revise or rescind. These include:

Air

- "Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984," 86 Fed. Reg. 5013 (January 19, 2021).
- "Review of the Ozone National Ambient Air Quality Standards," 85 Fed. Reg. 87256 (December 31, 2020).
- "Review of the National Ambient Air Quality Standards for Particulate Matter," 85 Fed. Reg. 82684 (December 18, 2020).
- "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act," 85 Fed. Reg. 73854 (November 19, 2020).
- "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units--Reconsideration of Supplemental Finding and Residual Risk and Technology Review," 85 Fed. Reg. 31286 (May 22, 2020).
- "Air Plan Approval; Texas; Dallas-Fort Worth Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards," 85 Fed. Reg. 19096 (April 6, 2020).
- "Air Plan Approval; Texas; Houston-Galveston-Brazoria Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards; Section 185 Fee Program," 85 Fed. Reg. 8411 (February 14, 2020).
- "Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act," 84 Fed. Reg. 69834 (December 19, 2019).
- "Findings of Failure To Submit a Clean Air Act Section 110 State Implementation Plan for Interstate Transport for the 2015 Ozone National Ambient Air Quality Standards (NAAQS)," 84 Fed. Reg. 66612 (December 5, 2019).

- "Adopting Requirements in Emission Guidelines for Municipal Solid Waste Landfills," 84 Fed. Reg. 44547 (August 26, 2019).
- "U.S. Environmental Protection Agency, Memorandum Regarding Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans (October 9, 2020).

Climate Change

- "Pollutant-Specific Significant Contribution Finding for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units, and Process for Determining Significance of Other New Source Performance Standards Source Categories," 86 Fed. Reg. 2542 (January 13, 2021).
- "Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations," 84 Fed. Reg. 32520 (July 8, 2019).
- "Control of Air Pollution From Airplanes and Airplane Engines: GHG Emission Standards and Test Procedures," 86 Fed. Reg. 2136 (January 11, 2021).
- "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration," 85 Fed. Reg. 57398 (September 15, 2020).
- "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review," 85 Fed. Reg. 57018 (September 14, 2020).
- "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program," 84 Fed. Reg. 51310 (September 27, 2019).
- "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021--2026 Passenger Cars and Light Trucks," 85 Fed. Reg. 24174 (April 30, 2020).
- "Protection of Stratospheric Ozone: Revisions to the Refrigerant Management Program's Extension to Substitutes," 85 Fed. Reg. 14150 (March 11, 2020).

Toxics

- "Hexachlorobutadiene (HCBD); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 922 (January 6, 2021).
- "Pentachlorothiophenol (PCTP); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 911 (January 6, 2021).
- "Phenol, Isopropylated Phosphate (3:1) (PIP 3:1); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 894 (January 6, 2021).
- "Decabromodiphenyl Ether (DecaBDE); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 880 (January 6, 2021).
- "2,4,6-tris(tert-butyl)phenol (2,4,6-TTBP); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 866 (January 6, 2021).
- "Methylene Chloride (MC); Final Toxic Substances Control Act (TSCA) Risk Evaluation; Notice of Availability," 85 Fed. Reg. 37942 (June 24, 2020).
- "Pesticides; Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone Requirements," 85 Fed. Reg. 68760 (October 30, 2020).
- "Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 84 Fed. Reg. 36728 (July 29, 2019).
- "Chlorpyrifos; Final Order Denying Objections to March 2017 Petition Denial Order," 84 Fed. Reg. 35555 (July 24, 2019).
- "Methylene Chloride; Regulation of Paint and Coating Removal for Consumer Use Under TSCA Section 6(a)," 84 Fed. Reg. 11420 (March 27, 2019).
- "Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act," 82 Fed. Reg. 33726 (July 20, 2017).

EPA Science, Litigation, and Regulatory Review

- "Strengthening Transparency in Pivotal Science Underlying Significant Regulatory Actions and Influential Scientific Information," 86 Fed. Reg. 469 (January 6, 2021).
- "Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process," 85 Fed. Reg. 84130 (December 23, 2020).
- "EPA Guidance; Administrative Procedures for Issuance and Public Petitions," 85 Fed. Reg. 66230 (October 19, 2020).
- "Streamlining Procedures for Permit Appeals," 85 Fed. Reg. 51650 (August 21, 2020).
- "On-Site Civil Inspection Procedures," 85 Fed. Reg. 12224 (March 2, 2020).

Waste

- "Review of Dust-Lead Post Abatement Clearance Levels," 86 Fed. Reg. 983 (January 7, 2021).
- "Review of the Dust-Lead Hazard Standards and the Definition of Lead-Based Paint," 84 Fed. Reg. 32632 (July 9, 2019).
- "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; A Holistic Approach to Closure Part A: Deadline To Initiate Closure," 85 Fed. Reg. 53516 (August 28, 2020).
- "Hazardous and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments," 85 Fed. Reg. 72506 (November 12, 2020).
- "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Amendments to the National Minimum Criteria (Phase One, Part One)," 83 Fed. Reg. 36435 (July 30, 2018).
- "Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hardrock Mining Industry," 83 Fed. Reg. 7556 (February 21, 2018).

Water

- "National Primary Drinking Water Regulations: Lead and Copper Rule Revisions," 86 Fed. Reg. 4198 (January 15, 2021).
- "NPDES Electronic Reporting Rule--Phase 2 Extension," 85 Fed. Reg. 69189 (November 2, 2020).
- "Steam Electric Reconsideration Rule," 85 Fed. Reg. 64650 (October 13, 2020).
- "Drinking Water: Final Action on Perchlorate," 85 Fed. Reg. 43990 (July 21, 2020).
- "Clean Water Act Section 401 Certification Rule," 85 Fed. Reg. 42210 (July 13, 2020).
- "The Navigable Waters Protection Rule: Definition of 'Waters of the United States,'" 85 Fed. Reg. 22250 (April 21, 2020).
- "U.S. Environmental Protection Agency, Evaluation of Maryland's Phase III Watershed Implementation Plan (WIP)," (December 19, 2019).

This review concerns many industry stakeholders that based their business decisions on the industry-friendly Trump Administration.

Rescinded Executive Orders, Presidential Memorandum, Presidential Reports, Guidance, and Technical Reports.

In the first six months of the Trump Administration, President Trump signed a series of executive orders rescinding the Obama Administration's executive orders, Presidential Memorandum, Presidential Reports, and U.S. EPA Guidance and Technical Reports.[6] Most of these focused on President Obama's climate change policy. It is expected that President Biden will take similar actions.

The Supreme Court and the Biden Administration

On January 19, 2021, the U.S. Circuit Court of Appeals for the D.C. Circuit issued a decision that vacated the Trump Administration's Affordable Clean Energy Rule,[7] which the Trump Administration promulgated after repealing and replacing the Obama Administration's Clean Power Plan – a plan intended to combat climate

change. The vacatur appears as a win for the Biden Administration, which is making climate change a major environmental policy, allowing U.S. EPA to promulgate more stringent rules. However, there is an unknown factor – the new Supreme Court. If there is a petition to the Supreme Court to review the D.C. Circuit's opinion and it is granted, the rule's vacatur will be before a conservative majority that includes three Trump-appointed justices.

However, it cannot be assumed that the Supreme Court will be deferential to the Trump's Administration's Affordable Clean Energy (ACE) rule. The case, Chevron U.S.A. Inc. v. Natural Resources Defense Council, 467 U.S. 837 (1984) that shaped courts' deference to Agency actions (such as promulgating regulations), has been increasingly under attack primarily by conservative judges. Following the strict interpretation of law that the late Justice Scalia took, both Justice Gorsuch and Justice Kavanaugh have written opinions challenging Agency deference. While Justice Coney Barret has not issued any significant administrative law opinions, she is a textualist that stresses the importance of interpreting constitutional and statutory provisions consistent with the original meaning of their text.

This does not bode well for the Biden Administration and its aggressive environmental policy. There is a good chance that the Supreme Court will hear challenges to his regulations and may see the Supreme Court limit Agency deference. Thus, the Biden Administration may face a difficult time pushing his environmental policies forward.

Conclusion
Although the Biden Administration has only been in office for a little more than a month, his aggressive approach to environmental policy is clear. While hailed by environmentalist and non-governmental organizations, industry is facing uncertainty of how a radical change from regulation under the Trump Administration to regulation under President Biden will impact business decisions. This uncertainty is compounded by President Trump's appointment of conservative judges that seek the opportunity to limit Agency deference. Thus, while the Biden Administration hopes to make environmental policies a priority, he could face challenges that limit his ability to regulate.

[1] "Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." https://www.epa.gov/environmentaljustice, last visited February 5, 2021.
[2] Executive Order, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis (January 20, 2021).
[4] Correspondence from Melissa A. Hoffer, Acting U.S. EPA General Counsel, to Jean E. Williams and Bruce S. Gelber, Deputy Assistant Attorneys General, Environment and Natural Resources Division, U.S. Department of Justice (January 21, 2021).
[5] This does not include additional rules that could impact the environment that the Secretary of the Interior must reconsider, revise, or rescind.

EPA REGISTRATION EXPANDS USES FOR AMVAC'S IMPACT HERBICIDE
https://www.agriculture.com/news/crops/epa-registration-expands-uses-for-amvac-s-impact-herbicide
By Successful Farming Staff
2/23/2021

CHANGES ADD CONTROL OF MULTIPLE PROBLEM WEEDS.

AMVAC, a subsidiary of American Vanguard, announces Environmental Protection Agency (EPA) label changes that expand the use of Impact herbicide.

The EPA has approved users of Impact to apply up to 2 fluid ounces per acre in either single or sequential applications in corn. This expanded use adds control of Texas panicum, field sandbur, and shattercane in tank mixes with atrazine. It also has increased the maximum size for control of yellow foxtail, fall panicum, woolly cupgrass, and broadleaf signalgrass.

This registration will allow use of Impact following application of Impact Core and Sinate herbicide – both new for the 2021 growing season – as well as
ImpactZ.

"Impact Herbicide has been a mainstay of weed control programs for some time," says Nathaniel Quinn, AMVAC marketing manager for corn, soybeans, and sugar beets. "We're pleased to be able to extend Impact's effectiveness to even more weeds and application situations."

US Senate approves Vilsack for Agriculture Department again
https://www.channelnewsasia.com/news/world/biden-cabinet-senate-approves-vilsack-for-agriculture-department-14267166
24 Feb 2021 05:07AM

WASHINGTON: The United States Senate voted 92-7 on Tuesday (Feb 23) to confirm Tom Vilsack as agriculture secretary, his second run at the Cabinet post.

The former Iowa governor spent eight years leading the same department for former president Barack Obama's entire administration.

In his testimony, Vilsack, 70, heavily endorsed boosting climate-friendly agricultural industries such as the creation of biofuels, saying "agriculture is one of our first and best ways to get some wins" on climate change.

He proposed "building a rural economy based on biomanufacturing" and "turning agricultural waste into a variety of products". He pledged to work closely with the Environmental Protection Agency (EPA) to "spur the industry" on biofuels.

With systemic racial inequity now a nationwide talking point, Vilsack also envisioned creating an "equity task force" inside the department. Its job, he said, would be to identify what he called "intentional or unintentional barriers" that prevent or discourage farmers of colour from properly accessing federal assistance programs.

Vilsack also heavily backed the SNAP or Supplemental Nutrition Assistance Program - commonly known as food stamps - as a key instrument in helping the country's most vulnerable families survive and recover from the COVID-19 pandemic era.

His Trump-era predecessor, Sonny Perdue, had sought to purge hundreds of thousands of people from the SNAP-recipient lists.

Vilsack faced minimal opposition throughout the confirmation process.
Source: AP/kg

EPA contest seeks ideas for a cheap air cleaner for wildfire season

https://www.northbaybusinessjournal.com/article/news/epa-contest-seeks-ideas-for-a-cheap-air-cleaner-for-wildfire-season/
ANDREW GRAHAM
THE PRESS DEMOCRAT
February 23, 2021, 6:38AM

With wildfires posing a growing public health threat, clogging Bay Area skies with unprecedented levels of smoke in 2020, the U.S. Environmental Protection Agency is offering a $10,000 reward to whoever can come up with a cheap way to clean dangerous pollutants out of indoor air.

The EPA is teaming up with state, local and tribal governments in the western United States to create new ways of protecting people driven indoors by unhealthy levels of smoke during wildfire season.

Current air filters are expensive to buy and maintain, according to an EPA news release announcing the contest. They are also reliant on electricity, which is often shut off by utilities during wildfire season to prevent their power grids from sparking fires.

"People face strange challenges when trying to avoid smoke," EPA spokesman Alejandro Díaz said in a statement. "For example, smoke comes in through the dryer vent. People sometimes resort to using plastic wrap to tape up doors, windows, dryer vents, etc. to keep smoke out." Some people pair box fans with air filters, he wrote, but the fan motors tend to heat a room up.

"We have heard of new types of window screens in development or even curtains that might filter out pollutants," Díaz wrote.

Cheap to the EPA means a technology that could ultimately cost no more than $100 per unit. Winning technologies should be able to reduce particulate matter — a damaging component of wildfire smoke — in a room by 80% in an hour, according to contest criteria posted to EPA's website.

Last year, nearly 10,000 fires burned more than 4.2 million acres in California, making 2020 the largest wildfire season recorded in modern California history, according to Cal Fire. Smoke from the fires in California and neighboring states filled the air with unhealthy levels of gas and ash, prompting Bay Area air quality regulators to issue more Spare the Air alerts — a warning that air quality is poor, triggering a ban on burning wood both in fireplaces and outdoors — than ever before.

The Bay Area Air Quality Management Division issued a record 52 Spare the Air alerts in 2020, including an unprecedented run of alerts on 30 consecutive days through Sept. 16, agency spokeswoman Kristina Chu said.

On bad air quality days, regulators recommend people avoid exertion and stay indoors as much as possible. Staying indoors, however, is not complete protection from the smoke, prompting the EPA's hunt for a filtering technology cheap enough for widespread use. The EPA challenge is open and accepting proposals through May 17. The agency is offering $10,000 each to up to five finalists.

Lacking any such widespread technology, the U.S. Centers for Disease Control and Prevention recommends closing doors and windows during periods of intense smoke, running an air conditioner (for those who have one) with the fresh air intake closed and keeping any air filters clean. Bay Area Air Quality Management Division officials make similar recommendations, Chu said, and recommend visiting "cooling centers" government agencies often open during heat waves or poor air quality events.

Research increasingly indicates the health impacts of wildfire smoke are far more widespread, and by some measures more deadly, than the flames themselves. In one estimate, researchers at Stanford University

calculated that thick concentrations of smoke from 2020's wildfires were responsible for at least 1,200 and as high as 3,000 California deaths between Aug. 1 and Sept. 10.

Grassley pleased EPA sides with biofuels in critical RFS case
https://www.kmaland.com/ag/grassley-pleased-epa-sides-with-biofuels-in-critical-rfs-case/article_16111a26-761c-11eb-bf0a-ef987d0f207e.html
Iowa Agribusiness Radio Network

(Washington, D.C.) -- Iowa Senator Chuck Grassley says he's glad the EPA "has finally come around" after it announced its support for a recent appeals court decision supporting biofuels producers.

The Environmental Protection Agency Monday afternoon said it agrees with last year's ruling by the Tenth U.S. Circuit Court of Appeals that rejected the Trump EPA's retroactive waivers to oil refiners from the Renewable Fuel Standard. In his weekly conference call with farm reporters Tuesday morning, Senator Grassley said the EPA's shift on small refinery exemptions is a step in the right direction.

"The announcement (Monday) provided certainty for Iowa farmers and biofuel producers regarding the use of the waivers," Grassley said. "In the past few years, we've seen an increase in waiver petitions being granted. That had a significant decline in the renewable fuels volumes. In other words, it ended up being below what the law requires."

EPA's siding with biofuels in the critical RFS case follows longstanding calls from Grassley and Senate colleagues to follow the letter of the Renewable Fuels Standard. Grassley says there is more work to be done on the biofuels front.

"We are still waiting for this new administration to propose for the 2021 renewable volume obligations for all renewable fuels categories," Grassley said. "There's more work to be done on E15 labeling. While the Supreme Court has indicated its intentions to review the Tenth Circuit case, I'm glad to see the Biden Administration tries to right the wrong of previous small refinery decisions and then do what we all expect them to do – follow the law."

Grassley noted he's had a long-running campaign to restore integrity in the implementation of the law setting minimum benchmarks for the use of biofuels.

Federal housing agency failed West Calumet families, leaving kids exposed for decades to lead, report says
https://www.chicagotribune.com/suburbs/post-tribune/ct-ptb-ec-west-calumet-housing-report-st-0224-20210223-rtinmf364vdd7bukk37zmidbwm-story.html
By MEREDITH COLIAS-PETE
FEB 23, 2021 AT 2:50 PM

A damning federal report concluded several agencies, including the U.S. Department of Housing and Urban Development, missed "multiple opportunities" to shield children living at the former West Calumet Housing Complex in East Chicago from lead and arsenic poisoning.

From 2005 to 2015 alone, a child living at the former public housing complex was three times more likely to have elevated blood levels of lead than anywhere else in East Chicago, it said.

The nearly 40-page federal Inspector General report was issued on Feb. 14. It called on HUD to take more action to find and address similar dangers at public housing around the country.

Much of the problem came from a lack of coordination between city, state and federal agencies, it said. It also noted both East Chicago and HUD failed to conduct sufficient environmental reviews, which may have connected the dots sooner, the report states.

East Chicago Mayor Anthony Copeland issued an order in July 2016 telling more than 1,100 people, including 680 children, living at the complex to leave immediately. The U.S. Environmental Protection Agency found soil samples nearby as high as 237 times the allowed limit for lead.

Environmental activists protest outside the Carrie Gosch Elementary School before a visit by U.S. EPA Adminstrator Scott Pruitt on April 19, 2017 in East Chicago, Indiana. (Scott Olson/Getty Images North America/TNS)
Many families said it was the first time they learned their children had been playing in toxic dirt.

The 346-unit public housing complex opened in 1972, atop land of a former lead smelter dating back to 1906. Decades prior, the former Anaconda Lead Products site made lead, while the International Lead Refining Company was a metal refining facility, which housed lead storage areas and had a lead refinery. The area is part of the U.S.S. Lead Superfund site. The U.S.S. Lead property is just south of where the housing complex was later built.

Several officials from HUD and the East Chicago Housing Authority claimed they weren't aware of any exposure risks until 2016. However, there were documented signs of lead contamination near the complex as early as 1985, it stated.

Signs put up by the EPA warn residents in the West Calumet Housing Development not to play in the dirt or mulch. (Joe Puchek / Post-Tribune)
That year, the Indiana State Department of Health found lead contamination 0.11 miles south of the closest building. EPA also found higher lead levels near the complex, compared to the rest of East Chicago, it said.

Years later, the U.S.S. Lead site, which included the West Calumet Housing Complex, was added in 2009 to the EPA's National Priorities List, now a Superfund, which are the nation's most toxic areas.

The East Chicago Housing Authority executive director, appointed in 2011, also said she wasn't aware of lead exposure risks until 2016. However, the report notes staffers within her own agency had attended public meetings with federal agencies where it was raised.

"Records indicate that at least one current (East Chicago Housing Authority) staff member attended a public meeting with EPA in 2009 about lead testing of residences," the report states.

Residents of West Calumet housing listen as East Chicago Mayor East Chicago Mayor Anthony Copeland discusses plans moving forward in 2016. (Jim Karczewski / Post-Tribune)

Another city housing staffer attended meetings in 2011 where the EPA discussed "time-critical" plans to remove lead contaminated soil, including at addresses in the complex, which was next to the ECHA offices, the report states.

HUD's Indianapolis field office was cited multiple times for failing to properly conduct environmental reviews for rehab projects between 2003 and 2016, which didn't turn up any lead contamination.

Demolition at the complex was finished in June 2019.

Lead poisoning can cause irreversible brain damage, kidney disease, heart damage and may affect fertility. For growing kids, it can permanently affect their attention span, school achievement, and drop IQ points.

Between 2005 and 2015, 27.5% of children at the complex, or 120, had elevated lead levels in their blood, the report states.

The report acknowledges communication has improved between the EPA and HUD. However, several sites across the country likely "remain unidentified."

Historically, public housing has been built on the most "undesirable land," while HUD needs a more "proactive approach" to protecting public housing residents from toxic sites, it said.

The report recommends the agency create strategies to monitor public housing with potential contamination and what actions to take if discovered.

Lead-contaminated complex
1968: East Chicago takes over land on former lead smelter
1970: Secures money from HUD for public housing complex
1972: Opens to residents
1985: Evidence of lead contamination found nearby
1997: Indiana State Department of Health (ISDH) conducts lead exposure investigation
1998: Results showed 30% of kids under 6 had exposure
2003-05: HUD's Indianapolis office fails to conduct proper environment study
2008: EPA removes contaminated soil at 13 nearby properties
2009: U.S.S. Lead, which includes complex, is declared a toxic Superfund site
2010: HUD's Indianapolis office fails to properly do another study
2011: Discredited federal report says dropping lead levels in children meant lead exposure not as likely to affect public health
2014-15: EPA does more soil sampling for toxic metals
2016: ISDH says 18 kids under 7 have high lead levels in blood
2016: East Chicago Mayor Anthony Copeland orders West Calumet families out

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Groups Urge Immediate Action by EPA To Improve PFAS Disposal Guidance for Communities
https://www.ewg.org/release/groups-urge-immediate-action-epa-improve-pfas-disposal-guidance-communities
Contact:
Iris Myers
(202) 667-6982
iris@ewg.org
FOR IMMEDIATE RELEASE:
TUESDAY, FEBRUARY 23, 2021

WASHINGTON – The Environmental Protection Agency must take a series of steps to protect public health and the environment from the toxic fluorinated "forever chemicals" known as PFAS from being incinerated or dumped in landfills, wrote more than 30 environmental and public health organizations in comments submitted to the agency this week.

The groups provided comments on EPA's interim guidance, released by the former Trump administration in December 2020, on the destruction and disposal of perfluoroalkyl and polyfluoroalkyl substances and materials containing the chemical compounds.

Without clear and effective guidance from EPA, communities across the country are struggling to find methods and technologies to manage waste contaminated with PFAS. Current methods don't work and only perpetuate the lifecycle of pollution of these chemicals into land, air and drinking water sources, the groups warned.

PFAS chemicals, unlike many other pollutants, do not break down, making them some of the most persistent contaminants in the environment, which is also why they are in the blood of virtually every person on Earth.

PFAS chemicals are currently not regulated under the nation's Clean Air, Clean Water or waste rules. Commenters expressed concerns that the interim guidance by EPA, if adopted as currently written, would not provide adequate protection to the public, particularly low-income communities and communities of color, who often live near landfills and incineration facilities.

From the comments submitted to EPA:

EPA has made two very important findings in the Interim Guidance that deserve emphasis. One is that technologies and practices in use are not effective in destroying PFAS chemicals or containing them from re-release. The other is that safe storage may be the best option at present. We urge EPA to take action necessary to address these findings.

Among those areas within the interim guidance the groups flagged and believe EPA should immediately address are:
Providing specific guidance for waste managers to safely contain and store PFAS wastes while new technologies are developed.
Clarify its conclusions that available destruction and disposal technologies, reviewed in the document, cannot be viewed as safely destroying or disposing of PFAS compounds.
Evaluating the specific impacts of unregulated disposal on vulnerable communities and outlining steps for addressing these environmental injustices.

"EPA's disposal guidance doesn't go far enough to eliminate releases of PFAS into the environment due to unsafe disposal practices," said EWG Legislative Attorney Melanie Benesh, who signed the letter on behalf of the organization. "It is paramount the agency take a series of steps now to protect vulnerable communities from additional pollution from disposal of PFAS waste."

"EPA buried the lede in its guidance. PFAS shouldn't be sent to landfills or incinerators," said Sonya Lunder, senior toxics policy advisor for the Sierra Club and lead author of the letter. "Waste managers need to store these harmful and toxic chemicals until advanced technologies are developed to safely destroy them. Anything else risks serious and lasting contamination of our air and water resources."

"Chemical companies that make PFAS have irresponsibly churned out thousands of PFAS variations without finding a safe disposal option, leaving it up to individuals and communities to clean up their mess," said Anna Reade, a scientist at the Natural Resources Defense Council, or NRDC. "Without clear guidance and action on PFAS disposal, EPA is giving the green light to current ineffective disposal technologies that neither protect communities from PFAS exposure nor force the chemical industry to take responsibility for unleashing 'forever chemicals' into the air, water and even the blood of every person living in the U.S."

"Communities near landfills and incineration sites unfairly bear the burden of exposure to PFAS pollution," said Tasha Stoiber, Ph.D., a senior scientist at EWG. "The EPA needs to identify those who are disproportionately impacted and protect these communities instead of continuing to let the problem fall on them."

In addition to quickly updating and reissuing the disposal guidance, EPA should:
Regulate PFAS as hazardous substances under the Superfund law, and hazardous wastes under the Resource Conservation and Recovery Act
Halt PFAS incineration
Regulate industrial discharges of PFAS into the air and water
Prohibit the land application of PFAS-contaminated sewage sludge
Place a moratorium on the production of new PFAS chemicals
Continue to invest in the development of advanced systems to safely destroy PFAS waste.

The organizations that signed the comments to EPA include:

Alaska Community Action on Toxics; Beyond Plastics; Breast Cancer Prevention Partners; Buckeye Environmental Network; Center for Biological Diversity; Center for Environmental Health; Clean and Healthy New York; Clean Cape Fear; Clean Water Action/Clean Water Fund; Conservation Law Program; Defend Our Earth; EarthJustice; Eco-Healthy Solutions; Ecology Center; Environmental Working Group; Fight for Zero; Fountain Valley Clean Water Coalition; Merrimack Citizens for Clean Water; NC Conservation Network; Natural Resources Defense Council; New England Public Employees Council for Environmental Responsibility; Oregon Environmental Council; Project PFOA New York; Safer Chemicals, Healthy Families; Sierra Club; Toxic-Free Future; United Congregations of Metro East; and Your Turnout Gear and PFOA.

What Biden's "Building Back Better" Could Mean for Architecture
https://www.architecturalrecord.com/articles/15007-what-bidens-building-back-better-could-mean-for-architecture
February 23, 2021
Deane Madsen

The ears of architects, engineers, landscape architects, and urban planners may have collectively pricked up when Biden and Harris as candidates began touting a campaign slogan last summer of "Building Back Better." So far, the executive orders and proposals in the administration's early days suggest quite a lot of industry mobilization to support new clean-energy plants, new infrastructure, and new housing.

The administration, transitioning during a global pandemic and at a time of domestic unrest, has as its immediate priorities managing the Covid crisis and vaccine distribution, of course, while trying to rebuild democracy within a country that seems anything but united. At the same time, work is beginning immediately on an issue that would be top priority in any year: climate change.

Led by the country's first National Climate Advisor, Gina McCarthy—who served as the Environmental Protection Agency (EPA) administrator from 2013 to 2017—and with the confirmation of Michael Regan as the new leader of the EPA, the Biden-Harris administration is well positioned to carry out its climate proposals, including beginning work on fulfilling a campaign promise to achieve net zero carbon emissions by 2050. Understanding that cutting reliance on fossil fuels can threaten employment, the Biden-Harris administration seeks to create new jobs supporting clean energy. As McCarthy outlined in a recent CNN opinion piece, "Whether it's building and deploying offshore wind turbines in the Northeast, installing solar panels in Nevada, or retrofitting residential and commercial buildings in Ohio, we are making sure the clean energy revolution is made in America, bought in America, and built by American workers."

Among the most significant hurdles the new administration faces will be untangling and undoing policies put in place over the last four years. Under the Trump administration, the EPA was led first by Scott Pruitt—a fossil-

fuel lobbyist who resigned midway through his term due to multiple investigations into ethical breaches and conflicts of interest—and subsequently by his deputy, coal-lobbyist Andrew Wheeler. Pruitt and Wheeler spent their tenures at the EPA erasing the agency's legacy by rolling back more than 100 of its environmental regulations. As the EPA's first administrator, William Ruckelshaus, put it in 2017, "We've spent 40 years putting together an apparatus to protect public health and the environment from a lot of different pollutants. [Pruitt]'s pulling that whole apparatus down."

When confirmed as the new EPA administrator, Regan pledged to combat environmental inequality while reaffirming an agency belief in science as the primary weapon against climate change: "Our priorities for the environment are clear. We will restore the role of science and transparency at EPA," he said in the opening statement of his Senate confirmation hearing. "We will support the dedicated and talented career officials. We will move with a sense of urgency on climate change, and we will stand up for environmental justice and equity."

The administration's climate goals won't be achieved by simply trading jobs in the auto industry for jobs manufacturing zero-emission vehicles, but that's one place to start; changes to help cities that promote mass transit over single-occupancy-vehicle infrastructure will take longer to unfold. And McCarthy suggested that new industries will arise through the pursuit of clean-energy infrastructure such as wind-power complexes, akin to a contemporary version of the WPA—or a Green New Deal, if you will. While building new industries will be an important part of keeping the country's workforce engaged, proactively not building has taken on an equally important role, as in the "30 by 30" plan, which proposes conservation of 30 percent of U.S. land and waters by 2030.

Photo courtesy Garry Knight

On the transportation front, Pete Buttigieg has a track record, as mayor of South Bend, Indiana, of reorienting urban-planning priorities around pedestrians and cyclists. To carry off a nationwide plan will be a much heavier lift, but Buttigieg, as the newly confirmed transportation secretary, is already talking about building up a network of high-speed trains to rival the best in the world, starting with a $205 billion five-year plan, the American High- Speed Rail Act, introduced by Congressman Seth Moulton (D. Mass.), to modernize railway infrastructure.

It's also encouraging to think what a Housing and Urban Development (HUD) department guided by Rep. Marcia L. Fudge could accomplish, when seemingly all Secretary Ben Carson could do was eliminate the Obama administration's 2015 Affirmatively Furthering Fair Housing (AFFH) regulation. Already, President Biden has signed an executive order prohibiting gender identity and sexual orientation discrimination and has signaled a review of the evisceration of AFFH. In her confirmation hearing, Fudge noted that HUD's responsibilities directly affect the people in this country most in need: "It bears mentioning, particularly in this moment of crisis, that HUD—perhaps more than any other department— exists to serve the most vulnerable people in America. We need to deliver on the administration's commitments on improving the quality, safety, and accessibility of affordable housing and building 1.5 million new affordable homes."

Some may be wondering what has happened to Trump's Executive Order, "Promoting Beautiful Federal Architecture," to mandate classical architecture for federal buildings in Washington, D.C., and one lambasted by many architects, which was signed in December. As record goes to press, the AIA says that it is continuing to work with the Biden administration to reverse the executive order.

Once the pandemic is under control, the country can begin to move full speed ahead on "Building Back Better," in Washington, D.C., and elsewhere, ensuring that we have the infrastructure in place to make the country sustainable well into the future.

EPA changes stand, sides with ethanol industry in court case
https://borneobulletin.com.bn/epa-changes-stand-sides-with-ethanol-industry-in-court-case/
February 24, 2021

DES MOINES, IOWA (AP) — The Federal Government announced on Monday that it will support the ethanol industry in a lawsuit over biofuel waivers granted to oil refineries under former United States (US) president Donald Trump's administration.

The Environmental Protection Agency (EPA) said it is reversing course and will support a January 2020 decision by the Denver-based 10th US Circuit Court of Appeals in a lawsuit filed by the Renewable Fuels Association (RFA) and farm groups. The lawsuit is headed to arguments before the US Supreme Court this spring.

Federal law requires refiners to blend billions of gallons of biofuels in the nation's gasoline supply or buy credits from refineries that do the blending. Refineries can seek waivers if they can show that meeting the ethanol quotas would create a financial hardship for their companies.

The appeals court concluded the EPA improperly granted exemptions to refineries that didn't qualify. The court said that refineries should be granted waivers only as extensions, but most refineries seeking exemptions had not continuously received them year after year. The decision effectively limited the EPA's ability to grant most exemptions. Two refineries appealed the decision to the Supreme Court.

EPA to Lift Sunken Vessel Leaking Oil in Lake Tahoe
February 23, 2021
https://www.marinetechnologynews.com/news/sunken-vessel-leaking-tahoe-608562

The U.S. Environmental Protection Agency (EPA) will raise a vessel first reported sunk in Lake Tahoe on January 15. EPA, in coordination with the El Dorado County Sheriff, the Lahontan Regional Water Quality Control Board, the Tahoe Regional Planning Agency and the California Department of Fish and Wildlife Office of Spill Prevention and Response is taking action to raise the vessel after a February 15 report indicating the vessel had begun leaking oil.

EPA will spend approximately $20,000 to remove the vessel and associated debris from the lake and has hired High Sierra Marine Inc. to perform the work. The vessel will be salvaged on Tuesday, weather permitting.

The vessel in question, believed to be an abandoned 40-foot recreational boat, sank approximately 300 yards offshore from Pope Beach Road in South Lake Tahoe, Calif. Repeated efforts by multiple agencies to identify and contact the owner of the vessel have been unsuccessful.

The action is being taken under EPA's emergency response authority. The agency's emergency response program responds to oil spills; chemical, biological, radiological, and nuclear incidents; and large-scale national emergencies, including homeland security incidents. In all such incidents, EPA coordinates closely with state and local agencies.

Lake Tahoe is a large freshwater lake in the Sierra Nevada Mountains, straddling the border of California and Nevada.

Essential: The Next Generation of Water Workers
https://www.waterworld.com/water-utility-management/asset-management/article/14198129/essential-the-next-generation-of-water-workers
APWA is highlighting the need for these essential careers to make water a career of choice in the future.
Mike MilletteSean Garcia
Feb 23rd, 2021

The COVID-19 pandemic has proved the importance of reliable drinking water and wastewater services. Not only are more people working from home, increasing their usage of water services, but health experts are also advising Americans to wash their hands more often to prevent transmission of the virus.

Throughout the pandemic, essential workers have continued to work despite the additional risks to themselves. With split shifts, enhanced personal protective equipment use, and remote monitoring, water utilities have continued to provide the most basic of human needs - clean drinking water and safe wastewater services. While many industries were forced to diminish or even to suspend their operations, no such option existed for water and wastewater and, as noted above, in many locations, their work increased.

Many of these essential workers are members of the American Public Works Association (APWA). Water sector professionals certainly fall within the essential worker category, and it makes one wonder what would we ever do without these workers?

We might be closer to having an answer to that question than you think. According to a recent report from the Brookings Institution, approximately 1/3 of U.S. drinking water and wastewater operators will be eligible for retirement by 2028. Because the water workforce tends to be slightly older than the average age for other sectors, thousands of water utilities will need to be prepared to fill vacancies to ensure the needs of their communities can be met.

To give perspective on the scope of the water sector, according to Brookings, approximately 1.7 million workers were directly involved in "designing, constructing, operating, and governing our nation's water infrastructure." And while that is a massive number of workers, most water and wastewater utilities only employ one or two people. 85 percent of water and wastewater utilities have three or fewer employees.

When considering these statistics, it really hits home how quickly a water provider can become shorthanded. If you live in a rural area where the water provider has only two employees, if one of those employees is hired away, you're suddenly operating at 50% capacity. And while someone may be hired immediately, jobs in the water sector are highly specialized and usually require early and ongoing training. That specific problem will continue to grow, as technology in the water sector is becoming more advanced, requiring workers in the field to employ water sector workers with specialized technical skills.

The very recent experience in Oldsmar, Fla., is illustrative that these workers also serve as buffers to cyberattacks and must be trained in emergency response skills as well.

And while there is a need for a basic technical skillset and ongoing technical training to work in the water sector, water sector professions require less formal education than the U.S. workforce overall. Workers in the water sector require more experiential learning, as well as ongoing certification or accreditation, in which APWA is deeply involved. Also, water sector workers can often enter the workforce sooner, as they can gain credentials on the job. Water workers often obtain this training through "earn and learn" Registered Apprenticeships operated by the Department of Labor or career and technical education courses offered at technical and community colleges, and APWA will continue to advocate for support and funding to these programs that are critical to a skilled water workforce. However, despite the availability of these programs and

other workforce development initiatives, water utilities have found that filling positions is difficult because many potential hires simply are not aware of the opportunities the industry offers.

Water and wastewater are not, to say the least, 'sexy' careers. Until NBC adds "Chicago Streets and Sanitation" to its One Chicago franchise, this will remain the case.

That issue is not unique to the water sector, and in fact impacts the entire public works profession. APWA has been working with the Department of Labor's Bureau of Labor Statistics (BLS) to ensure the wide range of public works careers are properly outlined in the Standard Occupational Classification (SOC) system that is operated by BLS. Additionally, we have reached out to the Department of Education regarding its Classification of Instructional Programs (CIP) system that categorizes fields of study to ensure credentialing and technical education courses leading to careers in public works are appropriately reflected. The SOC and CIP system is utilized by career counselors across the country to assist students and job seekers in finding new career paths.

The federal government has recognized this problem, and the Environmental Protection Agency (EPA) has taken steps to help alleviate it. For the past few years, the Agency has been working with stakeholders, including APWA, to find ways to drive potential hires into jobs in the water sector.

To that end, the Agency released America's Water Workforce Initiative in October of 2020. The Initiative is a commitment between the federal government and state governments, local government, tribal governments, water associations, and individual utilities, to make water a career of choice through education and sustained public outreach.

Congress is also working to provide solutions to the problem of a potential water workforce worker shortage. In the process of developing infrastructure legislation in the 116th Congress, the House crafted language that would allow states to use up to 1% of their allocation from the Clean Water State Revolving Fund (CWSRF) as workforce development grants. Given current funding numbers, that amount would total $16 million in funding for Fiscal Year 2021. However, while utilities would certainly welcome workforce development funding, the CWSRF provides low-cost financing for a range of water quality infrastructure projects. Splitting some of that money off specifically for workforce development forces communities to choose between infrastructure investment and workforce development. APWA and its members have advocated for Congressional solutions that focus directly on the workforce issue.

In 2018, the Water Resources Development Act (WRDA) bill included language that created the Innovative Water Infrastructure Workforce Development Grants program at EPA. That program authorizes EPA to award grants to institutions of higher education, nonprofit organizations, or labor organizations for a wide range of activities including bridge programs for water utilities, educational programs to increase public awareness of career opportunities in the water sector, and leadership development. This program is authorized at $3 million for Fiscal Year 2021.

APWA is supportive of this program and similar ones. But there is still a disconnect between the public and the funding agencies on one hand, and the fact that public works departments across the country often are the chief water provider for a given area. With that in mind, APWA's Government Affairs team went to work with staff for the Senate Environment and Public Works Committee to amend the EPA grants program to make public works departments and agencies a named eligible entity in the statute.

The reason for the amendment is simple: public works departments across the country are already doing the activities related to workforce that the grant program is designed to support. Yet, because public works departments do not fit the definition of an eligible entity, they would not be considered for funds. By citing public works specifically as eligible for these funds, we would be opening the door for more of these activities to be undertaken by public works departments, and more vital positions being filled.

APWA staff reached out to Senate staff with suggestions, which were quickly met with agreement. Both sides of the aisle agreed that the APWA language would be beneficial. After several conversations with the Office of Legislative Counsel to perfect the language, we hit upon language that would make public works agencies eligible for the grant program. In addition, the language added a definition of public works departments and the work they do in the water sector. Adding such a definition to the statute will give public works a firm grounding in law for the work that they do in the water sector, serving as a reference for future legislative efforts.

But being Washington, D.C., nothing ever goes in a straight line. The APWA language was included in S. 3591, America's Water Infrastructure Act, which was passed unanimously by the Senate Environment and Public Works Committee in May of 2020. Writing and passing a bill that encompasses so many different pieces requires a lot of agreement, and while both sides of the aisle in both the House and the Senate agree there is a need for assistance in filling vital water workforce positions throughout the country, APWA's language is just a small part of a much larger bill. When other portions of the WRDA legislation became a sticking point, the APWA language was dropped, along with many other portions, to pass the expiring portions of the legislation.

While disappointing, this scenario is not unusual in the policymaking world. We know colleagues that have been working to pass specific legislative language for years. While APWA certainly hopes passing this language will not be that arduous a process, we are willing to put in the necessary time and work. APWA's Government Affairs team is already working with members of Congress and their staff, as well as Congressional committees, to bring up the workforce language again in the 117th Congress, which just began at the New Year. We have already had discussions with Senate staff to lead a policy roundtable on water workforce issues early in this Congressional session, with the goal of including our language in legislation that will be taken up by the Senate soon.

The process of passing policy solutions through our legislative system is very often a marathon rather than a sprint. But the importance of having our water sector fully staffed means that the race is worth finishing.

Message

From: Zoom Admin [no-reply@zoomgov.com]
Sent: 2/1/2021 10:51:22 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: The Climate Agenda Confirmation

Hi Joseph Goffman,

Thank you for registering for "The Climate Agenda".

Please submit any questions to: zoom.admin@science.doe.gov

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Message

From: Kim, Eun [Kim.Eun@epa.gov]
Sent: 3/1/2021 10:57:03 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]
Subject: READING: Materials for Tuesday, March 2, 2021
Attachments: HFC reg ideas 3-1-21.docx; OAR BCA Rule Update Options Select-030221-FINAL.docx; CAA significant regulations 2021-030121.docx

There are regularly scheduled Check-In, Air Issues, and Management Roundtable meetings starting at 8:30 am.

Goffman, Joseph Calendar
Goffman.Joseph@epa.gov
On Tuesday, March 2, 2021
Time zone: (UTC-05:00) Eastern Time (US & Canada)
(Adjusted for Daylight Saving Time)

March 2021

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Busy — Tentative — Free
Out of Office — Working Elsewhere — Outside of Working Hours

March 2021

Tue, Mar 2

	Before 8:00 AM	**Free**
	8:00 AM – 10:30 AM	**Free**
	10:30 AM – 11:00 AM	Next Steps on Limetree Bay PAL Permit
	11:00 AM – 11:45 AM	OAR Senior Staff
	11:45 AM – 12:00 PM	**Free**
	12:00 PM – 1:00 PM	AIM Act-Compliance Discussion (Part 2) (materials attached, 1 doc)
	1:00 PM – 1:30 PM	Weekly Check In with Dan Utecht

	1:30 PM – 2:15 PM	OTAQ Weekly
■	2:15 PM – 3:00 PM	General Discussion
■	3:00 PM – 3:45 PM	OAR BCA Rule Options Selection meeting (materials attached, 2 docs)
□	**3:45 PM – 5:00 PM**	**Free**
□	**5:00 PM – 6:00 PM**	**Free**
■	6:00 PM – 6:30 PM	Discussion with Dennis Arfmann re: Clean Energy Issues
□	**After 6:30 PM**	**Free**

Eunjung Kim
Special Assistant
Office of Air and Radiation
(202) 815-7252

Message

From: E&E News [ealerts@eenews.net]
Sent: 3/2/2021 6:40:08 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: March 2 -- Greenwire is ready

Greenwire -- The Leader in Energy and Environment News

Read today's Greenwire on the web

GREENWIRE

AN E&E NEWS PUBLICATION

GREENWIRE — Tue., March 2, 2021

READ FULL EDITION

1. WHITE HOUSE:

Biden administration eyes border climate tax

The Biden administration yesterday floated the idea of taxing carbon-intensive imports as part of this year's Trade Policy Agenda, touching on an idea that has gained traction in the European Union and United Kingdom.

TOP STORIES

2. FORESTS:

Alaska timber giant quits logging amid industry woes

3. WHITE HOUSE:

Progressives urge Biden to freeze more Trump rules

4. CLIMATE:

Kerry warns energy execs on emissions: 'We are way behind'

POLITICS

5. INTERIOR:

Western governors want input on Biden oil and gas orders

CONGRESS

6. ENERGY POLICY:

Dems float bill package to reform oil and gas oversight

NATURAL RESOURCES

7. ENDANGERED SPECIES:

Right whale that was entangled in fishing gear found dead

LAW

8. CLEAN WATER ACT:
10th Circuit rejects Biden bid to stop WOTUS case

9. BIOFUELS:
Neb. regulators sue ethanol plant, citing pollution

CLIMATE CHANGE

10. TRANSPORTATION:
Railroads trumpet trains over trucks in climate pitch

11. TECHNOLOGY:
Plan would store carbon dioxide underground in N.D.

ENERGY

12. ADVOCACY:
Bloomberg unveils coal plant closure tracker

13. BIOFUELS:
Research aims to turn food scraps into jet fuel

AIR AND WATER

14. AIR POLLUTION:
States, greens seek swift do-over on smog standard

TRANSPORTATION

15. AUTOS:
Goodbye, gas: Volvo to make only electric vehicles by 2030

EXTREME WEATHER

16. NORTHEAST:
High winds leave tens of thousands without power

STATES

17. MONTANA:
Bills to reimburse hunters, allow more wolf killing advance

18. LOUISIANA:
2nd endangered orangutan in 2 years born at New Orleans zoo

INTERNATIONAL

19. INDONESIA:
Sinabung volcano spews high column of ash

20. BRAZIL:
Huge, invasive jackfruit offers both danger and delight

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From: E&E News [ealerts@eenews.net]
Sent: 2/19/2021 12:05:07 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: February 19 -- E&E Daily is ready

E&E Daily -- Congress. Legislation. Politics.

Read today's E&E Daily on the web

E&E DAILY

AN E&E NEWS PUBLICATION

E&E DAILY — Fri., February 19, 2021

READ FULL EDITION

1. ENERGY POLICY:
Lawmakers spar over Texas blackouts, promise more hearings

The Texas blackouts are fueling a larger political debate about climate change and the future of renewable energy, even as lawmakers from both sides of the aisle pledge further investigations into a humanitarian crisis that has left millions of people shivering in the dark.

TOP STORIES

2. NATURAL RESOURCES:
Committee's first meeting turns into partisan brawl

3. POLITICS:
New E&C Republicans reflect party's split on climate

4. NEW MEMBER PROFILE:
Rosendale talks public lands, blocking Biden agenda

ON THE HILL

5. NATURAL RESOURCES:
Democrats revive push for conservation corps

6. SENATE:
Capito hires loyalists, former Trump agency staffers

7. ELECTRIC VEHICLES:
Health, medical groups push Congress to support EVs

UPCOMING HEARINGS AND MARKUPS

8. CALENDAR:
Activity for February 15 - February 21, 2021

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From: POLITICO Pro [alert@email.politicopro.com]
Sent: 2/25/2021 10:54:57 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Biden social cost of carbon missing in action

Biden social cost of carbon missing in action

By Zack Colman

02/25/2021 05:54 PM EST

The White House is grappling with a widely anticipated update to a key figure that the Biden administration will use to justify sweeping climate change policies.

Biden's team missed a self-imposed deadline for unveiling an interim social cost of carbon, a monetary assessment of benefits from curbing greenhouse gas emissions. The calculation justifies climate rules, with a higher value enabling it to impose more stringent requirements.

"That is a very big consequence," said Ross Eisenberg, vice president of federal affairs with the American Chemistry Council. "It is going to be part of any regulation that gets done."

Biden's team is working on an interim estimate without key political appointees who would normally be involved in the process, such as an Office of Management and Budget director and a Council on Environmental Quality chair. OMB nominee Neera Tanden's bid is imperiled by Sen. Joe Manchin's (D-W. Va.) opposition, while CEQ nominee Brenda Mallory has her confirmation hearing Wednesday.

A substantially higher value than the $52 per ton in today's dollars imposed by the Obama administration is certain because there is better understanding about how emissions translate to damages and how to refine climate effects for specific communities. That's sharpened clarity that future costs will be enormous.

But Republicans and industry pushed back against that Obama-era figure, and the likely increase could fuel criticisms that Biden wants to unilaterally impose a "Green New Deal"-style economic makeover. It would also factor into debate over a broader carbon price for the U.S. economy, which some Biden administration officials support but has few GOP adherents.

"The opponents of this stuff are going to make these claims no matter what," said Michael Livermore, a professor at the University of Virginia School of Law. "We can absolutely expect an unending litany of claims."

That it's taking more time than Biden laid out in his Day One executive order to develop the cost isn't concerning, said Nat Keohane, vice president of climate with the Environmental Defense Fund. Biden announced many early climate goals that all require resources, and agencies that atrophied under former President Donald Trump are synthesizing loads of new data, he said.

"I don't think anyone is going to say they're late on the social cost of carbon, they're not living up to their promises," Keohane said.

No matter where the Biden team lands, its figure will soar beyond the Trump administration's calculation of $8 per ton. Trump also used a comparatively high 7-percent discount rate, a figure suggesting society cares about future benefits less than immediate ones.

Biden will treat emissions reductions benefits globally, rather than Trump's domestic approach. That greatly boosts benefits of reducing carbon emissions and more accurately tracks the science: unlike conventional pollutants, a molecule of heat-trapping gas has the same effect globally no matter where it originated.

"This is at its heart a scientific exercise. It needs to be viewed as such. And there will be many who try to make this [a] political process," said Kevin Rennert, director of the Social Cost of Carbon Initiative at Resources for the Future.

Given the role the figure plays in regulations, Biden will need to act quickly due to various executive orders to redo climate regulations Trump reversed.

"I would expect they would want to have this number in hand before they publish a proposed rule with climate benefits," said Benjamin Longstreth, a senior attorney with the Natural Resources Defense Council.

Biden will likely use a lower discount rate than the 3 percent former President Obama employed, according to a person who has spoken directly with Biden administration officials. Even a slightly lower discount rate would spike the calculation; when the Obama team modeled its estimates in 2016, a 3 percent-discount rate carried a $42 per ton price while a 2.5-percent rate hit $62 per ton.

The person said the Biden administration seems aware a 3-percent discount rate is inconsistent with new data, and is instead exploring a 2-percent rate. But it's not clear if Biden would suggest that figure when releasing the new social cost of carbon figure.

Alexander Barron, a recent Biden OMB hire involved in the cost deliberations, has previously suggested a $70 per ton price aligned with a 2.5-percent discount rate. Barron, who published that work at Smith College and led climate economic policy at the EPA, declined to comment.

The administration also is weighing how to build estimates for so-called "known unknowns" — catastrophic events that might be considered unlikely, but within the realm of possibility, that would increase the social cost of carbon. Accounting for that risk would be akin to adding an insurance premium to the cost.

The Obama figure didn't wrestle with those costs due to thin research, which has since been refined. Its 2016 modeling suggested a "high impact" price of $123 per ton.

"There's been progress on a lot of fronts. A lot of the theory on the discounting has developed," said Frances Moore, an assistant professor of environmental economics and climate science at University of California-Davis, who contributed to a 2017 National Academies of Sciences, Engineering, and Medicine report on the social cost of carbon. "You've definitely seen the biggest advances being made in this realm of climate change damages."

Lorraine Woellert contributed to this report.

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https://subscriber.politicopro.com/sustainability/article/2021/02/biden-social-cost-of-carbon-missing-in-action-2037364

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Sent: 2/26/2021 5:05:04 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips: Morning Edition, 2/26/21

Daily Media Clips: February 26, 2021 (morning edition)
Chemicals
The National Law Review: Significant Activity Follows US EPA's TSCA Asbestos Risk Evaluation
Environmental Justice
Vox: Black Americans have disproportionately suffered from pollution. It's time for a new policy.
Gizmodo: Why a Harlem Activist's Decades-Long Fight for Environmental Justice Matters More Than Ever
Transportation
Torque News: Prediction: EPA Will Switch to a 3-Number Electric Vehicle Range Figure
Water
Politico: Biden's water challenge
CBS Austin: Water near Arizona Air Force base is tainted in latest case

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Significant Activity Follows US EPA's TSCA Asbestos Risk Evaluation
https://www.natlawreview.com/article/significant-activity-follows-us-epa-s-tsca-asbestos-risk-evaluation
Friday, February 26, 2021
ARTICLE BY Gary L. Pasheilich

The US Environmental Protection Agency's (EPA's) December 30, 2020 issuance of its risk evaluation for asbestos under Section 6 of the Toxic Substances Control Act (TSCA) has generated considerable attention and activity, which will likely keep interested parties and the courts busy for quite some time.

As background, TSCA Section 6 requires EPA to prepare risk evaluations for "high priority" chemical substances that "may present an unreasonable risk of injury to health or the environment." Asbestos was selected as one of the "first ten" substances to undergo risk evaluation, as required by the 2016 TSCA amendments, without consideration of costs or other non-risk factors.

The processes for prioritizing and evaluating a chemical substance's risk to health and the environment were set forth in EPA's 2017 Risk Evaluation Rule, which requires evaluation of a chemical's "conditions of use," or "the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of." That rule was challenged and in late 2019, the Ninth Circuit Court of Appeals in Safer Chemicals, Healthy Families v. EPA, held that the rule could not exclude "legacy uses" (i.e., uses without ongoing or prospective manufacturing, processing, or distribution) or "associated disposals" (i.e., future disposal of legacy uses) from the risk evaluations.

In EPA's asbestos risk evaluation, it concluded (as in the March 30, 2020 draft) that: (1) there is no unreasonable risk to the environment under any of the conditions of use, but that (2) there is an unreasonable risk to workers, occupational non-users, consumers and bystanders under certain conditions of use. However, after considerable criticism from stakeholders and EPA's Science Advisory Committee on Chemicals (SACC), EPA characterized the risk evaluation as "Part 1" since it focuses only on chrysotile asbestos, which the agency determined is the only asbestos fiber type imported, processed, or distributed under the conditions of use in the United States. The other five fiber types included in TSCA's definition of asbestos are subject to an April 25,

2019 significant new use rule (SNUR). EPA has stated that it will conduct "Part 2" of the risk evaluation to address certain "legacy" uses and disposals of asbestos as required by the Ninth Circuit.

On January 26, a group of twelve environmental petitioners filed a Petition for Review with the Ninth Circuit challenging the Part 1 risk evaluation for its alleged failure to "consider the risks of other asbestos fibers, conditions of use, health effects and pathways of exposure that impact public health." Petitioners will also likely challenge EPA's finding in Part 1 that 16 of 32 conditions of use did not pose an unreasonable risk to workers, consumers and bystanders, and try to convince the Ninth Circuit to require EPA to reexamine those findings.

Moreover, the environmental groups have mounted a two-front attack on the risk evaluation by separately giving notice on January 26 of their intent to sue under TSCA Section 20, charging that EPA failed to perform its non-discretionary duty to address the use and disposal of legacy asbestos in the risk evaluation, as well as challenging EPA's lack of specifics about a future Part 2 evaluation and failure to set a schedule for completing it. Petitioners' Section 20 challenge would seek to impose a judicially-enforced deadline for evaluation of such legacy uses.

These legal challenges come on the heels of a December 22 decision from the Northern District Court of California, which held that EPA acted unlawfully in denying plaintiffs' TSCA Section 21 citizen petitions asking EPA to require companies importing or using asbestos to report such information on those uses to the TSCA program under the Chemical Data Reporting (CDR) rule. Finding that EPA's rationale was "arbitrary and capricious," the court ordered EPA to quickly amend its CDR rule to address these "deficiencies". However, on February 2, EPA filed a motion asking the Court to rescind its order that EPA amend the CDR rule and instead remand the matter back to EPA to reconsider the petitions in light of the Court's opinion.

A big unanswered question raised in the context of the asbestos risk evaluation is whether — and how — the Biden EPA may alter its chemical risk evaluations moving forward. The CDR rule decision in particular could pave the way for the new administration to revisit and/or supplement reporting requirements for asbestos. The determination by the Trump EPA to conduct a "Part 2" supplemental risk evaluation of asbestos (instead of revising the initial risk evaluation) also may provide the Biden EPA a basis for "supplementing" the other Trump-era chemical evaluations, potentially evaluating additional conditions of use for those substances and addressing exposures to additional subpopulations (especially in light of the Biden Administration's focus on environmental justice concerns). In addition, the Biden Administration may utilize the risk-management rulemaking process to impose broader restrictions on substances than the "narrowly tailored" ones signaled by the Trump EPA. President Biden also has ordered EPA to review a number of TSCA-related actions and rules, including the "framework" Risk Evaluation Rule. On February 5, EPA announced that while it is moving forward with the risk management rulemakings for the first ten substances, the Agency is also "actively reviewing the final risk evaluations in light of statutory obligations and policy objectives related to use of the best available science and protection of human health and the environment, in accordance with the Executive Orders and other direction provided by the Biden-Harris Administration." Consequently, the "first ten" risk evaluations under TSCA may be subject to further revision or unwinding.

Additionally, during a February 3 webinar hosted by EPA, it was clear that whatever action the agency takes regarding asbestos will be contentious. Environmental advocates pushed for a ban on asbestos, while industry representatives challenged EPA's determination that certain uses posed unreasonable risks, including highlighting the differences in risk posed by materials with longer or shorter fiber types, claiming that the risk evaluation was overly conservative, and asserting that EPA's cancer potency determinations were not supported by the most recent science.

EPA plans to issue the draft scope document in mid-2021, followed by a final scope document, a draft risk evaluation for public comment, and then a final risk evaluation document. According to EPA, the Part 2 risk

evaluation will consider "legacy uses" and associated disposals for the six fiber types of asbestos included within TSCA's definition of asbestos.

The above developments underscore that EPA's asbestos risk evaluation will continue to be the focus of much attention over subsequent months. Interested stakeholders should continue to monitor developments related to Part 1, while also preparing to engage in Part 2 opportunities in the near future.

Black Americans have disproportionately suffered from pollution. It's time for a new policy.
https://www.vox.com/22299782/black-americans-environmental-justice-pollution
Marrying civil rights and environmental protections could close the gap on health disparities caused by industrial polluters.
By Rachel Ramirez Feb 26, 2021, 7:30am EST

SharonSharon Lavigne has lived in St. James Parish, Louisiana, a predominantly Black community, all her life. She remembers when the air wasn't covered with thick gray smog, when the water was still safe to drink, when the gardens were productive and fertile.

But now, she says, "we are sick and we are dying."

Lavigne has watched her neighbors die from cancer and suffer from respiratory illnesses. About five years ago, she too was diagnosed with pollution-linked autoimmune hepatitis, with tests showing she had aluminum inside her body. The reason for the community's decline in health, environmentalists say, is a burgeoning fossil fuel industry right in their backyards.

Over the past three decades, roughly 150 chemical plants and refineries have been building facilities up and down the 85-mile stretch of the Mississippi River that straddles New Orleans and Baton Rouge, which includes St. James Parish. According to data from the Environmental Protection Agency (EPA), seven out of 10 US census tracts with the country's highest cancer risk levels from air pollution are located in this corridor, known as "Cancer Alley."

So when Lavigne heard that the Taiwanese plastics manufacturer Formosa was going to build a $9.4 billion petrochemical complex just two miles from her home, she retired from her teaching job in 2018 and started the faith-based environmental justice group RISE St. James to fight the new development project.

Formosa's vast 2,400-acre site, currently marked off with fences, sits on two former 19th-century sugarcane plantations and a burial ground for the enslaved, which the company failed to disclose until RISE St. James filed a public records request. Still, the Louisiana Department of Environmental Quality approved permits last year for Formosa to build the complex of 14 plastics plants, despite the company's own models revealing that it could more than double the amount of toxic pollutants in the area and emit more of the carcinogenic chemical ethylene oxide than almost any other facility in the country.

The predominantly Black communities of St. James Parish and the rest of Louisiana's Cancer Alley are not alone in this problem. According to the National Black Environmental Justice Network, Black Americans in 19 states are 79 percent more likely to live with industrial pollution than white people. Researchers also found that Black people breathe 56 percent more pollution than they cause, whereas white people breathe 17 percent less pollution than they generate.

Lavigne said industries "come to Black communities because they think no one's going to say anything. They think no one is going to fight."

Environmental groups like RISE St. James usually have one ally in their corner when fighting industrial polluters: the National Environmental Policy Act (NEPA), a bedrock law that requires federal agencies to consider the environmental impacts of proposed infrastructure such as the construction of major highways, prison complexes, airports, pipelines, landfills, and refineries. Passed by Congress in 1969, NEPA, followed by the Clean Air and Water Acts, was part of a broader plan to protect the environment from any point source of pollution or contamination.

The law is not perfect, though. Since the link between racism and the environment didn't click for many in the late 1960s and '70s, when these environmental laws were created, NEPA's lack of civil rights protections resulted in the further oppression and exclusion of Black communities across the country. Polluting industries would set up shop in marginalized neighborhoods with no regard to the systemic injustice baked into the fabric of the community, and there was little recourse to stop these polluters from doing so.

But with the rise of the environmental justice movement in the late 1970s, Black environmentalists and policy experts began floating the idea of stronger environmental policies that draw from the 1964 Civil Rights Act. The idea was to protect historically disadvantaged neighborhoods from racist policies that could exacerbate a community's social and environmental burdens.

"People often forget the legacies of slavery, of Jim Crow segregation and out of that chain, laws that were deeply entrenched within the social structure of the Southern environment that worsened our quality of life," said Beverly Wright, the founder and executive director of the Deep South Center for Environmental Justice, who has advised President Joe Biden on environmental justice policies. "That legacy resulted in communities that had been inundated with toxic facilities, impacting our health, the value of the homes where people live, causing them to have higher cancer rates, and to eventually be relocated from within the midst of these facilities."

With a new Democratic administration, activists say now is the time to marry civil rights protections with NEPA. Strengthening NEPA — often called the "Magna Carta" of environmental laws — by invoking the Civil Rights Act would give underserved populations, like St. James Parish, a greater chance of eliminating the legacy pollution that has choked their communities. Adding these protections, without creating an entirely new policy, wouldn't be very complicated for the Biden administration to do. It wouldn't even need the help of Congress.

The birth of the environmental justice movement started with Black people

Environmental injustice — the disproportionate harm that low-income communities and communities of color face from both the causes (fossil fuel pollution) and effects (extreme heat and severe flooding) of climate change — has long been a product of systemic racism.

For instance, a 2019 study found that redlining, the government-sanctioned effort to segregate communities of color that began in the 1930s, is a strong indicator of which neighborhoods suffer the most from extreme heat. While white neighborhoods historically received more community investment in clean green spaces that help cool the area, Black neighborhoods were deprived of resources and slotted next to traffic-choked highways and other industrial infrastructure.

Fossil fuel companies exploited this segregation. In places like Mossville, Louisiana, a small, unincorporated town founded by formerly enslaved people in 1790, nearly all its Black residents have been bought out by the South African petrochemical giant Sasol to build a gargantuan chemical complex. A similar scenario played out in the East End neighborhood of Freeport, Texas, labeled as the "Negro District" in the 1930s. Housing, residents, and once-thriving businesses in East End have dwindled, a trend recently accelerated as officials voted to use eminent domain to expand the port's shipping channels to make room for large polluting industrial ships.

Such systemic injustices are as old as America. But there's growing scientific awareness and pushback against these inequities. Environmental lobbying groups had long been overwhelmingly white, focusing more on nature conservation and less on community impact. It wasn't until recently that Big Green groups began to reckon with their racist past. In the wake of last summer's nationwide protests for racial justice, for example, Sierra Club put out a statement that acknowledged the role it played in perpetuating white supremacy in the movement.

Meanwhile, environmental justice pioneers such as Wright and Robert Bullard, a professor of environmental policy at Texas Southern University, have put out academic research on the ties between systemic racism and its environmental impact on vulnerable communities, which has led to more people being educated and involved in making those connections. It wasn't until Lavigne attended a community advocacy organization meeting in 2017, for instance, that she linked what's been happening to their environment and public health to industrial pollution in her backyard.

"Environmental justice is not a footnote anymore; it's a headline," Bullard said. "Over the last four decades working on this, I realized while we've been able to make a lot of changes over the years, there's still a lot of work that still needs to happen — and it needs to happen in warp speed, because we don't have a lot of time since climate change is with us right now."

The modern environmental justice movement is often traced back to 1978, when a private contractor hired by a transformer-manufacturing company discharged a carcinogenic chemical known as polychlorinated biphenyl (PCBs) in 14 counties in North Carolina. In response, alarmed residents brought a barrage of complaints and lawsuits against the state and involved parties. This litigation led the state to excavate the 31,000 gallons of soil laced with toxic PCBs, but they needed a place to put it. They chose the small Warren County town of Afton — an overwhelmingly Black, rural, and poor community — as a "suitable" home.

The Home Owners' Loan Corporation (HOLC) map of New Orleans. Neighborhoods color-coded in red, or "red-lined," alerted loan officers and real estate workers of areas that were considered high-risk, leading to discriminatory lending practices. Mapping Inequality; public domainThe Marathon Refinery in Reserve, Louisiana, behind the Zion Travelers Cemetery on February 23, 2021.

Many environmental scientists questioned just how suitable the location was. Warren County's Black community was especially agitated. Afton residents relied on the town's local wells for drinking water, which could be contaminated by this landfill. For six weeks, residents alongside civil rights groups across the country protested the move. Black activists linked their arms and lay on the ground to block the 6,000 dump trucks rolling into their backyards, headed for the newly constructed hazardous waste landfill. Hundreds of protesters were arrested.

"The truth of the matter is that the only way that we got communities of color, especially Black folks, involved in the [environmental justice] movement was by making them see that there was a discriminatory aspect or civil rights violation involved," Wright said. "So when we talk about some communities having cleaner air than others, it's because of discriminatory policies and for certain it goes directly to civil rights."

In court hearings, NEPA was a first line of defense for communities fighting the landfill. But North Carolina courts carved out an exception to requirements that the state prepare an environmental impact statement, claiming that formal compliance with the law was unnecessary. It was clear to community members and activists that the decision was more politically motivated than based in science: Majority-white governmental institutions, likely sympathetic to corporate interests, ultimately allowed a Black, poor, rural, and politically powerless community to be home to a toxic landfill.

Though the residents of Warren County lost and the toxin-laced soil ended up in the landfills, the incident is still studied by environmental researchers as the hallmark of the environmental justice movement. It was the first

major environmental disaster in which civil rights groups, environmentalists, and Black residents fought in solidarity against an act of environmental racism, a term unused until much later.

Today there continues to be no shortage of polluting facilities and infrastructure — factories, highways, waste incinerators, and refineries — being built and erasing low-income communities of color, especially Black neighborhoods. Historians and environmental experts say regulatory agencies, industry executives, and politicians believe it is easier to build in these communities, since many cannot afford to hire legal expertise, or do not have the means to fight back.

"These communities who are affected by disparities in air pollution or just toxic contamination, in general, come from a place of feeling that they are being discriminated against or somehow treated differently from white people," Wright said.

Activists call these places "sacrifice zones," but industrial giants have underestimated how much these typically segregated Black communities will fight for clean air and water, even if they have to do it on their own. Protesters march to raise awareness of the high lead levels in city water in Newark, New Jersey, on August 26, 2019. Karla Ann Cote/NurPhoto via Getty ImagesVolunteers help distribute water at Asbury United Methodist Help Center in Flint, Michigan, on October 20, 2020. Seth Herald/AFP via Getty Images

For example, in Port Arthur, Texas, its predominantly Black residents are challenging the mammoth oil and gas refineries that dot the port's skyline and cover the area in thick gray smoke. In Philadelphia last year, Black activists led the fight to shut down the largest oil refinery on the East Coast after years of suffering from facility explosions, bad air quality, and pollution-linked asthma and cancer. In Flint, Michigan, the water that the city's predominantly Black residents had been consuming for years has resulted in serious public health and environmental issues, particularly lead poisoning, that government officials both exacerbated and tried to ignore. Residents are still fighting for a large class-action settlement and government accountability today.

Why it's vital to marry two historical policies for environmental justice legislation

Although NEPA has long been a vital tool to shield communities from forms of environmental racism, it isn't a foolproof policy. It requires federal agencies to prepare an environmental impact statement that describes any environmental or public health ramification that a development project would pose; however, what a state or federal agency does with these reports is left entirely to their discretion. This often means that projects often go forth, regardless of community concerns for potential environmental and public health impacts.

In most cases, the decision-makers behind the NEPA process also have financial ties to oil and gas lobbyists or the fossil fuel industry. Additionally, the public comment process required under NEPA raises accessibility questions, since state agencies tend to hold hearings far from the proposed site and don't actively reach out to communities for public input, making it difficult for impacted communities to engage in the review process. These loopholes then make it easier for agencies to approve permits for development projects.

What is in communities' favor is that the NEPA process can take years, allowing room for activist protests. This has been a major concern for polluting industries, and it was the driving reason behind the Trump administration's decision to slash the mandated timeline under NEPA review in 2020. Trump's environmental agenda focused on weakening, rolling back, and dismantling more than 100 critical environmental regulations, such as the Endangered Species Act, the Clean Water Act, and the NEPA.

His administration's overhaul of the Magna Carta environmental policy included narrowing the scope of the environmental review process, limiting consideration of safer project alternatives, and scrapping the requirement to evaluate any project's contribution to climate change. While Biden might be able to reverse the previous administration's new rules, another Republican president could undo it again through the same process.

That's why, environmental justice advocates say, vulnerable communities need a stronger policy now.

Bullard said that taking an integrative approach toward strengthening environmental regulations such as NEPA to include a racial justice framework is the best way to address the historical neglect in pollution-burdened communities. He and Wright believe the early steps the Biden administration has taken in centering environmental justice across his climate and economic agendas, as well as appointing Michael Regan, the first Black man, to lead the EPA, creates an urgency to right the wrongs of the previous administration.

"As climate policies get pushed out, what often gets lost is the policy framing of climate which has historically been more about dealing with just the science — the parts per million, the greenhouse gases — and not, until the last five to 10 years, the justice framing or equity framing," Bullard said. "We have to come up with frameworks that would allow the environmental justice part to get lifted up into the climate framework, because it is a racial justice issue."

Some policy experts say that applying Title VI of the 1964 Civil Rights Act — which prohibits federally funded entities from discriminating on the basis of race in their programs, policies, and projects — to NEPA would help dismantle the environmental inequities rooted in systemic racism that communities face. Title VI alone outlaws intentional discrimination, which many activists allege happens whenever an industrial facility sets up shop in marginalized communities like Afton and St. James Parish.

The task of strengthening NEPA under the Biden administration — including adding back the Trump administration's removed regulatory requirements and adding a civil rights protection mandate — would fall under the domain of the White House Council on Environmental Quality (CEQ). The council would need to solicit new rule recommendations to the bedrock policy, propose new regulations, gather public comments, and conduct public hearings, which could take roughly a year. Biden's new offices of environmental justice under the EPA and Justice Department, which he included in his sweeping executive order on climate change, could also look into avenues that could solidify and protect these vital changes.

President Joe Biden and Vice President Kamala Harris arrive in the State Dining Room for Biden's address on climate change at White House on January 27, 2021. Mandel Ngan/AFP via Getty ImagesThe Mosaic Faustina Ammonia Plant on River Road in St. James, Louisiana, on February 23, 2021.

In drafting the rules for NEPA to include civil rights protections, CEQ can conduct a Title VI or disparate impact analysis to identify the cumulative environmental and health impact of adding another polluting facility within a community. If the chosen location is an overwhelmingly Black community already inundated with polluting facilities, for instance, then the state agency shouldn't be allowed to approve permits to develop another project since it will only compound the area's underlying environmental and health conditions.

To enact more permanent change than what can be done through executive action, there are several bills floating around Congress. In February 2020, Democratic Reps. Raúl M. Grijalva of Arizona and Donald McEachin of Virginia introduced a comprehensive bill called the Environmental Justice for All Act — which came as a result of community engagement and more than 350 public comments from community members and leaders of the environmental justice movement.

The bill strengthens NEPA and the 1964 Civil Rights Act, and codifies Bill Clinton's longstanding 1994 executive order that directs federal agencies to identify the disproportionate environmental and human health impacts of any federal actions on low-income communities of color. New Jersey Sen. Cory Booker has also introduced a separate environmental justice bill that includes reinstating giving individuals the right, under the Civil Rights Act, to bring actions against entities engaging in discriminatory practices.

These are effective yet ambitious policies in addressing the environmental harms Black and other marginalized communities often face. But they may take some time for Congress to take up, despite overwhelming support from Democrats and environmental activists. Adding and strengthening NEPA with civil rights protections, though, does not need to go through Congress — just the CEQ review process that Biden could get started on once his nominee to head the CEQ, Brenda Mallory, the first Black woman to lead the office, gets confirmed.

Bullard is hopeful that Biden will carry out his environmental justice promises: "Knowing the history of the environmental justice movement, it's very important to see how the climate-framing in this new administration, and the policies as they get moved out, that they have taken that justice lens," Bullard said.

Lavigne and the rest of the activists in St. James Parish will continue to hold their ground — and to hold the administration accountable. "Industry will continue to sacrifice Black people's lives to make billions of dollars off of our community," Lavigne said. "It's the new form of slavery. I want President Biden to come down here in Cancer Alley to see what we're going through."

Why a Harlem Activist's Decades-Long Fight for Environmental Justice Matters More Than Ever
https://earther.gizmodo.com/why-a-harlem-activist-s-decades-long-fight-for-environm-1846362595
By Molly Taft
26 Feb 2021

Environmental justice may seem to some like a new buzzword that has arisen in recent years as we reckon with climate change and racial bias. But five minutes talking to Peggy Shepard can set you straight.

"I was rummaging around in a drawer recently," she said. "I found a copy of–are you ready? A telegram." She laughed. "We sent a telegram to the governor about the sewage plant."

Shepard is one of the founders of West Harlem Environmental Action, known as WE ACT for Environmental Justice, a powerhouse of organizing in New York City and a cornerstone of the environmental justice movement nationwide. WE ACT has successfully organized large demonstrations and actions in Harlem for decades. Even amid the pandemic, Shepard pointed out that more than 100 people routinely attend the organization's weekly Zoom meetings are nearly all people of color, many of whom live in public housing. The long-running and continuously debunked stereotype from environmental groups and some of the general public that Black people do not care about the environment clearly frustrates her.

"It boggles the mind because those are the people who have the problems," she said of WE ACT's members of color. "We all have a problem, but they have a visceral problem. They have a ceiling that's falling in, there's mold in public housing. These are the people who are most affected. They get on a bus and they go to Albany and lobby."

Shepard didn't start out with intentions of becoming an environmental figurehead. Following a successful career in journalism in Indianapolis in the 1970s, where she covered the women's interest section as the first Black employee at the Indianapolis News, Shepard moved to New York to try and write for the New York Times–but ended up making a switch to politics. After a stint as public relations director for the 1984 Jesse Jackson presidential campaign, Shepard was convinced to run for Democratic District Leader in her community of West Harlem. She won her race and took office in the late 1980s.

Early into her tenure, residents told her about a sewage plant that was originally planned for construction in an upper-middle-class white neighborhood, but that the city had recently moved to West Harlem. The fumes and smells from the newly-opened plant were making residents sick. At first, Shepard wasn't sure how to respond.

"I didn't know anything about a sewage treatment plant," she said. "I hadn't been involved in environmental issues. I'd been writing about home furnishings."

Nevertheless, Shepard jumped in with both feet. On Martin Luther King Day in 1988, Shepard, along with other activists and community leaders, led a march holding up traffic on the West Side Highway to protest the sewage plant; she and other leaders were arrested. The group, which formalized into WE ACT that year, later filed a lawsuit against the plant. It was was settled in 1994, resulting in a $55 million odor abatement plan and a $1.1 million environmental benefit fund for the community.

Out of these activities WE ACT was born, and Shepard became a leader in the burgeoning movement towards recognizing how pollution, climate change, and the environment disproportionately impact people of color. A WE ACT coalition attended the first People of Color Environmental Leadership Summit in 1991, where Shepard helped draft the first Principles of Environmental Justice. In the mid-1990s, WE ACT helped the EPA conduct the first assessment of the air quality in Harlem. Since 2008, the organization has also served as coordinator of a nationwide environmental justice forum that brings more than 50 nonprofits working on the issue together each year to coordinate on policy fights.

WE ACT's work has been crucial in influencing how New York makes policy decisions around environmental issues. Its continued drive to push the city to clean up public transportation—six of the city's seven diesel bus depots are located in Harlem—led to major commitments from the city like switching from diesel to alternative fuels and mandating that new projects needed to take a neighborhood's racial and economic makeup into account. In 2017, Mayor Bill de Blasio signed two landmark environmental justice bills mandating citywide studies of the issue; WE ACT was a key force behind the bills.

Throughout this time, Shepard said, big green groups and the mainstream environmental movement knew about her and her work, and gave her seats at the table. (She's been on the board of trustees of the Environmental Defense Fund for years.) Yet white leaders never seemed to be fully listening when she brought up community concerns around solutions like cap-and-trade, which local groups say gives polluters a pass to keep destroying neighborhoods.

"When there's not a critical mass of you, when there's one or two voices, it becomes really hard," she said. "You're on a big board where everybody's fairly wealthy and you're not, and you're talking about something that probably goes against where they've got their stock. I don't mean that in some horrible negative way, because they came to my committee. We had discussions, and I kept telling them how we didn't like cap-and-trade. And they kept telling me I didn't understand."

Now, Shepard can feel the tide changing. She attributed a rising cultural awareness of both climate change and racial bias over the past decade to a growing need to address environmental justice. She said a "perfect storm" of situations this year—covid-19's impact on people of color, the killing of George Floyd, the visible ascent of white nationalism—helped vault environmental justice into the mainstream conversation.

"I've been getting a lot of media calls," she said wryly. "More than half of those media calls didn't really know much about environmental justice. That's been interesting."

The shift in power in Washington has ushered in a new kind of activity. The Biden administration has made environmental justice the core of its climate mission, and the president signed executive orders last month that made environmental justice a presence in how federal agencies plan for and address the climate crisis. Suddenly, Shepard is taking endless meetings with folks from the administration, including climate advisor Gina McCarthy and Biden's pick to head the Environmental Protection Agency, Michael Regan, and hosting 400-person Zoom meetings with Department of Energy officials as the Biden administration scrambles to put its vision into action.

"It's exhausting, but it's inspiring. It's hopeful. It's optimistic," she said. "There's never been this kind of bold vision. The trick here is to implement it, and for it to be implemented in the way that benefits the people that it's supposed to benefit. That's the challenge, but that's a wonderful challenge to have because we haven't had that challenge before."

Prediction: EPA Will Switch to a 3-Number Electric Vehicle Range Figure
https://www.torquenews.com/1083/prediction-epa-will-switch-3-number-electric-vehicle-range-figure
By John Goreham G+ Feb 26 2021 - 9:43am

The EPA's electric vehicle range estimates seem overly optimistic in winter. Here is why we foresee the EPA making a switch to a three-number EV range format and why it would resolve the debate over real-world EV range for good.

Author note: It is solely the author's conclusion that the EPA will soon shift to a three-number EV range display. The EPA requested that we make it clear the agency has not yet made a final decision on this matter.

Test cars for a decade and you will learn one thing about the Environmental Protection Agency's three-number fuel economy estimates: They are not really estimates. We find the EPA's estimated City, Highway, and Combined estimates to be spot on in our testing. The three-number method gives drivers an understanding of energy efficiency in a way they can understand intuitively. Aside from a small handful of outliers, every conventional car we test meets or exceeds the EPA Combined MPG number highlighted on the car's window sticker and on the WWW.FuelEconomy.com website. Given this amazing accuracy, why does the EPA's electric vehicle range number seem wildly high in winter? To answer, we need to explain how that single number ended up there in the first place.

EPA's Goal: Educate and Inform
One responsibility of the Environmental Protection Agency is to educate and inform consumers so they can make better decisions when they buy energy-consuming products like cars. That is not as easy as you might think. We know first-hand. It is also our goal in much of the content we publish.

Along with EPA's goals, it must follow the regulations it has on the books. One of them is to best inform the public about the relative energy efficiency of the vehicles they buy in simple succinct terms through the fuel economy label. In developing the fuel economy label, the EPA did a lot of research trying to determine how best to provide information to the consumer. Interviews, surveys, and even focus groups of consumers all pointed the EPA to use one big honking number on the side of a car in a showroom in bold font, instead of multiple values to take into account things like location and climate. Given the limitations that puts on an educator, it's a miracle MPG and range miles are even helpful at all.

How MPG Became the de facto Metric For Vehicles
With conventional internal combustion engine cars (ICE cars), miles per gallon ratings serve two useful purposes. First, they tell the consumer what efficiency they can expect when they drive the car in various real-world conditions. Second, the EPA's MPG number is ideal for comparing relatively similar vehicles to one another when shopping. In a family vehicle, a 14 MPG difference in MPG can translate to hundreds of dollars in fuel costs per year. Our chart above compares the Honda Odyssey to the Toyota Sienna. The MPG difference between these two nearly identical vehicles translates to $14,000 over the life of the vehicle in favor of the Sienna. The MPG difference tells the tale perfectly. 36 seems much better than 22, and it is.

Why Range Matters More than MPG to EV Buyers
When comparing electrified vehicles, MPG is not really that helpful. With EVs, MPG is called MPGe, as in "miles per gallon equivalent." The truth is, EVs of all types are extremely efficient. The rating of a Chevy Bolt battery-electric vehicle is 118 MPGe. The rating of a Prius Prime plug-in hybrid-electric vehicle is 133 MPGe. However, the Prius Prime actually has a higher cost for energy since it uses liquid fuel and also electricity. As you can see, MPGe is really not much help in this comparison example. These vehicles only have a $50 annual difference in energy cost anyway, so the differing MPGe number is not meaningful.

What EV owners care a LOT about is range. Unlike in an ICE vehicle, you can't grab 200 miles more in range on any street corner in five minutes at a gas pump. Finding an EV charger is a hassle, and when you do use one adding back 200 miles can take ten times longer than gassing up a car. If you're lucky you may find a DC fast charger, but even that can take a good part of an hour to grab 200 miles of range. Range anxiety is real, particularly for EV shoppers and new EV owners. For these reasons, the range of an EV is of much greater importance to EV shoppers and owners than MPGe.

EPA-Estimated EV Range Miles and Why They Are Seem so Wrong In Winter
Unlike ICE vehicles which are mostly immune to temperature differences, EVs use electrochemistry in batteries to power their motors. Temperature has a huge impact on battery charging rate and total power. Making matters worse, unlike in an ICE car, there is no handy waste heat in an EV to make the cabin warm and moisture-free in winter. This double whammy of factors means that the range of an EV is reduced from its typical maximum by a factor of as much as 40%. The EPA knows this. EV owners know this. AAA and Consumer Reports have proven it in independent testing, and Torque News knows it from having tested all the modern EVs available in winter. The question is, if you are mandated to use one big number on an EV, which do you choose? The Summer/Spring/Fall Range, the Winter Range, or a combination of the two?
EPA has chosen a combination, but it leans very heavily on the Summer/Fall/Spring range. We could dive into some math here, but let's not. Suffice it to say that the EPA opted to use a ratio with about four parts Summer/Spring/Fall range and one part Winter Range to derive its single range number.

Most EV Test Reports Are "Wrong"
The upshot is that every publication, including ours, tests EVs in winter and reports that the EPA range estimate is wildly "wrong." A comprehensive study of differences between promised and real-world EV range by Inside EVs concluded, "...customers get really disappointed to discover the range is so affected by low temperatures, as well as charging. Managing expectations can be crucial to increase EV sales."
Calling a single EV range estimate number "wrong" is not the best way to describe the problem. The EPA is just shackled to one EV range number that cannot possibly be meaningful in all seasons in all parts of America.

When an EV is cold-soaked in winter its battery is not at its optimal operating temperature. The car's range-estimation computer knows it is going to have to account for two things. First, it will need to include the energy consumed when the car warms its battery pack up, and second, warms the cabin. Both take a LOT of energy. However, once that is accomplished the energy drain drops off and the car is much more efficient in terms of battery use per mile. The car's computer shows you a conservative number figuring you may take multiple small trips with the need for multiple warm-up cycles over the full battery pack's charge. Most EV testers at automotive publications don't start with a pre-warmed battery and cabin and then drive five hours straight until the battery is entirely empty. If we did so, we might find the EPA number is closer than we guess by making assumptions from the in-vehicle range display when first starting out in cold temperatures.

What Will EPA Do About Its "Wrong" EV Range Number
EPA has in the past adjusted the way it reports MPG and range calculations to be more in line with the fuel economy that consumers see in real world will observe. So changing how EPA reports its data is not off the table. It seems clear to this writer how EPA should eventually solve this conundrum.

In the next couple of years, as EVs become ever more popular, the EPA should adjust how it defines and reports EV range. As a long-term green vehicle reporter, I predict that the EPA will eventually switch to a three-number EV range format similar to the City-Highway-Combined MPG numbers EPA uses now. Revised EPA's range estimates could look something like "Mild-Cold-Combined" with a more conservative Combined number than is used today. The Mild Range estimation would be meaningful for those in sunny California and the Cold Range for drivers in frigid Montana. The Combined number would work well as a way for consumers to cross-shop various EV models. More importantly, the Combined number would be more conservative. Thus, EV fans, owners, and media outlets would no longer feel obligated to prattle on about the EPA's "Wrong" EV range estimate.

One last note: In case you missed the note at the top of the page, this prediction story is based on the author's experience and research. Although our research did include discussions with the EPA, this story is not an official confirmation from anyone at the EPA.

Biden's water challenge
https://www.politico.com/newsletters/morning-energy/2021/02/26/bidens-water-challenge-793621
By KELSEY TAMBORRINO
02/26/2021 10:00 AM EST

BIDEN'S WATER CHALLENGE: The Biden administration will ask Congress to spend trillions to renovate the country's infrastructure. But even the most optimistic lobbyists don't expect the water sector to win a big enough share of that money to cover the cost of upgrading the country's aging and failing water infrastructure — let alone building expensive treatment systems, removing lead service lines and hardening low-lying water utilities to withstand the growing threats from climate change.
President Joe Biden drinks water as he answers questions from reporters. | Photo by Joshua Roberts/Getty Images

As Pro's Annie Snider reports this morning, without addressing the affordability crisis head on, the administration risks cutting off the poorest Americans from access to drinking water and wastewater services if it implements new regulations that could add hundreds of millions of dollars of costs for water utilities.

"A new regulation to make sure that your drinking water is safe or your wastewater is treated for a chemical that would make everybody safer will come at a cost," said Adam Krantz, president of the National Association of Clean Water Agencies. "To comply with that cost will demand a rate increase, and that rate increase will arguably hit those who are poorer in a greater way, in terms of their relative-to-income ability to pay."

The Biden administration has indicated it plans to use the tools at its disposal to address the issue. In a statement, Radhika Fox — the acting head of EPA's water office who worked on equity issues in her prior job leading the nonprofit U.S. Water Alliance — said the agency will "incorporate affordability and equity considerations as it advances the Biden-Harris administration's water priorities.

Water advocates say they are working with the administration on ways to tweak the federal government's primary tool for investing in water infrastructure — the State Revolving Funds that offer low-interest loans for water and sewer upgrades — and Fox said EPA supports targeting those loans to underserved communities.

Water near Arizona Air Force base is tainted in latest case
https://cbsaustin.com/news/nation-world/water-near-arizona-air-force-base-is-tainted-in-latest-case
by ANITA SNOW Associated Press

Friday, February 26th 2021

PHOENIX (AP) — The U.S. Air Force says it will be distributing bottled water to thousands of residents and business owners near its base in suburban Phoenix until at least April, marking the latest case of chemicals from military firefighting efforts contaminating the water supply in a nearby community.

Luke Air Force Base announced this month that studies showed high levels of contaminants had affected drinking water for about 6,000 people in roughly 1,600 homes as well as a few neighboring businesses.

A contractor is scheduling deliveries of drinking water to the homes of people who picked up their first bottles this week, said Sean Clements, chief of public affairs for the 56th Fighter Wing at the base. Those deliveries will go on until a long-term filtration facility can be set up in April, Clements said Thursday.

The base has recommended people use bottled water for drinking and cooking but deemed tap water safe for bathing and laundry.

Similar contamination tied to the use of firefighting foam has been found in water supplies near dozens of military sites in Arizona, Colorado and other states and has triggered hundreds of lawsuits. Growing evidence that it's dangerous to be exposed to the chemicals found in the foam has prompted the U.S. Environmental Protection Agency to consider setting a maximum level for those chemicals in drinking water nationwide.

But they aren't regulated now, meaning the base can't be punished even though the EPA says the chemicals stay in the body for long periods and may cause adverse health effects.

The Arizona Corporation Commission, which regulates utilities, is scheduling an emergency meeting next week with five water companies to discuss concerns about the contamination, said Caroline Oppleman, spokeswoman for the Arizona Department of Environmental Quality.

Oppleman said her agency is working with the base, regulators and federal and local officials to ensure actions are taken to ensure healthy drinking water for residents.

A statement from Luke Air Force Base last week said testing had detected levels of perfluorooctanoic acid and perfluorooctane sulfonate above the EPA's health advisory for how much should be consumed in drinking water over a person's lifetime.

The so-called forever chemicals from a class known collectively as PFAS were found during tests of water from Valley Utilities Water Co. The compounds are used in many industrial and consumer products and in foam used by commercial industries and the armed services to extinguish fuel fires.

The company said its water meets all EPA and Arizona drinking water standards and that no treatment is required because PFAS are not regulated by federal or state environmental agencies. Chief Financial Officer Bryan Thomas said the utility nevertheless is working with the base on "additional sampling and potential water treatment options."

Brig. Gen. Gregory Kreuder, commander of Luke Air Force Base, said a study showed the chemicals may have affected "supply wells that provide drinking water" to properties nearby.

"We share community concerns about the potential impact of these compounds on drinking water," he said.

The contamination problem is well known in neighboring New Mexico, where chemicals from several bases have seeped into local water supplies.

The state sued the U.S. Air Force in 2019 over groundwater contamination at Cannon and Holloman air bases, saying the federal government has a responsibility to clean up plumes of toxic chemicals left behind by past military firefighting activities.

In court documents, the state describes the contamination detected at the bases as shocking, saying it migrated into public and private wells that provide drinking water and livestock and irrigation water to surrounding communities.

New Mexico said its dairy industry has been affected as well as residential and commercial property values.

This year, the state challenged a federal court's decision to combine its lawsuit over contamination at Air Force bases with similar litigation brought by hundreds of other jurisdictions nationwide.

The New Mexico attorney general's office and state Environment Department argue the decision to centralize the claims violated the state's sovereignty and could lead to extreme delays that further endanger public health and the environment.

The U.S. Air Force Academy in 2019 said unsafe levels of PFAS chemicals were found in groundwater at four sites on its Colorado Springs campus, south of Denver. The chemicals also have been discovered around the Peterson Air Force Base in Colorado Springs.

Message

From: E&E News [ealerts@eenews.net]
Sent: 3/8/2021 11:58:31 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: March 8 -- Climatewire is ready

Climatewire -- Policy. Science. Business.

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CLIMATEWIRE

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Mon., March 8, 2021

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Climate project reveals racial tensions at Minn. golf course

MINNEAPOLIS — Black people faced overt discrimination on this city's public golf courses until the 1950s. Now climate change is elevating golf's racist past once again.

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Biden's new climate adviser: 'We're all dealing with plan B'

3. CHINA:
Analysis: Five-Year Plan lacks climate ambition

BUSINESS

4. ENERGY TRANSITIONS:
CERAWeek notebook: Politics, not tech, is top climate hurdle

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Lawmakers look to add $50B to dwindling disaster fund

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Bill would refine environmental justice commission

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Message

From: Grundler, Christopher [grundler.christopher@epa.gov]
Sent: 2/10/2021 1:19:30 PM
To: Cassady, Alison [Cassady.Alison@epa.gov]
CC: Goffman, Joseph [Goffman.Joseph@epa.gov]; Arroyo, Victoria [Arroyo.Victoria@epa.gov]
Subject: Backgrounder for Noon Deputies Meeting
Attachments: OAP Modeling and Analytical Support Related to the Paris Agreement - 020921.docx

Good Morning:
We put together the attached backgrounder last night to help you prepare for today's meeting. It gives you a glimpse of our past work in this area. I hope its useful for you

Thanks,

Chris

Christopher Grundler, Director
Office of Atmospheric Programs
U.S. Environmental Protection Agency
202.343.9140 (o)
734.645.5221 (m)

Message

From: E&E News [ealerts@eenews.net]
Sent: 2/22/2021 6:53:11 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: February 22 -- Greenwire is ready

Greenwire -- The Leader in Energy and Environment News

Read today's Greenwire on the web

GREENWIRE

AN E&E NEWS PUBLICATION

GREENWIRE — Mon., February 22, 2021

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Biden names Audubon attorney to replace Pendley

Nada Culver, an attorney who has spent most of her career working with environmental groups, will fill the Bureau of Land Management job recently vacated by William Perry Pendley, the bureau's top official during former President Trump's final months in office.

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Justices struggle with oystermen's claims in water dispute

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Problems, opportunities aplenty await Haaland at Interior

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AG pick Merrick Garland pledges to focus on pollution

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GOP governors urge Biden to reverse course on leasing

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U.S. could accelerate ocean trash treaty

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NPS statue of Confederate general may get new home

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Spotted owl's shrunken critical habitat gets second look

9. ENDANGERED SPECIES:

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La. challenges Calif. ban on alligator products

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14. PIPELINES:

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State park added to National Register of Historic Places

INTERNATIONAL

17. NEW ZEALAND:

Volunteers refloat 40 beached whales, but fears remain

18. CYPRUS:

Hunters' lead pellets threaten flamingos, activists say

19. SPAIN:

Europe-bound migrants found among recycling glass, toxic ash

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Message

From: E&E News [ealerts@eenews.net]
Sent: 2/19/2021 11:57:05 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: February 19 -- Climatewire is ready

Climatewire -- Policy. Science. Business.

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CLIMATEWIRE

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Fri., February 19, 2021

READ FULL EDITION

1. FINANCE:
BlackRock puts muscle behind push for net zero

Wealth leviathan BlackRock Inc. gave teeth to its carbon commitments this week when it pledged to punish companies that fail to take climate change seriously.

TOP STORIES

2. POLITICS:
U.S. reenters climate accord in sprint for new CO2 goals

3. POLITICS:
Biden hits first climate milestone. What about the rest?

CLIMATE IMPACTS

4. SOCIAL MEDIA:
After criticism, Facebook addresses climate disinformation

5. ELECTRIC VEHICLES:
How much do drivers use EVs? Clashing studies fuel debate

IN THE STATES

6. CALIFORNIA:
Dwindling cap-and-trade revenue leaves programs in limbo

7. NEVADA:
Las Vegas area adopts climate, sustainability plan

BUSINESS

8. SPORTS:

Roush Fenway becomes 1st carbon neutral NASCAR team

INTERNATIONAL

9. EUROPE:

E.U. falling short on emission goal — consultant

10. AUSTRALIA:

Green fund asked to back coal in climate riddle

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Message

From: POLITICO Pro Energy [alert@email.politicopro.com]
Sent: 3/16/2021 12:46:06 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: EPA finalizes rule curbing interstate pollution from 12 states

EPA finalizes rule curbing interstate pollution from 12 states

By Alex Guillén

03/15/2021 08:45 PM EDT

EPA finalized a rule (Reg. 2060-AU84) on Monday to curb nitrogen oxide emissions from power plants in 12 states ahead of a July deadline for states to be in compliance with the 2008 ozone standard.

Background: The rule follows a string of prior regulations and litigation stretching back to the Obama administration regarding interstate pollution, which the Clean Air Act requires upwind states to address because their pollution causes air quality problems in other states.

A federal judge last year ordered EPA to act by March 15 to reduce cross-state pollution from seven states specified in a lawsuit brought by New Jersey, New York and other states. The states face a July deadline to demonstrate compliance with the 2008 ozone standard, meaning this summer's emissions will influence whether those states face additional regulatory requirements.

Details: The rule, which updates ozone requirements under the Cross-State Air Pollution Rule and is largely in line with the Trump administration's proposal, will require power plants in the 12 states to optimize their use of already-installed pollution controls for 2021. Plants may also have to install or upgrade their NOx combustion controls for the 2022 season.

The rule lists emissions budgets for those states through 2024, with figures tweaked slightly from last year's proposal.

The 12 states facing additional requirements because of their contribution to downwind states' air quality problems are Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia. (Some states, like New York and New Jersey, are both upwind and downwind states.)

As with the Trump proposal, the final rule does not cover non-power plant sources, which the agency said are less likely to be able to provide cost-effective, significant reductions compared to power plants. The agency also reaffirmed no additional requirements on nine other states that previously were subject to the update.

Costs and benefits: The rule will reduce emissions of NOx, which mixes with other pollutants and sunlight to form ground-level ozone, by 17,000 tons this year, in line with the Trump administration's October proposal. Combined with other reductions already expected, summer season NOx emissions will be 19 percent below 2019 levels, according to EPA. Public health and climate benefits total up to $2.8 billion annually between 2021 and 2040, according to EPA.

Annual costs over that period will average $25 million, EPA said.

Documents: EPA released a pre-publication copy of the rule, as well as a fact sheet and various technical support documents.

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Message

From: Kocchi, Suzanne [Kocchi.Suzanne@epa.gov]
Sent: 2/26/2021 4:52:10 PM
To: OAR Briefings [OAR_Briefings@epa.gov]
Subject: material for OAP Weekly on Mon 3/1 3 pm
Attachments: US_EGBCM_National_Report_20210226.docx

Attached as a paper which we plan to flag at the OAP Weekly on Mon 3/1 at 3 pm. The email below provides additional background. OAQPS also plans to mention this at their Weekly on Mon 3/1 as well. Thanks.

From: Sarofim, Marcus <Sarofim.Marcus@epa.gov>
Sent: Friday, February 26, 2021 9:53 AM
To: Gunning, Paul <Gunning.Paul@epa.gov>
Cc: Kocchi, Suzanne <Kocchi.Suzanne@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Pinder, Robert <pinder.robert@epa.gov>
Subject: EGBCM National Submission for internal clearance

Hi Paul,

Attached is the final version of the national submission for EPA clearance. State wants to hear back from us by COB March 2nd (Tuesday) which is a very fast turnaround. It would be good to flag the existence of this for Chris and maybe Joe/Tomas.

As a reminder for Chris: he reviewed an earlier version of this document last summer. Key changes since that version:

Ex. 5 Deliberative Process (DP)

I do not see anything of concern in this document. It has been reviewed by staff in OAQPS, OTAQ, Pamela's branch, and Bill's branch.

Thank you,

-Marcus

Background:

The Arctic Council is comprised of the 8 Arctic Nations, 6 indigenous Permanent Participants, and 38 Observers. 6 Working Groups support Arctic Council activities, along with expert groups and task forces. The Arctic Council enhances cooperation in the Arctic, through data sharing, voluntary, consensus based agreements, and other mechanisms in order to address issues of Arctic environment, inhabitants, scientific cooperation, and emergencies (such as search and rescue operations).

The Framework for Action on Black Carbon and Methane adopted at the 2015 Arctic Council Ministerial established a two-year cycle wherein the Arctic nations and observer states would provide a "national submission" in the first year,

and develop a Summary of Progress and Recommendations in the 2nd year. The Expert Group on Black Carbon and Methane (EGBCM) was created to coordinate the creation of these documents. All documents produced by the EGBCM are hosted at https://oaarchive.arctic-council.org/handle/11374/1167.

In the Framework, the "national submission" is described as including:

- a summary of BC & CH4 emissions and, where appropriate/available, projections of future emissions
- a summary of national actions by sector
- highlights of best practices or lessons learned for key sectors
- Projects relevant for the Arctic
- Other information if available (e.g., climate, health, environmental, or economic effects of emissions and mitigation)

National submission status:

- A version was drafted by the State Department, with substantial input from EPA/OAR, but was never sent to the Expert Group.
- The report includes summaries of current emissions (which were also provided to the Expert Group separately), ongoing methane and BC actions, and BC projections.
- The report does not include methane projections

The "Summary of Progress and Recommendations"

- Is intended to inform Arctic Council Ministers
- Should include appropriate conclusions and recommendations based on quantitative or qualitative analysis of how Arctic States (and Observer States) are collectively progressing in meeting the common vision of the Framework document
- Summarizes emissions and projections from the national reports
- Includes qualitative descriptions of actions and best practices for several key sectors regarding methane and BC emissions (mobile and stationary diesel, oil and gas, residential combustion, solid waste, agriculture and animal husbandry, and wildfire management)
- Includes a collective, aspirational black carbon goal. After having disassociated itself from the goal in 2019, the US is now rejoining the goal.

Summary Status:

- A March 3rd meeting is finalizing edits to the report

EGBCM Timeline: 2019-2021 cycle

- Iceland is the chair of the Arctic Council for this cycle.
- US representation for this cycle includes 2 EPA reps - Marcus Sarofim, OAP and Rob Pinder, OAQPS – along with State Department reps.
- March 3rd: EGBCM meeting to finalize Summary of Progress and Recommendations
- March 10-11: SAO plenary meeting
- March 14: Final deadline for any report changes
- April 14-15: SAO executive meeting
- May 19-20: Summary of Progress and Recommendations presented at Arctic Ministerial

For the 2021-23 cycle, Russia will be the chair of the Arctic Council, starting after the Arctic Ministerial.

Marcus C. Sarofim, PhD
phone: 202-343-9993

WJC East 4410M
Environmental Scientist
Climate Science & Impacts Branch

Message

From: Carbonell, Tomas [Carbonell.Tomas@epa.gov]
Sent: 2/13/2021 7:13:49 PM
To: Shoaff, John [Shoaff.John@epa.gov]
CC: Goffman, Joseph [Goffman.Joseph@epa.gov]; Hockstad, Leif [Hockstad.Leif@epa.gov]; Ferland, Henry [Ferland.Henry@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]
Subject: Re: Potentially due Wed. -- draft deliverables for Biden-Trudeau mtg for Thurs IPC; & FYI previous (Obama) U.S.-Canada Jt. Statement

Thank you for this update and information, John. Adding Peter, Sarah, Chris, and Ale here, with apologies for the Saturday email.

On a related note, Mark Kasman wrote last night to ask me to join an IPC on Tuesday for the Climate Leaders summit in April. That call is supposed to include a discussion of potential deliverables too. I assume we will want to coordinate these commitments or even make them identical if possible.

Should we take time on Tuesday's Air Issues call to confer on this?

Best,

Tomás

On Feb 12, 2021, at 6:01 PM, Shoaff, John <Shoaff.John@epa.gov> wrote:

Joe and Tomas,

Ex. 5 Deliberative Process (DP)

John

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

JOHN SHOAFF | DIRECTOR
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<US-CA Joint Statement on Climate+.docx>

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From: E&E News [ealerts@eenews.net]
Sent: 2/10/2021 12:24:27 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: February 10 -- E&E Daily is ready

E&E Daily -- Congress. Legislation. Politics.

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AN E&E NEWS PUBLICATION

E&E DAILY — Wed., February 10, 2021

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E&C Dems vow action 'with or without Republican support'

House Energy and Commerce Committee Democrats plan to build on the draft climate change legislation they unveiled last year, but they face an array of practical and political challenges as Republicans launch a full-court press to protect the fossil fuel industry.

TOP STORIES

2. POLITICS:

Carper looks to get infrastructure bill moving

3. NOMINATIONS:

Tanden talks regulations, apologizes for being mean to GOP

4. IMPEACHMENT:

Trump Senate trial opens to drama, acrimony

ON THE HILL

5. PANDEMIC:

Energy and Commerce releases COVID-19 bills

6. INTERIOR:

Hickenlooper invites Haaland to see BLM's Colo. HQ

7. SENATE:

Carper signals greater focus on climate, justice

IN COMMITTEE

8. NOMINATIONS:

Judiciary Committee sets hearing on Merrick Garland

9. AGENDA:

Lawmakers introduce natural resources, wildfire bills

UPCOMING HEARINGS AND MARKUPS

10. CALENDAR:

Activity for February 8 - February 14, 2021

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Sent: 2/17/2021 1:37:44 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Newsom's call for fracking ban could lead to recall headache

Newsom's call for fracking ban could lead to recall headache

By Debra Kahn, Colby Bermel

02/16/2021 08:36 PM EST

SAN FRANCISCO — A proposed fracking ban promises to complicate Gov. Gavin Newsom's political calculations as a recall campaign gains steam.

Newsom called last year for state lawmakers to send him a ban on new hydraulic fracturing permits, and Sen. Scott Wiener (D-San Francisco) is planning to introduce a bill Wednesday. It was already shaping up to be one of the biggest fights of the year in a Covid-restricted Legislature that has balked at previous attempts to rein in petroleum production.

But that was before Republicans had any traction on a recall petition that's snowballing into a credible threat, forcing Democrats to close ranks and defend Newsom.

Now, the progressive priority is on a collision course with the recall. The bill is a political hot potato for Newsom, with the potential to alienate Republicans in the oil-rich Central Valley, labor unions representing oil and gas workers and Newsom's progressive base.

Wiener's bill would complicate Newsom's path by creating new pitfalls on both sides — on the right, which is looking for ammunition to fuel opposition to the governor, but also on the left, where environmental justice and mainstream environmental groups have long called for a fracking ban.

"The problem for him now is he's trying to knock out any possibility of anybody from the left running at him," said Democratic strategist Steve Maviglio. "If there's a lot of noise on the left, that's problematic. Anything that fuels that fire does not make a happy day for Gavin Newsom."

If he tries to protect his left flank by backing the bill, he'll risk fanning the flames of the recall movement on the right, as well as labor allies that represent oil workers. "Embracing that alienates unions and alienates the Central Valley, and those are two sore spots for him," said Maviglio, who was press secretary for former Gov. Gray Davis before Davis was recalled in 2003. "It's a tough tightrope to walk."

Environmentalists are warning that the bill will be a heavy lift that Newsom will have to help push through the Capitol.

"He really is going to have to put his weight behind it if we're going to see movement in the Legislature," said Brian Nowicki, California climate policy director for the Center for Biological Diversity, one of the bill's backers.

Wiener's joint author, Sen. Monique Limón (D-Santa Barbara), acknowledged the potential effect of the recall on Newsom's engagement with the bill.

"I don't anticipate it's easy, but I'm still of the mind that if there's not a bill, there's not a conversation," she said in an interview. "So we at least have to have a conversation. As a Legislature, you're watching the federal administration, the Biden administration, move issues forward, and so where is that going to leave California?"

Last year, a bill to limit petroleum production by mandating minimum distances from homes, schools and other sensitive sites stalled under heavy pressure from the industry and unions representing oil workers. Labor representatives are preparing for a similar slugfest over fracking, an extraction process that involves blasting water and chemicals underground to break up rock formations.

"The ink won't be dry on that bill before I get my letter of opposition out," said Scott Wetch, a lobbyist representing plumbers and pipefitters. "There might not be a lot of oil and gas jobs in the city and county of San Francisco, but they need to start taking a holistic view of the economy in California and what's going on with working families who haven't paid a utility bill in five months and are behind on their mortgage."

The recall campaign has so far drawn contributions from only one petroleum company: Modesto-based Boyett Petroleum, which donated $49,000 last month. An oil industry representative who didn't want to be named because he was speaking without authorization, said the bill would exacerbate tensions between the state's coastal and inland regions. He also suggested that it would tap into California's class divide, taking a shot at Newsom's embarrassing dinner with lobbyists in November that helped propel the recall effort.

"If you look at the authors and proponents of the bill — where they're from and who they represent — compared to what this industry is, there's clearly a divide," said the representative, speaking anonymously to avoid negative repercussions. "You go to the French Laundry, that puts you in the elite category; you support putting hundreds of thousands of Californians out of a job and communities that need them ... that sends a message."

Environmentalists are already frustrated with Newsom. His oil agency missed a December due date to release setback rules, and they contend that he could have already used his executive authority to curb fracking or other similar practices. The governor has insisted that he needs the Legislature to act.

Regardless, Newsom has tied himself to a fracking ban by explicitly asking lawmakers to send him a ban as part of a September executive order directing the state to phase out internal-combustion vehicles.

"There's a pretty widespread belief that Newsom could have done this administratively," said Ingrid Brostrom, assistant director of the Center on Race, Poverty and the Environment, the sponsor of Wiener's bill. "My belief is because this policy is coming as a result of a direction from the governor, he has a responsibility to support it and to help make it happen."

While environmentalists aren't threatening to back the recall campaign, the fracking issue could bleed into the campaign, Maviglio said. "The proponents of that are extremely vocal, and he's had a semi-frosty relationship with the environmental community, the environmental justice community in particular," he said. "Campaign promises sometimes catch up with you."

Newsom said during his gubernatorial campaign that he opposed fracking, but like his predecessor, former Gov. Jerry Brown, he has expressed concerns about the possibility that California will simply replace in-state oil with imports while it continues to rely on fossil fuels.

In July 2019, he said he wasn't a "big fan of fracking" but cast doubt on whether California should stop in-state production and instead import from other states and countries. His comments came after revelations that the state had accelerated the pace of drilling permits while top officials owned stock in petroleum companies.

"I know some people just want to turn things off and not deal with the consequences. I get that, but you can't do that," Newsom said. "And until you change behavior and create alternative means to move around, which we're committed to, I think you have to be thoughtful about this."

A year later, Newsom shifted his tone, citing record-setting wildfires as one justification for his move to ban new gasoline-fueled cars in 2035, connecting climate change to the state's oil reliance.

When announcing the executive order in September, he said fracking accounts for less than 2 percent of the state's fossil fuel production — a number that the oil industry source said was closer to 17 percent, which could up the ante for how significant a fracking ban would be.

Another oil industry representative pointed to the state's existing regulations on fracking. "If this is an administration that believes in science and champions climate, then ensuring Californians get their energy from locally oil produced oil under the toughest standards on the planet is the best choice for the environment and the economy," Rock Zierman, CEO of the California Independent Petroleum Association, said in a statement. "No adverse impacts from hydraulic fracturing in California has been demonstrated despite being done for decades."

Newsom's office didn't respond to a request for comment, and Wiener declined to comment. But observers expect the bill and the recall to force the conversation one way or another.

"It seems like there's going to be some finality to this for sure," said former Sen. Dean Florez, a Democrat from the oil-rich Bakersfield region who now sits on the state Air Resources Board, which is writing rules to phase out internal-combustion vehicles. "When it trades houses, we'll know if he's in the recall or not, and that'll change the calculus."

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: CERAweek speakers: Clean energy drawing investment away from oil sector

CERAweek speakers: Clean energy drawing investment away from oil sector

By Ben Lefebvre

03/01/2021 05:34 PM EST

Oil industry executives heard a parade of bankers, investors, government officials and even other energy CEOs warn on Monday that clean energy sources were attracting a rapidly growing share of global investments, and fossil fuel producers who didn't adapt faced a risk of being left behind.

The heads of oil majors BP and Royal Dutch Shell, as well as representatives of Wall Street giant Goldman Sachs, investment bank Tudor, Pickering & Holt and other firms attending the CERAWeek energy conference on Monday, warned that as governments around the world — including the new Biden administration — push more aggressive policies to combat climate change, more money will flow toward renewable energy and electrification efforts and less to oil and gas drilling.

Companies that do not follow that financial shift will be "fighting gravity," said Andy Jassy, chief executive of Amazon Web Services, the subsidiary of the online retail giant Amazon that offers cloud computing services.

“If something is going to happen, whether it’s good for you or not, if it’s good for customers, it is going to happen,” Jassy said. “You can howl at the wind and wish it away, as a lot of big companies do, as big leading companies do when there are new shifts and new technologies, or you can realize it’s better for customers and embrace it.”

BP Chief Executive Bernard Looney said those shifts in government policies and consumer sentiment were behind his company's efforts to spend more money on projects developing renewable energy and electrification and sell off some of its fossil fuel operations.

“The thing we decided to do was really embrace that energy transition more as a massive opportunity and not look at it as some sort of massive threat to our core business,” Looney told the conference. “We’re going to diversify the company and decarbonize the company over the next decade.”

The industry is coming off one of its toughest years in history as the economic turmoil from the coronavirus pandemic hit fuel demand particularly hard. Now as companies continue to awash in red ink, they are facing growing pressure to rethink their business models and start to shift toward clean energy projects and reduce their output of greenhouse gases.

U.S. oil producers have been more resistant than their European counterparts in investing in renewable energy, but there new signs that they are taking steps to accommodate the calls for climate action. Earlier on Monday, shares in Exxon Mobil, the largest U.S. oil company and long a target of climate activists, announced it would appoint climate-focused investor Jeff Ubben to its board of directors — a move that helped push its stock price up more than 4 percent.

Investors are seeing more opportunities to invest in clean energy technology than in new fossil fuel projects, said Maynard Holt, chief executive of Houston-based energy investment firm Tudor, Pickering & Holt. After years of pouring money into oil and gas projects during the shale boom, the sector is realizing it's "short clean energy," Holt said at the conference.

"We're definitely seeing that private equity is increasingly looking at other energy, you know, not oil and gas, and public investors are doing the same thing," Holt added. "So everybody who is an oil and gas player is thinking about the new branch of the home that includes all these unique things."

Other investors concurred. As the rush to replace cars powered by oil with those powered by electricity, the raw materials used used for wires and batteries will begin to eclipse the fossil fuel business, said Jeff Currie, global head of commodities research at Goldman Sachs' global investment research division. The trend, if it continues, will be enough to scramble global geopolitics and could mean that Chile, the world's biggest copper producer, "becomes the new Saudi Arabia," Currie said.

"The clock is now ticking on oil," Currie said. "Copper is your new oil. Tremendous upside potential there."

Andrew Light, acting assistant secretary for international affairs at the Department of Energy, said that even as the oil industry remains divided on how aggressively to pursue clean energy, there is a massive $23 trillion coming from investors and governments to pursue such a course.

"That's something I've been preaching to people for 15 years," Light said at the conference. "Climate action is job creation, across the board."

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: White House infrastructure meeting ends with calls for bipartisanship, but few details

White House infrastructure meeting ends with calls for bipartisanship, but few details

By Tanya Snyder

03/04/2021 06:55 PM EST

House lawmakers from both parties emerged Wednesday from a White House infrastructure meeting in broad agreement about the need to get a bill done, but no closer to specifics on the key questions of what it will contain or how to pay for it.

House Transportation Chair Peter DeFazio (D-Ore.) told reporters after the meeting that President Joe Biden "wants to move as quickly as possible" and that Biden "wants it to be very big and he feels that this is the key to the recovery package."

The fissures that have been clear for some time remain, however.

Rep. John Garamendi (D-Calif.) said Biden "was very clear" about wanting "a big, broad infrastructure bill that includes all of the issues." But Rep. Sam Graves (R-Mo.), the top Republican on the committee, told POLITICO that he's focused on roads and bridges, as a surface transportation bill needs to be reauthorized by the end of the fiscal year.

"We'll see, when it comes to other components, what is added, if it is paid for and just how far it goes," Graves said. "I'm open. I'm not shutting the door on anything. But there are a few things I've got to have to be supportive."

Graves laid out what Republicans will need to go along with an infrastructure bill — "we need to make sure that this doesn't get out of hand, we need to keep it manageable, we need to balance interests between rural and urban." Although he highlighted some green elements he'd like to keep in the bill, like resiliency and some proposals on concrete, overall he's wary of a "Green New Deal"-style bill loaded with Democratic climate priorities.

For Democrats in Congress and in the administration, climate change and equity are legacy issues they're not likely to give up on easily.

Rep. Sharice Davids (D-Kan.), the committee vice chair, said members talked about "infrastructure investments that will combat the effects of climate change, get a more resilient, sustainable system, and while we're doing that, we've got to make sure we're looking through an equity lens so all communities can be a part of this."

But Republicans are determined to keep the transportation bill focused on transportation, not climate — issues which Democrats want intertwined. Rep. Rodney Davis (R-Ill.) said if Democrats want to do a climate bill, "use the reconciliation process for that. And let's sit down and come together with an infrastructure package that I know we can all agree on."

Though timing and the process for rolling out a package weren't discussed in detail, Garamendi said Biden is "very determined to get a major infrastructure bill done immediately" and members said the House will take a leadership role.

"I think the president understands what regular order is and how the process works," said Graves. "I think he wants Congress to do its work and put something out."

Infrastructure bills for years have been derailed by the difficulty of finding a way to pay for them. Members discussed a gas tax, a fee on miles driven and even a carbon tax, but it wasn't clear that any new ground was broken.

To view online:
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Greenwire -- The Leader in Energy and Environment News

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AN E&E NEWS PUBLICATION

GREENWIRE — Thu., February 11, 2021

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Daily Media Clips: February 5, 2021 (afternoon edition)

Agency

EnvironmentalLeader: Regan to Rebuild the EPA, Handle PFAS, Improve 'Environmental Justice'

Biofuels

The National Law Review: EPA Issues Proposed Rule Extending 2019 And 2020 RFS Compliance And Attesting Reporting Deadlines

AberdeenNews: Iowa's ethanol production falls by 500 million gallon as Americans drive less due to COVID-19

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NPR: Purple Is The New Red: How Alert Maps Show When We Are Royally ... Hued

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Detroit News: Ford says agencies have ended mileage, pollution test probes

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Detroit News: Biden's EPA ends appeal, cementing DTE Energy-Sierra Club settlement

Environmental Justice

Politico: Environmental Groups' Greatest Obstacle May Not Be Republican Opposition

Water

The National Law Review: WOTUS Encore: The Fate of the Navigable Waters Protection Rule and Implications for Groundwater

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Regan to Rebuild the EPA, Handle PFAS, Improve 'Environmental Justice'

https://www.environmentalleader.com/2021/02/regan-to-focus-on-rebuilding-the-epa-improving-environmental-justice/

FEBRUARY 5, 2021 BY JENNIFER NASTU

During his Feb. 3 confirmation hearing, EPA administrator nominee Michael S. Regan focused on a handful of issues, including his plans to rebuild the agency and to focus on environmental justice. His plans include the appointment of new justice officials in each of its regulatory offices who would focus on air, water and land pollution. A fourth official in each office would be responsible for chemical safety.

Regan also plans to appoint an environmental justice adviser to the EPA administrator, he told the Senate Environment and Public Works Committee.

One area of priority in terms of chemicals, Regan said, will be per- and polyfluoroalkyl substances (PFAS). In his job as head of the North Carolina Department of Environmental Quality, Regan has dealt with PFAS-related issues including tainted drinking water and cleanup by a chemical maker, writes Chemical & Engineering News. Regan wants to set limits on PFAS in drinking water and wants the EPA to establish thresholds on allowable industrial releases of these chemicals.

Biofuels is another area expected to be a focus for Regan's EPA. Farm state senators in both parties have fought with the EPA over its handling of the renewable fuel standard. "The biofuel mandate often pits powerful interests like oil and agriculture against each other," writes E&E News.

President Joe Biden jumped immediately into the climate fray on day one of his job, rejoining the Paris Climate Agreement and announcing plans to eliminate carbon dioxide emissions from the grid by 2035 and ensure the country is on a solid path to net-zero emissions by 2050.

EPA Issues Proposed Rule Extending 2019 And 2020 RFS Compliance And Attesting Reporting Deadlines
https://www.natlawreview.com/article/epa-issues-proposed-rule-extending-2019-and-2020-rfs-compliance-and-attesting
ARTICLE BY
Lynn L. Bergeson
Ligia Duarte Botelho
5 Feb 2021

EPA, on January 15, 2021, issued a proposed rule to modify certain compliance dates under the Renewable Fuel Standard (RFS). The proposed deadline extension for the 2019 compliance year and the associated deadline for submission of attest engagement reports for the 2019 compliance year for small refineries are as follows: November 30, 2021, and June 1, 2022, respectively. The second extension would be for the 2020 compliance year and the associated deadline for submission of attest engagement reports for obligated parties and Renewable Identification Number (RIN)-generating renewable fuel producers and importers, among other parties holding RINs. The new deadlines for these would be January 31, 2022, and June 1, 2022, respectively.

Comments on the proposed rule must be submitted by March 11, 2021. A virtual public hearing will take place on February 9, 2021, to discuss questions and concerns about the proposed rule.

Iowa's ethanol production falls by 500 million gallon as Americans drive less due to COVID-19
https://www.aberdeennews.com/farm_forum/iowas-ethanol-production-falls-by-500-million-gallon-as-americans-drive-less-due-to-covid/article_d9949a00-64e1-11eb-938d-7fecceac88a6.html
By Donnelle Eller Des Moines Register
5 Feb 2021

Iowa ethanol plants produced 500 million fewer gallons last year compared to 2019 as remote work and learning because of the coronavirus caused a steep drop in Americans' daily travel.

The Iowa Renewable Fuels Association said on Thursday that the state's ethanol plants produced 3.7 billion gallons in 2020, 12% fewer than in 2019. It was the second consecutive year production fell after hitting a record 4.35 billion gallons in 2018, the group said.

The U.S. Energy Information Administration reported this month that Americans pumped about 13% less fuel in 2020, primarily due to reduced travel tied to the public health emergency. Regular gasoline typically contains about 10% ethanol.

The renewable fuels association also blamed reduced exports due to ongoing global trade disputes and waivers the Trump administration granted oil companies. The waivers allow refiners to avoid a requirement that they blend ethanol and biodiesel into the nation's fuel supply.

Since 2016, the U.S. Environmental Protection Agency has approved nearly 90 small refinery exemptions that the biofuels industry says have eliminated demand for about 4 billion gallons of ethanol and biodiesel.

On Tuesday, the Trump administration's last full day in office, the EPA approved three exemptions for oil refiners, action that a Washington appeals court stayed on Thursday.

"What we saw in the final hours of the Trump administration was a disgrace," U.S. Sen. Chuck Grassley, an Iowa Republican, said in a call with reporters Thursday.

Grassley, who also was critical of waivers provided during the Obama administration, said he would work with President Joe Biden on agriculture issues, including supporting biofuels.

"I'm hopeful the new administration will not abuse" the small refinery exemptions, Grassley said.

Iowa is the nation's largest ethanol and biodiesel producer, tapping the state's corn and soybean crops to make the renewable fuels. About half of the state's corn supply is used to make ethanol.

Chemical "Risk Management Rules" on the Horizon for 2021
https://www.jdsupra.com/legalnews/chemical-risk-management-rules-on-the-1616517/
By Emilee Scott and Robinson+Cole Manufacturing Law Blog
5 Feb 2021

The Toxic Substances Control Act (TSCA) has long provided EPA with authority to review new chemical substances in a gatekeeper role as such substances enter U.S. commerce. Through amendments in 2016, EPA was also given the authority to evaluate selected existing chemical substances using a three-step framework (explained in further detail here). There are a few dozen substances in the pipeline now, with the first ten substances almost at the end of a long process that will culminate in substance-specific rules. Around the fifth anniversary of the TSCA amendments later this year, the first round of risk management rules should be proposed. These risk management rules could have significant impacts on manufacturers that use the substances in question, and will provide insight on EPA's approach to such rules going forward.

TSCA Evaluation of Existing Chemical Substances

The three-step process for evaluating existing chemical substances first identifies substances for further study, then evaluates risks posed by those substances, and finally culminates with a risk management rule to mitigate the risks that have been identified:

1) Prioritization: Could this substance pose an unreasonable risk to human health or the environment? This is an initial screening step that results in the designation of chemicals as "high priority" for further study or "low priority" and not slated for further study at this time.

There are no substances in the "prioritization" step now. As additional substances move through the pipeline, additional substances will be prioritized, as TSCA requires EPA to have twenty risk evaluations underway at any one time.

2) Risk Evaluation: Does this substance actually pose an unreasonable risk to human health or the environment? The 2016 TSCA amendments directed EPA to identify a slate of ten substances that would skip the prioritization step and proceed directly to the risk evaluation step (as we discussed when risk evaluations began in the summer of 2017). Final risk evaluations have now been completed for each of the first ten

substances, and some unreasonable risks to human health and/or the environment were identified for all of them.

Some of the risks identified by EPA include:
• Tetrachloroethylene (perchloroethylene): Unreasonable risks to workers, occupational non-users, consumers and bystanders from 59 conditions of use, including all consumer uses (e.g., automotive care products like brake cleaners, lubricants/greases).
• Carbon Tetrachloride: Unreasonable occupational risks from 13 conditions of use, including processing the chemical as a reactant or intermediate and a variety of other industrial and commercial applications, but no unreasonable risks from two conditions of use (processing as a reactant in reactive ion etching and in distribution in commerce).
• Cyclic Aliphatic Bromide Cluster (HBCD): Unreasonable risks to the environment from six out of 12 conditions of use, and unreasonable risks to workers and occupational non-users from the use of HBCD as a flame retardant in building and construction materials. EPA did not find unreasonable risks to the general population or consumers.

EPA identified the next 20 high-priority substances in 2019 and risk evaluations are underway now. These "next 20" substances include seven chlorinated solvents, five phthalates, three halogenated flame retardants, and five other substances (notably including formaldehyde). EPA's website includes a regularly-updated list of all the chemicals undergoing risk evaluation, together with links to dockets providing additional information.

3) Risk Management: How can the risks associated with this substance be managed? EPA is required to issue a proposed risk management rule within one year after completing the risk evaluation, and issue the final risk evaluation rule within two years (with the possibility for a two-year extension). Therefore, we would expect to see proposed risk evaluations for many of the first ten substances in the summer and fall of this year. Stakeholders will have an opportunity to submit comments on each of the proposed risk management rules.

When crafting each risk management rule, EPA is directed to consider economic and practical factors, including economic consequences and the beneficial uses of the chemical substance. In other words, where risk evaluations identified conditions of use that did not present unreasonable risk, we might expect EPA to allow such uses to continue.

What's Next?

Stay tuned for proposed risk management rules, and associated comments and litigation arguing that the rules go too far or not far enough. It is also possible that the change in administration will cause EPA to revisit some of the first ten substances with supplemental risk evaluations. For example, stakeholders have argued that EPA's risk evaluation on asbestos should have included more analysis of legacy use and disposal not originally considered. EPA has a busy 2021 ahead.

[View source.]

Purple Is The New Red: How Alert Maps Show When We Are Royally ... Hued
https://www.npr.org/2021/02/05/962817514/purple-is-the-new-red-how-alert-maps-show-when-we-are-royally-hued
February 5, 20217:00 AM ET
By Neda Ulaby

A guide to county risk level tiers on California's COVID-19 site.
covid19.ca.gov

COVID-19 across California is really, really bad.

How bad? Purple-tier bad.

California, along with Ohio and Colorado, employs a color-coded system to warn about the prevalence of the Coronavirus. The basic idea's not unfamiliar for many of us: green is fine, yellow indicates the spread is minimal, orange is moderate, and red means substantial. But purple?
The purple tier lets people know the virus is widespread, with more than eight percent of test results coming back positive over a seven day period. The purple tier is the most restrictive short of stay-at-home orders, and means restaurants can only serve outdoors, amusement parks are closed, office workers must telecommute and various other restrictions.

So purple is worse than red. When did purple become the color most associated with danger?
"Red is the color of alert, of stop signs," agrees information designer Giorgia Lupi, a partner at Pentagram. But she sees the choice as logical. "Purple is the next color in the spectrum, from yellow, to orange, to red."

A map shows county risk level in California.
Covid19.ca.gov

Lupi's job is to translate data into visual images that are easier for our minds to process. Color, for her, is a vital tool. While purple often carries positive associations in Western culture — such as sumptuousness and royalty — Lupi also points to the color's unsettling lividity. "Think of bruises, and the color purple on skin when talking about disease," she suggests. "It is another level. It's darker, and a more advanced stage, if you will."

Even in the midst of the pandemic, the California Department of Public Health thoughtfully replied to an email wondering why purple for the worst tier, rather than red?

"We chose a color coded system that Californians would be familiar with, based loosely on the state's Spare the Air air quality index," the email explained, requesting attribution to the CDPH.

The EPA's Air Quality Index
AirNow.gov

Of course, many Californians would be familiar with the air quality index; they spent much of the past summer concerned about wildfire pollution. But going back even further, why did the AQI start using purple as a worse category than red? An inquiry to the Environmental Protection Agency led to the following response, from a spokesperson:

In developing the AQI that we have today, the most heated discussions were about colors. At a large meeting in Baltimore (in either 1997 or 1998), we took an unscheduled break during the discussion of colors because we thought attendees were going to start pushing and shoving each other. The focus was entirely around the level of the standard and the color red. Those were the days before the huge wildfires out West, so it was extremely rare to get into the Hazardous range. We mostly hit very unhealthy levels with ozone. Even though we didn't have many continuous PM monitors then, we looked back at the filter-based PM data to evaluate the number of days in different categories.

There were two factions. The environmental groups wanted red in the Unhealthy for Sensitive Groups (USG) category to show that levels were higher than the levels of the NAAQS. EPA and many of the state, local and tribal representatives wanted red in the Unhealthy category, because that's when the AQI indicates that air quality can pose a risk to everyone. We were also concerned about message fatigue. In those days, it wasn't unusual to have 30 days when ozone was above the level of the standard.

We are not sure anyone knows for certain how the final decision was made, but in the end, DC decided to go with red at the Unhealthy category. The higher colors were decided by the AQI Team to show that as air quality worsens, it can be unhealthy for some people before it's unhealthy for everyone. And even once air quality reaches unhealthy, higher levels can dictate different actions. At orange, members of sensitive groups may have effects; at red, some members of the general population may be affected, and the effects to sensitive groups may be more serious. At purple it's an alert, and the risk is increased for everyone. Maroon - hazardous - represents emergency conditions. We don't typically see that except for wildfires and occasionally, dust storms.

In a follow-up conversation, EPA career scientist Susan Stone, who was at that Baltimore convention, told NPR she never suspected how often purple would be used as a color for alarm.

"Looking at the data," she says, "if we put red as 'hazardous,' it would never occur."

Now, of course, hazardous days are not uncommon, and at least in some places, the AIQ is turning to an even worse color: maroon. (Black, as it turns out, is less legible on maps, and it's hard to see borders.) For now, purple continues to show how royal a mess we're in.

Ford says agencies have ended mileage, pollution test probes
https://www.detroitnews.com/story/business/autos/ford/2021/02/05/ford-says-agencies-have-ended-mileage-pollution-test-probes/4408525001/
5 Feb 2021

Detroit – The U.S. Justice Department and state of California have ended investigations into Ford Motor Co.'s gas mileage and emissions certification processes.

Ford says in its annual report filed with the Securities and Exchange Commission on Friday that the DOJ and the California Air Resources Board told the company they don't intend to take further action.

But the filing says probes by the U.S. Environmental Protection Agency and its Canadian counterpart are continuing.

In 2018 a group of Ford employees reported possible problems with a mathematical model used to calculate pollution and mileage, prompting Ford to hire an outside firm to run tests. In 2019 Ford launched an investigation into whether it overstated gas mileage and understated emissions from a wide range of vehicles. The company disclosed the matter to the EPA and CARB.

The Justice Department later opened the criminal investigation.

Ford said in a statement Friday that the DOJ and CARB findings are "consistent with the company's own investigation and conclusion that we appropriately completed our certification processes."

Biden's EPA ends appeal, cementing DTE Energy-Sierra Club settlement
https://www.detroitnews.com/story/news/local/wayne-county/2021/02/05/bidens-epa-ends-appeal-cementing-dte-energy-sierra-club-settlement/4409518001/
By Leonard N. Fleming
The Detroit News
5 Feb 2021

The Biden administration said this week it will not appeal a Detroit federal judge's ruling that upholds a settlement between the Sierra Club and DTE Energy that dealt with how the utility giant had violated the Clean Air Act.

The U.S. Environmental Protection Agency said in a news release that it agreed with the "court's factual conclusion that the settlement accomplishes an enormous environmental benefit that is fully consistent with the goals of the Clean Air Act."

"EPA supports citizen enforcement and we appreciate Sierra Club's cooperation with the United States throughout this litigation," said Larry Starfield, the acting assistant administrator for EPA's Office of Enforcement and Compliance Assurance.

The Trump administration had tried to stop the separate Sierra Club-DTE agreement, but the move was rejected by Detroit U.S. District Court Bernard Friedman. The court stated that it lacked jurisdiction over Sierra Club's and DTE's settlement. Friedman also found that the private agreement "does nothing to interfere with the consent decree," but that it achieves "an enormous environmental benefit that is fully consistent with the goals" of the Clean Air Act.

Sierra Club officials lauded the EPA's decision to back the agreement.

"This is a crucial decision from the Biden-Harris EPA, protecting our historic settlement agreement with DTE, and delivering cleaner air to Michigan's most disproportionately polluted communities" said Mike Berkowitz, the Beyond Coal Campaign representative with the Sierra Club.

"Scientists confirmed that exposure to air pollution from coal plants decreases the chance of survival once contracting the coronavirus, exacerbating the already dire threats facing communities in environmental injustice hot spots," Berkowitz said. "Amidst the COVID-19 pandemic, the administration's decision couldn't have come at a more crucial time for Michigan communities."

In a statement, DTE Energy said it was "pleased with the earlier circuit court's decision" and concurred with the Biden administration.

"We look forward to honoring our agreement with Sierra Club to start meaningful, environmental projects in the River Rouge and neighboring communities," a DTE Energy representative said. "With a completion goal no later than June 30, 2023, DTE will fund and/or implement one or more of the projects recommended by a Committee it will be forming. We will spend no less than $2 million on this endeavor.

The dispute arose from a Clean Air Act enforcement action brought by the Obama administration's EPA in 2010 against DTE when the government alleged that defendants had violated the Clean Air Act by carrying out major modifications at Unit 2 of its Monroe Power Plant without obtaining permits, installing the requisite pollution-reducing technologies or achieving the 'lowest achievable emissions rate,'" according to the court filing.

Shannon Fisk, a managing attorney at Earthjustice, said the group is heartened to see the Biden administration "make the right call here and not continue the previous administration's misguided challenge to the agreement between Sierra Club and DTE.
"The ability of front-line communities to fully pursue the rights and protections promised by the federal Clean Air Act is critical to advancing environmental justice, and EPA's decision enables us to now focus fully on ensuring that the agreement with DTE brings meaningful relief to the River Rouge, Ecorse and 48217 communities."

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Environmental Groups' Greatest Obstacle May Not Be Republican Opposition
https://www.politico.com/news/magazine/2021/02/05/environmental-movement-racial-reckoning-green-diversity-465501
By ZACK COLMAN
02/05/2021 04:30 AM EST

When the leaders of the "Big Green" environmental groups realized last fall that they'd be confronting, at best, a closely divided House and Senate with only a wavering appetite for carbon restrictions, they knew President-elect Joe Biden would need an all-star EPA chief with the savvy necessary to use existing laws to lead the fight against climate change.

He needed Mary Nichols.
The California air cop had engineered secret climate deals with major automakers, infuriating President Donald Trump. Her command over the Golden State's environmental rules gave her unparalleled clout within the movement. She implemented one of the country's largest greenhouse gas emissions trading schemes to blunt global warming.

But the environmental organizations that quietly backed Nichols and allies like Senate Majority Leader Chuck Schumer who publicly promoted her did not anticipate the backlash she would ignite within Black, Latino and Indigenous communities. Complaints that Nichols had failed to adequately address local pollution concerns in urban neighborhoods in California derailed her candidacy to lead the Environmental Protection Agency. Biden ultimately nominated Michael Regan, a North Carolina environmental regulator, who is Black and has scored victories for communities in a state considered the birthplace of environmental justice.

Environmental influence in U.S. politics is ascendant. Big Green groups have pushed Biden, whom most would never confuse with a crunchy activist, into crafting the most aggressive environmental platform in the nation's history that calls for spending $2 trillion.

Biden's nominee for EPA Administrator Michael Regan, at The Queen Theater in Wilmington, Del., Dec. 20, 2020. | AP Photo/Carolyn Kaster

But as the Nichols saga proved, their greatest obstacle may not be Republican opposition: Would-be allies within the Black, Latino and Indigenous communities are disaffected by an agenda that many see as focused on save-the-planet idealism at the expense of the nuts-and-bolts concerns of their communities, from elevated asthma rates in pollution-clogged urban communities to safeguarding traditions on Indian lands.

"The grassroots environmental justice community has tentacles in communities all across the country," said Cecilia Martinez, a longtime environmental justice organizer who now heads that portfolio at Biden's White House Council on Environmental Quality. "They're not shy about stepping up and asking for involvement, and we have to make sure that we make those spaces and hear them out."

The crucial backdrop for these tensions is the history of white-male domination of the Big Green groups, which have just 22 percent non-white senior staff in a nation that is about 40 percent non-white. In addition, at the very moment they see an opportunity to advance their policy agendas, many large, mainstream environmental organizations are facing internal reckonings over race and gender equity.

In 2019, POLITICO revealed a culture of gender discrimination, sexual harassment and racial disparities at The Nature Conservancy that led to the departure of its top two officials. E&E News last year reported on a "traumatic" culture on race within the Union of Concerned Scientists. POLITICO in November uncovered persistent racial inequity at the National Audubon Society, where staff accused CEO David Yarnold of overseeing a workplace rife with intimidation and threats.

The internal convulsions and the external tensions appear to have sent a message that environmental leaders can't ignore: the only way to fashion their movement into a formidable political force is by becoming more Black and brown. That requires expanding beyond a purely ecological agenda and zeroing in on issues that highlight racial and social inequalities. An important step is to partner with smaller, Black and Latino-dominated groups in what they call the environmental justice movement.

"The environmental justice movement basically flexed its muscle for the very first time in a very collaborative, effective and unapologetic way," said Robert Bullard, a Texas Southern University professor who is a leader in the environmental justice movement, referring to the effort to block Nichols from the EPA. "We are not going to be taken for granted. We are not going to let the white groups go in the room, close the door and speak for us. No, we need to be in the room."

Danielle Deane-Ryan, a former Energy Department appointee during the Obama administration, put it this way: "We need to have the mainstream organizations and the environmental justice organizations come together and figure out how to be more effective as a movement. Remember what we're fighting here is ultimately the power of the fossil fuel industry, which is often looking to undermine efforts of climate and equity."

Some fault lines will be difficult to paper over. Much of the anger over a possible Nichols appointment stemmed from the fact that Big Green organizations backed California's cap-and-trade law despite opposition from local environmental justice organizers who said it failed to reduce pollution from sources in their communities. That became an albatross for Nichols, the principal charged with installing the scheme.

"We're not a spinoff of the environmental movement. We're not a sidepiece."
— MIYA YOSHITANI

"We're not a spinoff of the environmental movement. We're not a sidepiece," said Miya Yoshitani, executive director of the Oakland, Calif.-based Asian Pacific Environmental Network, which opposed cap-and-trade because it allowed industrial firms, like the Richmond, Calif. oil refiners that catalyzed her group, to buy credits as absolution for their pollution. "The ultimate way that we are going to get the change we need might not be to join forces."

Yoshitani's view sends chills down the spines of Big Green leaders, who are grasping at ways to patch up differences within the movement.

"There's some excitement about a change in administration and new opportunities for locking in big wins. It will take some work and there will be challenges with that," said Kathy Rest, executive director with the Union of Concerned Scientists. "We need to figure out, 'How do we begin to understand that we have shared goals and begin to tackle these issues?' We need to listen and learn."

"For the last four years you've had a bogeyman and that bogeyman has placed a spotlight on the egregious things that were happening."
— DR. MUSTAFA SANTIAGO ALI

That job may be even harder with Trump, whose unraveling of environmental regulations was a unifying force for activists, in the rearview.

"For the last four years you've had a bogeyman and that bogeyman has placed a spotlight on the egregious things that were happening," reasoned Mustafa Santiago Ali, a former career EPA official and environmental justice activist who now works at the mainstream National Wildlife Federation. "You have a new generation that is refusing -- and rightly so -- for the old paradigms to continue to operate. And as this new generation continues to gain power, you will see these organizations pushed even more to make this change happen."

Michelle Martinez | Chuk Nowak for POLITICO Magazine

A LEGACY OF RACISM

"We have to start from the beginning," explains Tamara Toles O'Laughlin, former North America director of the environmental organization 350.org.

Top U.S. environmental groups like the National Audubon Society and the Sierra Club originated with white supremacy: John James Audubon was a slave owner and John Muir, who founded the Sierra Club, sought to preserve land by urging policies that pushed Native Americans and Blacks off it.

While later leaders did not share the racial precepts of their founders, the groups tended to be dominated by science-minded, white-male writers and idealists.

That led to charges that the needs of non-white communities were being ignored when the Big Greens set their environmental agenda. A foundational 1990 letter from the SouthWest Organizing Project, a coalition of local activists, academics and faith leaders, laid those tensions bare. The coalition accused the so-called "Group of Ten" environmental organizations -- Sierra Club, Audubon, National Wildlife Federation, Environmental Defense Fund, Friends of the Earth, Izaak Walton League, The Wilderness Society, National Parks and Conservation Association, Natural Resources Defense Council and Earthjustice, then known as the Sierra Club Legal Defense Fund -- of "disruption of our communities."

"It's important to fight for somebody you don't know. That's something that's too often forgotten in climate circles."
MATTIAS LEHMAN

"In the name of eliminating environmental hazards at any cost … our survival needs and cultures are ignored. We suffer from the end results of these actions, but are never full participants in the decision-making which leads to them," the letter stated.

The past three decades saw some fitful progress, but divisions remained. In the eyes of the critics, an environmental caste system was baked into the Big Green agenda. Polar bears stranded on melting ice floes galvanized white-led organizations while Black, Latino and Indigenous Americans choked on polluted air. That contributed to the rise of the environmental justice movement, a grass-roots effort set in opposition to the Big Greens, even while sharing some of the same goals.

"It's important to fight for somebody you don't know," Mattias Lehman, a digital director with the youth-led Sunrise Movement, told POLITICO in June as the nation convulsed from protests against police killings of Black men in the wake of George Floyd's murder. "That's something that's too often forgotten in climate circles."

Whereas legacy environmental groups were conceived with conservation in mind, environmental justice is a civil rights movement offshoot -- labor, income inequality and racial justice organizers are closer kinfolk.

"...It's this idea that focusing on racial justice, it becomes less about the environment. And that's simply not true. That's that colonial mindset."
— MICHELLE MARTINEZ

"The environmental movement was born of a colonial narrative, that nature was out there to be explored and to be used," said Michelle Martinez, a Detroit organizer and acting executive director of the Michigan Environmental Justice Coalition. "I've had people at mainstream environmental organizations tell me point blank, 'If we start doing this racial justice stuff, we're going to lose some of our funders.' And that risk is real. It's this idea that focusing on racial justice, it becomes less about the environment. And that's simply not true. That's that colonial mindset."

Some groups rethought strategy following the 2010 collapse of federal cap-and-trade legislation, an attempt to use market forces to incentivize businesses to reduce their carbon footprint. While the plan would have done much to reduce carbon emissions, and slow global warming, it failed to inspire much support within communities of color. The bill passed the House but died in the Senate.

"We are learning from our environmental justice partners who have really defined their environment as not something that is far away, but as where you live," said Sara Chieffo, vice president of government affairs with the League of Conservation Voters, who said that after cap-and-trade floundered, "we started to have a reflection that we are not mobilizing and connecting with portions of the population that would directly benefit."

The power structure and focus for environmental organizations began to shift somewhat in the last decade as groups like 350.org tapped into local networks to resist oil and gas pipelines spanning the continent in the wake of the fracking-propelled shale gas boom. Activists rallied around the fight against the Keystone XL oil sands pipeline, an effort that pulled together Indigenous people and rural landowners opposing the Canada-to-Texas project.

The battle over Keystone XL delivered a lesson: Success is most possible when everyone has a stake and a voice. Organizers insisted that Indigenous communities were involved in any events and messaging, a call that the Big Green groups heeded -- ultimately succeeding in securing then-President Barack Obama's rejection of the pipeline.

In this Feb. 17, 2013, photo, Native American activists march with other protesters in Washington, D.C., during a rally calling on President Barack Obama to reject the Keystone XL oil pipeline from Canada. | AP Photo/Manuel Balce Ceneta

"Plain talk, it's always been frustrating... [but] there's been a lot of work over the last two decades to hold them accountable to frontline voices," Dallas Goldtooth, a Minnesota-based organizer with the Indigenous Environmental Network, said of working with mainstream groups. "I'm hopeful about the solidarity with Big Greens. It really is all-or-nothing: we need to go big and push hard."

In 2019, environmental groups big and small put that concept into practice by signing the Equitable and Just Climate Platform, which laid out principles for working together.

But now that Democrats control government and climate change is a key motivator for left-leaning voters -- a trend unlikely to reverse itself – some environmental justice organizers worry that Big Greens might feel emboldened to take action on their own, without buy-in from their partners in the environmental justice space.

"The [Big Green] access is still the access," National Black Environmental Justice Network Director Tina Johnson said. "There are better-resourced organizations who have tentacles into these spaces because that is the work that they do."

"Diversity should be the end result of equitable work and inclusive work. Equity is movement of resources and people. Equity is what Martin Luther King Jr. was killed over."
TOLES O'LAUGHLIN

"We're so used to being thrown under the bus," added Yvette Arellano, a Houston-based environmental justice organizer.

Still, the mere existence of a joint platform reflects a growing understanding that the Big Greens need to do more than hire people of color or pay greater lip service to egalitarianism; they need to share decision-making power with grassroots activists.

"Diversity should be the end result of equitable work and inclusive work," Toles O'Laughlin said. "Equity is movement of resources and people. Equity is what Martin Luther King Jr. was killed over."

Jason Ward | Courtesy Corey Woosley

A LACK OF SENIOR LEADERS

Jason Ward hasn't been in the birding community too long, but he's been Black his whole life.

The Bronx native got started through an Audubon internship. He worked with other birders, many of whom were people of color, in the Southeast. It was rewarding. It inspired growth. It provoked questions.

In this new world Ward occupied, it became quickly apparent there weren't many people who look like him in leadership roles.

"How committed are we to achieving true inclusivity if we're not allowing people of color to rise through the ranks and become CEOs one day?" said Ward, who is now at the American Bird Conservancy. "It's very, very confusing because when you meet these people they're great people and they say all the right things, but the practices behind closed doors don't match."

The numbers show the environmental movement fails at ensuring a proportionate number of Black, Latino, Asian and Indigenous people fill senior leadership roles.

People of color accounted for 22 percent of senior staff and 26 percent of full-time employees across 35 major environmental organizations and eight philanthropies, according to Green 2.0, an organization tracking the movement's diversity. Nearly 40 percent of the U.S. is non-white.

Senior leadership roles and upward mobility for people of color are key indicators -- groups rounding out staff with people of color who are "low on the totem pole" or "don't have a voice" have accomplished little, said Andres Jimenez, Green 2.0's executive director.

"That's one of the biggest hurdles -- getting [the Big Greens] out of their comfort zone and saying we need to look in the mirror internally," Jimenez said. "A lot of organizations refuse to do that."

If they did, say some in the environmental-justice movement, they'd realize that the lack of diversity in their ranks contributes to a lack of energy and urgency. The environmental justice leader Nina Morgan said most of the Big Greens that she has worked with in Birmingham, Ala., espouse "performative" values that don't translate to action.

"When it comes down to the nitty gritty, when the rubber hits the road, it's failure," said Morgan, who is the climate and environmental justice organizer with the Greater-Birmingham Alliance to Stop Pollution, which claims four full-time and one part-time staffers.

"You can't just say the right words, you can't just have the right policies, you can't hire just the right people. There has to be a core shift," she said.

The board of directors sets the tone for many organizations. In the environmental space, those directors are 76 percent white, according to Green 2.0.

Many directors of leading environmental organizations are betraying their own liberal values, noted Deane-Ryan, the former Obama DOE appointee who now is a senior adviser at the Libra Foundation, a philanthropy that focuses on social and racial justice.

"These are people that pride themselves typically on being well-connected, well-read, smart and strategic," she said. "They seem to have a big blind spot."
Dr. Mustafa Santiago Ali, vice president of environmental justice, climate and community revitalization for the National Wildlife Federation, photographed on Theodore Roosevelt Island in Washington, D.C., Jan. 29, 2021. | Evelyn Hockstein for POLITICO Magazine
DISSENSION WITHIN THE BIG GREENS

Audubon is one such organization getting that microscope treatment after employees complained of a culture that marginalized, diminished and chased out people of color. Yarnold, the CEO, touted the organization's workforce as nearly one-quarter people of color, but also pledged to take action to increase diversity, though some employees are skeptical that the commitment will reach the highest ranks.

"Many of our Centers are already meeting Equity, Diversity, and Inclusion goals, and we wish we saw the same level of commitment from the Executive Team," staffers at Audubon sites across the country wrote in a Dec. 14 letter to chairwoman Maggie Walker that was obtained by POLITICO.

Jimenez, the Green 2.0 leader, said Audubon in many ways exemplifies the shortcomings of other Big Green organizations. Its board is large and overwhelmingly white. People of color represent only 18.8 percent of senior staff.

Or, as the National Wildlife Federation's Ali put it: "It's such a mess. … They're losing credibility in a lot of places and with that may lose funding. I'm worried about them on multiple levels."

"There has to be more accountability for the dollars that we give to organizations. When you continually support bad behavior, bad behavior is going to continue on."

— DR. MUSTAFA SANTIAGO ALI
Ali's own organization hasn't escaped scrutiny: When the SouthWest Organizing Project picked a chief recipient for its 1990 letter, it chose the National Wildlife Federation. At his first board meeting in 2018, before accepting a staff job, Ali recalled walking around the room to see photos of white faces staring back at him. He said it felt like the scene in Spike Lee's "Do The Right Thing" when Buggin' Out, played by Giancarlo Esposito, asks a pizza shop owner, "How come you ain't got no brothers on the wall here?"
So Ali was skeptical when the Federation's current CEO Collin O'Mara courted him for the job he'd eventually take. Ali was satisfied when the organization committed to spending hundreds of thousands of dollars for internal race and equity work, hiring, and partnerships in Black, Latino and Indigenous communities.

Other Big Greens are working on those issues, too. Among other steps, the Natural Resources Defense Council updated its recruitment, retention, pay and promotion policies while developing metrics to identify how a policy

or project proposal would affect varying ethnic, racial or economic groups. UCS, which dealt with its own internal uproar on race last year, is making racial equity for mid-management and senior-level hiring a "huge priority," Rest said, along with other actions. LCV added C-suite positions with an equity focus while reconfiguring its legislative policies to emphasize such priorities as preserving urban green space.

Ali said the work is unfinished. The Federation is fortunate, he said, to have a leader who understands equity imbalances foreclose success. That's especially true for membership-driven conservation organizations funded by a white, aging clientele.

But many organizations rely on big philanthropic backers, whose failure to embrace environmental-justice groups creates a self-perpetuating cycle, noted Ali.

"There has to be more accountability for the dollars that we give to organizations," he said. "When you continually support bad behavior, bad behavior is going to continue on."

Miya Yoshitani, executive director of the Asian Pacific Environmental Network (APEN), photographed at her home in Oakland, Calif. | Jessica Chou for POLITICO Magazine

PUTTING FUNDERS ON NOTICE

Lois Debacker found it's much easier to seed climate change victories with already equitable groups than to make white-led environmental groups more equitable.

"It does make a difference who is sitting at the desk," said Debacker, who runs the environment program for the Kresge Foundation, a Troy, Mich.-based funder. Kresge applied the same principle internally: 30 percent of its grant dollars now go to groups led by a person of color, up from nearly 7 percent before 2014.

But other environmental funders have been slow to follow suit. Across 12 national philanthropies, just $18 million -- 1.3 percent -- of the $1.34 billion gifted to environmental groups in 2016 and 2017 went to environmental justice organizations, according to a study by Ana Baptista, an assistant professor at The New School in New York City.

A "misperception" that smaller, grass-roots environmental justice organizations cannot handle a cash infusion is one of the reasons foundations keep backing Big Green over upstart groups, Debacker said.

"Green groups are more willing to diversify their racial and ethnic complexity in their boards and staff than they are to diversifying the green dollars."

ROBERT BULLARD

Tensions over which groups get the most money came to a head in November when Amazon founder Jeff Bezos's Earth Fund selected its first grantees. Most of the $791 million installment from the $10 billion kitty went to old guard environmental organizations. The scale of these gifts are enormous: The Environmental Defense Fund, one of the largest environmental groups in the U.S., received $100 million; the organization runs on a $230 million annual budget.

Of the total first tranche, $151 million – or less than 20 percent -- went to environmental justice groups.

"The biggest issue right now is resources and the misallocation or the disparity in the distribution of green dollars," said Bullard, the environmental justice organizer and Texas Southern professor, noting more equitable funding would reduce local organizers' reliance on larger groups for personnel. "Green groups are more willing to diversify their racial and ethnic complexity in their boards and staff than they are to diversifying the green dollars."

A Japanese origami-style crane honoring Miya Yoshitani's late father hangs in her garden. Her father, who was an environmental engineer, is what inspired her activism. | Jessica Chou for POLITICO Magazine

CAN BIDEN BRIDGE THE GAPS?

This is the heart of the disconnection, according to environmental justice organizations: The Big Green emphasis on broad, national and even global goals fails to take account of the daily, lived experiences of average people.

Biden acknowledged that divide late in the campaign, refashioning his pitch to young voters and people of color around the notion that his environmental policies would right the wrongs of the past. He also delivered a somewhat amorphous pledge that 40 percent of spending on environmental causes would go to hard-up communities. But even some key Biden supporters acknowledge that Black and Latino voters are skeptical.

"I think it's the plan that will take the country in the right direction, but obviously it's a plan that has to be executed," said Rep. Donald McEachin (D-Va.), who helped shape Biden's environmental justice platform and is working closely with Big Greens such as the Sierra Club, LCV and UCS along with environmental justice outfits like New York City-based WE ACT for Environmental Justice.

The widespread expectation that Biden would nominate Nichols to the EPA triggered fears of business as usual. Environmental justice groups in California wrote a public letter criticizing Nichols' implementation of the state's cap-and-trade law, saying the revenues raised for selling emissions credits weren't spent in the communities where pollution persisted.

Since that blowup, however, environmental justice organizers say they're starting to see an administration that is genuinely trying to quash decades-old animosities.

On Jan. 27, Biden through executive order created an interagency environmental justice advisory council staffed by representatives of 18 federal departments and offices. The order called for creating a screening tool to determine which communities face climate and economic disparities, toughening environmental law enforcement in disadvantaged neighborhoods and establishing an environmental justice and climate change office within the Department of Health and Human Services.

It also called for the 40-percent investment in disadvantaged areas that Biden had discussed on the campaign trail.

Dr. Mustafa Santiago Ali | Evelyn Hockstein for POLITICO Magazine

"The Biden administration wants the coalition advocates to be part of the implementation and to develop the content and the process," said Peggy Shepard, executive director with WE ACT for Environmental Justice. "I've never seen anybody ask before."

Martinez, the White House environmental justice official, said the people Biden has hired and the early moves to transform his campaign pitches into actual directives means he's committed to the issue. The ongoing conversation with environmental justice groups has led environmental-justice advocates "to see themselves in this plan," adding, "I think people are seeing this is different. It didn't go away."

Many Big Green organizations have gotten into the act, taking steps to add environmental justice commitments to their missions. Bullard, of Texas Southern, is pleased to see organizations taking those "baby steps." Whether that act is performative or truly of conviction will likely define the next chapter of the movement's political and planetary success, he said.

Nonetheless, Ward, the birder, said he's participated in many diversity, equity and inclusion meetings at environmental organizations where, "It all felt rehearsed, it felt scripted, it felt like it was checking off a box." "I don't get the feeling that they want to secede that power," he added. "It seems pretty daunting the task we have ahead of us."

WOTUS Encore: The Fate of the Navigable Waters Protection Rule and Implications for Groundwater
https://www.natlawreview.com/article/wotus-encore-fate-navigable-waters-protection-rule-and-implications-groundwater
Friday, February 5, 2021
ARTICLE BY Civil and Commercial Litigation Attorneys at Ward and Smith

It seems like yesterday, but it was actually last summer when the United States Environmental Protection Agency and Army Corps of Engineers published the Navigable Waters Protection Rule, effective June 22, 2020 (the "Rule").

The Rule's publication completed the two-step process to repeal and replace the 2015 Clean Water Rule. The Rule replaced the Clean Water Rule's definition of "waters of the United States" with one that provides an arguably smaller scope of protections for these waters. As expected, several states (including North Carolina) raised legal challenges to the Rule during the second half of 2020. Colorado, however, was the only state that obtained a stay of the Rule.

Although not uniformly supported, the Rule—through its level of defined terms— provides clarity not seen since before the United States Supreme Court's 2006 Rapanos decision. According to the Rule, "waters of the United States" (widely known as "WOTUS") are: (i) the territorial seas and traditional navigable waters (which long ago were expanded beyond commercially navigable-in-fact waters); (ii) perennial and intermittent tributaries of traditional navigable waters; (iii) lakes, ponds, and impoundments of jurisdictional waters; and (iv) wetlands adjacent to other jurisdictional waters. The Rule's definition of WOTUS excludes 12 specific features, including groundwater. And, for the first time in nearly 15 years, the case-by-case "significant nexus" analysis under Rapanos is not necessary to prove or disprove connectivity for a permit from the Corps to impact WOTUS under Section 404 of the Clean Water Act. The Rule purports to eliminate that analysis with its categorical bright lines. Implementing the Rule in the field therefore could become more predictable and more efficient as the regulators and the regulated "sing off the same song sheet."

With respect to groundwater, however, the Rule is not the end of the analysis. After the Rule was drafted to exclude groundwater from jurisdiction but before its June 2020 effective date, the United States Supreme Court decided County of Maui, Hawaii v. Hawaii Wildlife Fund. That opinion holds that Section 402 of the Clean Water Act (the National Pollutant Discharge Elimination System ("NPDES") permit program) applies when there is the "functional equivalent" of a direct discharge from a point source through groundwater into navigable waters. The Supreme Court declined to issue a bright line rule on whether a regulated discharge occurs and applied a more nuanced "functional equivalency" test to the circumstances; it held that Section 402 requires an NPDES permit for a discharge "if the addition of the pollutants through groundwater is the functional equivalent of a direct discharge from a point source" into a water of the United States. To identify a "functional equivalent," the Court set forth seven non-exclusive considerations to apply to the pollutants travelling from the discharge: transit time; distance traveled; nature of the material through which the pollutant travels; the extent to which the pollutant is diluted or chemically changed as it travels; the amount of pollutant entering the navigable water relative to amount of pollutant that leaves the point source; the manner by, or area in which, the pollutant enters navigable waters; and the degree to which the pollutant has maintained its specific identity or characteristics. Whether a functional equivalent of a direct discharge exists, and therefore requires an NPDES Permit, depends on the application of these considerations to discharges to groundwater.

Faced with implementing the Maui "functional equivalent" analysis on a case-by- case basis, the EPA released a Guidance Memorandum on January 14, 2021 for the regulated community and permitting authorities across the country. Although it does not have the force and effect of law, the Memorandum attempts to provide clarity on how to apply the Maui factors when determining whether a discharge of pollutants to groundwater requires an NPDES Permit. The Memorandum finds that only (i) an actual, not potential, discharge of pollutant to groundwater (ii) from an actual point source, not a nonpoint source (such as stormwater sheetflow) (iii) that reaches a WOTUS can be the "functional equivalent" of a direct discharge. Relying on its scientific expertise and experience administering the NPDES permit program, EPA added an eighth factor that should be considered when performing the "functional equivalent" analysis: the design and performance of the system or facility from which the pollutant is discharged. Its rationale is that the design and performance of the discharge system can affect or inform each of the Maui factors, thus resulting in a more complete analysis.

To be clear, the Maui Court did not decide that groundwater itself is the functional equivalent of WOTUS. However, whiplash may be just around the corner. A week after the Guidance Memorandum was released, President Joseph R. Biden signed his Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. This Order revokes former President Trump's 2017 Executive Order leading to the Rule. It also directs the heads of all agencies, including the EPA, to immediately review existing regulations, orders, guidance documents, policies, and other agency actions promulgated, issued, or adopted between January 20, 2017 and January 20, 2021 that may be inconsistent or present obstacles to the policy set forth in the Order. For any actions so identified, the agency heads are to consider suspending, revising, or rescinding the agency actions. President Biden's nominee to head the EPA, North Carolina Department of Environmental Quality Secretary Michael Regan, has not yet been confirmed, but testified before the Senate on February 3, 2021. When asked if he would rescind the Rule, he responded that, if confirmed, he would review the Rule and look for a legal remedy that would allow a path forward on WOTUS.

If confirmed, Mr. Regan would join the Biden administration after several years of consensus building to balance North Carolina's economic health with environmental protection. And any legal challenges to the EPA's decisions ultimately will be decided by a different Supreme Court than when Maui was issued, with Justice Barrett replacing Justice Ginsberg. The lesson here—as much as a regulated community may yearn for predictability and certainty, it may never last for longer than four years at a time.

Message

From: E&E News [ealerts@eenews.net]
Sent: 2/10/2021 12:14:43 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: February 10 -- Climatewire is ready

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CLIMATEWIRE — Wed., February 10, 2021

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Subject: WTO deputy promotes reviving talks on environmental goods

WTO deputy promotes reviving talks on environmental goods

By Doug Palmer

02/03/2021 03:16 PM EST

The time could be right for countries to revive talks on a long-stalled agreement that would eliminate tariffs on goods to fight climate change and other environmental challenges, a top World Trade Organization official told POLITICO.

"I think the members are becoming much more focused on what can be done in the WTO that deals with climate change," WTO Deputy Director General Alan Wolff said in an interview. "And of course, the change in the U.S. administration affects that."

President Joe Biden, as one of his first acts in office, reversed former President Donald Trump's decision to pull out of the Paris Climate Agreement. He has also signaled his desire to work with both China and the European Union to take further action, including in the trade area.

The history: A group of 46 WTO members — including the United States, China and the then-28 nations of the European Union — began talks on the proposed Environmental Goods Agreement in January 2014.

The goal was to slash duties on products used in a variety of environmental functions. Those included generating clean and renewable energy; improving energy and resource efficiency; reducing air, water, soil and noise pollution; managing solid and hazardous waste; and monitoring environmental quality.

The talks ground to a halt in December 2016, after a clash between China and other countries over several issues: which goods to include in the agreement, how long countries would have to phase out tariffs and whether they should be eliminated or simply reduced. The Trump administration made no attempt to revive the negotiations.

Since then, countries have witnessed four more years "of climate events that are pretty shocking," Wolff said. There also is interest in including other environmental goals, such as reducing plastic waste or reforming global fossil fuel subsidies estimated at more than $500 billion in 2018.

"There's just a lot of green ideas out there," Wolff said.

WTO director general race: Last fall, the Trump administration blocked the selection of former Nigerian Finance Minister Ngozi Okonjo-Iweala to lead the WTO, arguing the other remaining candidate, South Korea Trade Minister Yoo Myung-hee, was more qualified. There now is enormous pressure on Biden to join the consensus in favor of Okonjo-Iweala as a first step toward rebuilding trust and goodwill at the WTO.

The issue will come up at the WTO's next General Council meeting on March 1-2, but could arise earlier if the U.S. signals its intentions to back Okonjo-Iweala before then, Wolff said. In that case, WTO General Council Chairman David Walker could call a special session of the General Council to finalize her selection.

Covid-19 recovery: Wolff also suggested ways that the WTO could be influential in addressing other global problems. For instance, the world body could help the global economy recover from the pandemic by hosting a meeting of big banks and international financial institutions "to press them to find ways of increasing trade finance," Wolff said. It took a similar step during the 2009 global financial crisis.

"The second thing is additional pledges against taking protectionist measures — trade restrictions — and to facilitate imports," Wolff said. The latter could include making the WTO's Trade Facilitation Agreement work more effectively. Countries committed in that 2013 pact to take steps to reduce red tape and other obstacles at the border.

Members could also expand the WTO's Pharmaceutical Agreement to include new members like India and China and new items like medical goods, Wolff said. The original pact eliminated duties on a long list of medicines.

Another possibility would be to update the Information Technology Agreement to eliminate tariffs on "a lot of medical equipment that is not covered by the existing agreement," he added.

Fixing the Appellate Body: Wolff, a trade lawyer by training, was optimistic that the Biden administration could resolve U.S. concerns about dispute-settlement decisions of the WTO Appellate Body that prompted the Trump administration to shut it down.

"There's no ironclad guarantee, but there are ways of making it more acceptable to the U.S. and still not lose some of the others who ... liked it the way it was," Wolff said.

Saving the WTO: Restoring the Appellate Body would also give a boost to overall efforts to modernize the WTO to deal with a number of tough new challenges, Wolff argued. Many of those revolve around China's growing economic might and the clash between its state-run system and Western free market capitalism.

Members should consider beefing up the WTO Secretariat, which is far smaller than the staff that runs the Paris-based Organization for Economic Cooperation and Development, despite having far more members, Wolff said.

One use of an expanded secretariat would be to fashion trade policy recommendations to cope with future pandemics or the impact of climate change, among other possibilities, he said.

WTO members should reexamine how they govern themselves. Right now, much of the activity occurs in big meetings with "no active dialogue," Wolff said. Instead, representatives from the 164 members make statements, one after another.

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Subject: Biden gets his first energy crisis — and an opening

Biden gets his first energy crisis — and an opening

By Eric Wolff, Lorraine Woellert

02/16/2021 07:51 PM EST

The extreme weather that forced power outages from North Dakota to Texas on Tuesday triggered a bout of the usual finger-pointing about the causes. But it could also deliver a boost to President Joe Biden's efforts to upgrade infrastructure, counter climate change and expand the reach of renewable energy.

As millions of Texans shivered in the dark, supporters of the fossil fuel industries turned their ire on the state's massive — and frozen — wind farms, even as Republican Gov. Greg Abbott acknowledged that the extreme cold had shut down all types of power plants, including those that burn coal. Data showed that the freeze hit the state's natural gas power plants the hardest.

What most experts saw was the Texas grid's vulnerability to harsh weather — and a warning that climate change-induced disasters could devastate the nation's leading energy producer.

The resulting crisis could be a boon to Biden's proposal to spend huge sums of money to harden the nation's electric grid as it connects giant wind and solar power plants to cities and states thousands of miles away. That's an essential step if the U.S. is to make a major turn toward relying on solar, wind and other renewable energy to keep the lights on.

"When supply doesn't show up, legislative or regulatory intervention begins," said Kevin Book, managing director at the consulting firm ClearView Energy Partners. "The reactivity to a supply shock is one of the few things you can rely on."

Freezing temperatures sent energy demand soaring in Texas to levels that eclipsed even the hottest summer days. Grid operators there and across the Midwest implemented rolling blackouts to prevent further damage to the grid, but in Texas alone 4 million customers have been without power since Monday.

Investigations of the causes are just beginning, but data from the Electric Reliability Council of Texas, which operates the state's electric grid, showed that at least 30 gigawatts of power fueled by natural gas, coal and nuclear went off line Monday, along with 16 gigawatts of renewable power.

National Republicans — and those with national aspirations — seized on pictures of frozen wind turbines to hammer Washington's green energy agenda, even though Texas operates a grid outside of federal oversight and has spent decades making its own energy decisions.

"If the last few days have proven anything, it's that we need oil & gas, "tweeted George P. Bush, who as Texas Land Commissioner oversees much of the state's oil and gas production. "Relying solely on renewable energy would be catastrophic. Many of these sources have proven to be unreliable."

"Texas is frozen solid as folks are left w/ no power to stay safe & warm," Sen. Steve Daines (R-Mont.) tweeted Tuesday. "This is a perfect example of the need for reliable energy sources like natural gas & coal."

But the extreme cold shut down a large share of those fossil fuel sources, too. Natural gas wellheads froze, and coal and nuclear generators in Texas were thrown off line, as Abbott himself acknowledged.

In addition, the national debate about green energy versus fossil fuels is no longer what it was 10 or 20 years ago. The balance of power has shifted as the auto industry, Wall Street and even some fossil fuel companies line up behind renewables and move to shape the multibillion-dollar transition to cleaner energy, a shift they defend on economic grounds.

“Wind and solar and, increasingly, storage are the most cost-competitive options on the grid,” said Jeff Dennis, a managing director at Advanced Energy Economy, a national association of big power users and other businesses that advocates for clean energy. “There’s a real case to be made for rapidly scaling our investment in those technologies to improve both our reliability and our resilience.”

The shift has made the usual Washington energy blame-game less one-sided. Biden’s allies in and out of government spread the message that the Arctic blast showed the urgency of countering climate change and was another taste of the disasters the nation can expect from extreme weather.

"We need to think how our overall infrastructure can accommodate increasingly common uncommon events," said Rep. Sean Casten (D-Ill.). "It's tragic that so many people on the other side of the aisle are using it to bash renewables."

Clean energy groups were quick to provide support for Democrats. The American Council on Renewable Energy, a clean energy business trade group, said specific regional conditions worsened the crisis in Texas: The state’s grid, though geographically large, is almost entirely cut off from the rest of the country, so it could not draw power from other regions. In contrast, parts of the Midwest that avoided Texas’ fate are members of regional power networks linked by high-voltage transmission lines.

ACORE said expanding those interregional power lines would make the grid more resilient, preventing future crises.

"It’s time for Congress to pass an ambitious infrastructure initiative aimed at expanding and upgrading America’s grid," Greg Wetstone, ACORE's CEO, said in a statement.

The Biden plan aims to green the economy and is likely to include money for additional transmission lines, weatherization, battery storage, burial of power lines and other improvements to the electrical grid.

“[The grid] really is the uber-infrastructure and we need to ensure that it is resilient,” said Melanie Kenderdine, a principal at the Energy Futures Initiative and former head of the Energy Department's Office of Energy Policy and Systems Analysis under President Barack Obama. “We need to think about undergrounding key critical electricity infrastructure. Expensive? Yes, but so was the entire state of Texas shutting down.”

Bill Magness, CEO of ERCOT, which runs the state’s grid, said the extreme weather was "unprecedented" in the operator's existence, but that as of Tuesday evening the operator had restored some power. Despite another storm in the forecast, slightly higher temperatures should allow more generators to come back online.

The White House, meanwhile, was avoiding getting drawn into the debate Tuesday.

The Biden administration for now is focusing on "ensuring that the millions of people across Texas who are impacted by the storm get the relief they need," press secretary Jen Psaki told reporters. "Clearly as there are investments in the future forms of energy across the country they'll need to plan for inclement weather, but I think that's a discussion and conversation that's a little bit down the road."

Zack Colman and Ben Lefebvre contributed to this report.

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https://subscriber.politicopro.com/energy/article/2021/02/biden-gets-his-first-energy-crisis-and-an-opening-2035875

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Daily Media Clips: February 16, 2021 (morning edition)
Climate
Politico: Carbon tax meets new Washington politics
Environmental Justice
BeLatina: The Lethal Consequences of Environmental Racism
Superfund
Indiana Environmental Reporter: EPA begins review of USS Lead Superfund site cleanup
Colorado Times Recorder: Officials Issue 'Last Call' to Submit Samples to Test for Contamination From Lead Smelter in Pueblo
Waste
Global Press Journal: Trash Crisis Leaves Puerto Rico Near 'the Brink'

Carbon tax meets new Washington politics
https://www.politico.com/newsletters/morning-energy/2021/02/16/carbon-tax-meets-new-washington-politics-793374
By ANNIE SNIDER
02/16/2021 10:00 AM EST

— President Joe Biden has revived the idea of a carbon tax, but climate hawks on Capitol Hill hope he will give them time to work through the tricky politics of the issue.

— A cold snap that resulted in rolling blackouts in Texas this weekend will be front of mind when FERC meets Thursday to consider the grid resilience docket it had been widely expected to close.

— The Biden EPA asked a court Friday to keep the Trump EPA's repeal of the Clean Power Plan on the books for the time being.

WELCOME TO TUESDAY! I'm your fill-in host, Annie Snider. Congratulations to MJ Marshall of Grayling, who was the first of many to know that it was Martin Luther King, Jr. who convinced actress Nichelle Nichols to stay on "Star Trek." She later went on to recruit women and people of color to NASA. Today's trivia comes from 3-year-old Henry: Army ants march for 15 days at a time, building a nest out of their bodies each night to protect their queen and her larvae. What is the name for this nest?

Check out the POLITICO Energy podcast — all the energy and environmental politics and policy news you need to start your day, in just five minutes. Listen and subscribe for free at politico.com/energy-podcast. On today's episode: The evolving face of environmentalism

A message from ExxonMobil:
As part of our ongoing commitment to help mitigate the risks of climate change, we plan to further reduce emissions in our operations by 2025. Our plans are expected to reduce our absolute upstream greenhouse gas emissions by an estimated 30%, compared to 2016 levels.

DRIVING THE DAY

THE TRICKY POLITICS OF A CARBON TAX: The Biden administration's sweeping climate change agenda has some lawmakers quietly considering whether to push for a tax on carbon emission, but some of Capitol Hill's fiercest climate hawks are hoping the administration will give lawmakers time to work through delicate politics, Zack Colman reports this morning.

Biden's campaign platform included an "enforcement mechanism" for reducing emissions, which many interpreted as a carbon tax. And major trade groups that have long been aligned with Republicans, including the U.S. Chamber of Commerce, American Petroleum Institute and Business Roundtable, have endorsed a loosely defined "market-based" mechanism for dealing with emissions.

But many progressive Democrats have grown wary of carbon tax plans, fearing that they are too modest to fully deal with the emissions problem and that they fail to address the disproportionate impact that pollution has on low-income and communities of color. After running for president in 2016 on the idea of a carbon tax, Senate Budget Committee Chair Bernie Sanders (I-Vt.) appeared to back away from the idea in 2020, although he and Green New Deal co-author Rep. Alexandria Ocasio-Cortez (D-N.Y.) have indicated it could be included as part of climate legislation.

But a carbon tax bill sweetened with goodies to attract the reluctant left could come at the expense of Republicans who are more likely to be swayed by the economic argument that a simple fee is more efficient and offers regulatory certainty to industry. Meanwhile, fossil fuel defenders on the Democratic party's right flank — notably Sen. Joe Manchin of West Virginia — aren't budging from their opposition.

Sen. Sheldon Whitehouse (D-R.I.) urged Biden to be patient: "I just don't think he will be as successful if he tries to cook up a climate bill in the opening months of his administration and then present it to Congress. I think it becomes a target at that point," the carbon price supporter said in an interview.

COLD SNAP MESSES WITH TEXAS: FERC Chairman Rich Glick had been widely expected to use Thursday's open meeting to close the docket on grid resilience, but the cold snap that caused rolling blackouts in Texas and elsewhere may put those concerns back on the agenda. The commission had taken no real action under the previous two chairs on that docket, which was largely seen as a sop after the Trump administration's failed efforts to help bail out the coal power sector.

But after 30 gigawatts of power generation fell off the Texas grid Monday morning amid freezing temperatures, the topic may get fresh life. FERC's jurisdiction largely stops at the Texas border, of course, but the problems in recent days there show how vulnerabilities to extreme weather could affectd grids across the nation.

What went down: The Electric Reliability Council of Texas, which manages most of Texas' power, said that it lost generation "across fuel types." But by Monday afternoon, the bulk of the losses — about 26 GW — appeared to be mostly from natural gas, according to a review of ERCOT data by Princeton University's Jesse Jenkins, while wind generators lost about 4 GW.

Between midnight and 1:17 a.m. on Monday morning, as wind turbines froze and thermal units dropped off the system, the operator zoomed from normal levels to its most stringent emergency status, which calls on industrial customers to slash their load and utilities to start cutting demand in order to prevent an uncontrolled power failure. The drop in power production affected about 40 percent of ERCOT's forecasted demand. Rolling blackouts ensued, with power distributors like Oncor and CenterPoint Energy telling customers to be prepared for hours without electricity. ERCOT was bringing some power back into the system late Monday, restoring electricity to 500,000 homes, but millions of customers faced a frigid night.

And not just Texas: Entergy-Texas, which supplies power to eastern Texas under the auspices of the Midcontinent Independent System Operator, implemented rolling blackouts in its service territory, and the

Southwest Power Pool, a grid operator that manages power for 14 Midwestern and Southwestern states, also issued a Stage 2 emergency, which calls for demand reduction but no rolling blackouts. But unlike Texas, these operators are both FERC regulated, putting pressure on Glick and his colleagues to decide what, if any, systemic changes are needed.

FERC ready to dig in: "[FERC]is in contact with ERCOT, SPP and MISO – as the regions served by these grid operators have been particularly hard hit by record cold and wintry precipitation. Safeguarding the reliability of the bulk power system is paramount and I have directed FERC staff to coordinate closely with the RTOs/ISOs, utilities, NERC, and regional reliability entities to do what we can to help," Glick said in a statement. "In the days ahead, we will be examining the root causes of these reliability events, but, for now, the focus must remain on restoring power as quickly as possible and keeping people safe during this incredibly challenging situation."

TUNE IN TO GLOBAL TRANSLATIONS: Our Global Translations podcast, presented by Citi, examines the long-term costs of the short-term thinking that drives many political and business decisions. The world has long been beset by big problems that defy political boundaries, and these issues have exploded over the past year amid a global pandemic. This podcast helps to identify and understand the impediments to smart policymaking. Subscribe and start listening today.

BEYOND THE BELTWAY

BILL GATES' CLIMATE CALL: Bill Gates is not interested in talking about far-fetched ideas like eliminating fossil fuels in a decade, nor in narrow solutions, like trying to make electric vehicles slightly cheaper. What he wants, Gates said in an interview with Kelsey Tamborrino, is for President Joe Biden to push for investment in technology that could eliminate greenhouse gases by the middle of the century, especially from sectors like steel, concrete, aviation and farming, that have seen little progress to date.

ME's Gates bonus round: Gates is brimming with insights into the nation's climate and energy situation – and he shared so many with Kelsey that we're going to bring some more to ME readers over the next couple of days.

Grid reliability in a net-zero carbon future: Without a major build out of the nation's transmission system, Gates argues that ambitious renewable energy goals like the state of California's simply won't be achievable. One of his recent pet projects has been to model out the grid and all of the sources and uses of electricity, then run through various extreme weather events to test the system's reliability.

"We're lucky North America actually has a scale, that the wind is usually blowing somewhere and the sun is usually shining somewhere, and so that no single weather front, even if it shuts down the Midwest, is going to shut down all of the North American continent," he told Kelsey, noting that the diversity of supply decreases the need for emergency storage.

But getting states that have been drawn to low-cost, low-risk natural gas on board for approving new, high-voltage transmission lines will be crucial to enabling a net-zero electric system. "The state piece has got to come in, because [without it] you'll never get those right of ways. You'll never get the consensus," Gates said.

ON THE HILL

GRIJALVA TALKS EJ STICKING POINTS: As the Biden administration moves to prioritize environmental justice and support for disadvantaged communities, House Natural Resources Chairman Raúl Grijalva acknowledges that thorny issues abound. In a conversation with Pro's Anthony Adragna and Zack Colman last week, the longtime environmental justice advocate said that details about the Biden administration's vow to provide 40 percent of benefits to disadvantaged communities must be "fleshed out," and he admitted that identifying eligible populations will be challenging.

But the Arizona Democrat said he sees political necessity of including coal towns and other former fossil fuel-producing communities in those prioritized for support. "Transition communities have to be part of the investment going forward, because that's where the attention has to be paid into that transition, because that's where the pushback is going to happen with regard to any effort to try to go either on climate change or [environmental justice]," he said. Read the full Q&A here.

CLIMATE HAWK TAKES KEY APPROPRIATIONS GAVEL: Sen. Jeff Merkley (D-Ore.), a staunch advocate for action on climate change, will chair the Appropriations Committee subpanel responsible for funding the EPA and Interior Department, the full committee announced Friday. Merkley, an original cosponsor of the Green New Deal resolution, S. Res. 59 (116), replaces retired Sen. Tom Udall (D-N.M.) as the top Democrat on the subpanel. Anthony's got more for Pros on key Appropriations changes.

STICK WITH NORDSTREAM II SANCTIONS: Sens. Jim Risch (R-Idaho) and Jeanne Shaheen (D-N.H.) wrote Biden Friday urging him to fully implement sanctions passed by Congress after recent press reports that the German government had pitched President Donald Trump on building some liquefied natural gas import infrastructure there in exchange for the U.S. holding off on implementing the sanctions. "Opposition to the pipeline has been U.S. policy since the Obama Administration, and this policy continues to enjoy strong, bipartisan support," the bipartisan pair of senators wrote.

GET TRANSITION PLAYBOOK TO 100K: In three months, our scoop-filled Transition Playbook newsletter has grown from zero to more than 90,000 subscribers. Find out what's really happening inside the West Wing, who really has the ear of the president, and what's about to happen, before it occurs. Transition Playbook chronicles the people, policies, and emerging power centers of the Biden administration. Don't miss out, subscribe today. And once you do, we'd be grateful if you could spread the word to your friends and colleagues, or, even better, post about Transition Playbook on Facebook or Twitter using this link: politico.com/newsletters/transition-playbook

IN THE COURTS

BIDEN IS OFFICIALLY A 'NO' ON THE CPP: The Biden administration moved Friday to keep the Trump EPA's repeal of the Clean Power Plan on the books for the time being -- but only for wonky legal reasons. The D.C. Circuit's Jan. 19 ruling striking down Trump's ACE rule (Reg. 2060-AT67) also reversed EPA's decision to repeal the CPP. But the court did not go so far in that ruling as to reinstate the Obama rule, which by now has deadlines and emissions targets half a decade out of date (and that have already been achieved, EPA noted). The agency said it has received questions from "multiple states" about whether they have any current regulatory obligations.

So in order to "leave no room for doubt," EPA in a Friday motion asked the D.C. Circuit to "withhold the mandate" on its ruling regarding the CPP repeal — legalese that would mean the court will not formally strike the CPP repeal rule from the books for the time being. That would guarantee there is no greenhouse gas rule for existing power plants in place, the agency argued, and the states can be sure they do not have to act. It also means the agency once again will face a legal obligation to issue a regulation since the underlying endangerment finding remains in place, though of course Biden had long planned to write a new rule. None of the participants opposed the motion, so there's a good chance it will be granted. Still to be seen is whether any of the pro-ACE rule states or companies try to appeal the ruling.

HAWAIIAN CLIMATE CASES SENT BACK TO STATE COURT: A federal judge on Friday sent a pair of climate change lawsuits brought by Honolulu and Maui back to state court, the latest in a string of such rulings around the country. Like other states and cities, the Hawaiian localities are seeking common law damages from fossil fuel companies which they allege did not disclose the dangers of climate change. As elsewhere, the companies tried to move them to federal court, where conditions are considered more favorable. But in a familiar tale, Judge Derrick Watson of the U.S. District Court for Hawaii rejected the companies' reasoning and

concluded there is "no basis for federal jurisdiction" over the cases. Of course, that could change should the Supreme Court side with the companies in the Baltimore case heard last month.

9th CIRCUIT HALTS CONOCOPHILLIPS ARCTIC PROJECT: The U.S. Court of Appeals for the 9th Circuit issued an injunction Saturday, requiring ConocoPhillips to halt work on its Willow project in the western Arctic on federal lands in the National Petroleum Reserve-Alaska, while the court weighs an appeal in a case brought by environmental and native groups challenging the Bureau of Land Management's approval of key permits.

A message from ExxonMobil:
We've announced plans to reduce the intensity of our emissions, which we expect to reduce our absolute upstream greenhouse gas emissions by an estimated 30%, compared to 2016 levels. Similarly, absolute flaring and methane emissions are expected to decrease by 40-50%. Through continued application of operational efficiencies and deployment of lower-emission technologies, such as carbon capture, our plans drive meaningful near-term emission reductions and are consistent with the goals of the Paris Agreement.

The Lethal Consequences of Environmental Racism
https://belatina.com/lethal-consequences-environmental-racism/
By Erica Nahmad
February 16, 2021

You've likely heard the term "environmental racism" more and more during the past few months. From political debates to your social media newsfeed and everywhere in between, the topic is undoubtedly a prominent concern, mostly because of the Covid-19 pandemic, among other issues, impacting vulnerable communities in this country.

But what exactly is environmental racism? How does it work? Who does it affect? And most importantly, what is being done to rectify the damage it has done?

Let's start with the simplest definition: environmental racism is the disproportionate impact on vulnerable communities and people of color because of living near pollution and dangerous ecological hazards. It is far more common than you might realize, and it is a scary reality for many people.

Environmental Racism Defined
Environmental racism is a concept that began in the 1960s and developed throughout the 1970s and 1980s to describe the injustice and inequity that exists in terms of environmental protection for poor communities and communities of color.

Even though the Environmental Protection Agency has the goal of providing an environment where all people enjoy the same degree of protection from environmental and health hazards, several decades later, we're still discussing the health burdens impacting colored communities due to environmental risk factors.

A 2018 study conducted by Environmental Protection Agency (EPA) scientists found large disparities between communities of color and those living in poverty when looking at particulate air emissions.

The report, published in the American Journal of Public Health, found that "African-Americans faced the highest impact, with the community facing a 54 percent higher health burden compared to the overall population."

In addition, non-white communities and those living under the poverty line were also at an elevated risk, with 28 percent and 35 percent higher health burden, respectively.

These findings were consistent across the nation. According to the study's authors, "results at national, state, and county scales all indicate that non-Whites tend to be burdened disproportionately to Whites."

The burden is real. It is estimated that a vast majority of contaminated waste sites are located in low-income neighborhoods.

Systemic racism has put landfills, factories, and factory farms in poor communities or Black and brown communities, causing those populations to be exposed at a might higher rate to harmful pollution than white, affluent towns. The pollution these communities are exposed to is extremely damaging.

In fact, the type of pollution in question has been named a "definite carcinogen" by the International Agency for Research on Cancer. This particulate matter comes from automobile fumes, smog, soot, ash, construction dust, and everything in between. The EPA has declared that these air emissions are linked to adverse health conditions, including lung issues, heart attacks, and premature death.

The Lethal Risks of Environmental Racism

To understand just how deadly environmental racism can be, let's put it in the context of current events and historical occurrences, starting with the widespread lead contamination in the drinking water in Flint, Michigan, a mostly black and poor community.

The Flint water crisis was all over the news, and most people might know that the problem had to do with the inhabitants of Flint consuming water with dangerous levels of lead. What they might not realize is that this is a prime example of environmental racism at its worst. In 2014 the water crisis in Flint, Michigan, occurred when the city switched its drinking water supply from the Detroit water system to the Flint River in an effort to save money. There was inadequate testing. The water was not properly treated, resulting in serious health issues for Flint residents, including skin rashes, hair loss, itchy skin, and eventually blood work revealed elevated lead levels in the children who inhabited Flint.

Reports show that nearly 9,000 children consumed lead-contaminated water for 18 months. Although the water smelled foul, was discolored, and tasted wrong, government officials ignored complaints. Ultimately, the inadequate government response and lack of action were linked to environmental and systemic racism.

"The Flint water crisis is one of the most emblematic examples of environmental racism, and lead contamination is a long-standing example of what environmental racism means and how it works," explains Hanna-Attisha, MD, a physician, scientist, activist, and author of What the Eyes Don't See, the 2015 book that exposed the widespread lead poisoning in Flint. "Lead is an irreversible neurotoxin that can adversely impact the developing brains of children, setting communities back for generations," she said in a Goop interview.

Another example of the deadly impact of environmental racism can be seen with the industrial hog farms in Duplin County, N.C. There are far more pigs in Duplin's community than people — with hogs outnumbering residents by 29 to 1 — producing a massive amount of waste. That waste is used as fertilizer, and microscopic pieces of that feces pollute the air and water in that community. In the early 2000s, a study on the health effects of farm pollution found that those families living near hog farms had higher infant mortality rates, kidney disease, and respiratory illness. And, you guessed it, people of color were disproportionately harmed.

"If you look at the maps, and you begin to look at where these facilities are located, it's pretty much in communities of color," Devon Hall, co-founder of the Rural Empowerment Association for Community Help in Duplin County, explained to NPR.

Another high-profile example of environmental racism occurred in New Orleans, where blacks were confined to the most flood-prone areas that Hurricane Katrina hit. Beyond the flood's impact, those poor and underserved communities were also neglected in terms of government response after the storm. In New Orleans, Black populations were disproportionately located in low-wealth neighborhoods with inadequate housing, which were more vulnerable to natural disasters. Many of those Black residents were living below the poverty line. They lacked resources to survive after Hurricane Katrina, despite living in areas at an elevated risk of flood damage.

Environment Racism During the Pandemic
Systemic racism has existed for decades, and health hazards inflicted on vulnerable communities are unfortunately not a new phenomenon. But during a global pandemic, those risks are even more exacerbated.

While there is still a lot that we don't know about Covid-19 and how it attacks and affects the body, we know that respiratory and heart health issues pose significant risks in terms of the coronavirus and how much damage it does. And it just so happens that these same virus conditions are also typically associated with environmental racism, which might explain, to some extent, why we're seeing communities of color and vulnerable communities being hit particularly hard by Covid-19. For these vulnerable populations, it's a double whammy of chronic pollution plus a global pandemic.

Environmental justice and action have never been more essential and more urgent. In the past, despite the known risks and dangerous health hazards of environmental racism, a combination of weak policies and lack of enforcement has left Black, brown and poor communities plagued by pollution and lasting health issues.

More recently, policies seem to be moving in the right direction, but not fast enough. "We made progress, but there have also been tremendous setbacks," explains Suzi Ruhl, who served on the Federal Interagency Working Group on Environmental Justice during the Obama administration.

It seems the Biden administration agrees. They have pledged an aggressive approach to achieve environmental justice. In fact, a recent executive order signed by President Biden aims to "create a White House council on environmental justice and pledges that 40% of the benefits from federal investments in clean energy and clean water would go to communities that bear disproportionate pollution."

In addition, Biden nominated the first Black man to lead the EPA, Michael Regan. He is also staffing the White House with experts who have dedicated their careers to enforcing equitable climate and environmental policies.

These changes could not come soon enough.

We all need to be paying attention to environmental racism. We all need to become advocates for our communities if we want to see change today that will impact future generations for years to come.

EPA begins review of USS Lead Superfund site cleanup
https://www.indianaenvironmentalreporter.org/posts/epa-begins-review-of-uss-lead-superfund-site-cleanup
Enrique Saenz
February 16, 2021

The U.S. Environmental Protection Agency has begun a review of the first five years of cleanup efforts at an East Chicago Superfund site contaminated with lead and other toxic chemicals.

Cleanup at the USS Lead Superfund site in the Calumet portion of East Chicago began in 2016.
The site was the former location of several lead smelters and refineries in the 20th century.

Over the decades, residential communities and schools were built on contaminated land on or near the old lead facilities.

State and federal officials suspected widespread contamination for decades, but only added the site to the National Priorities List, a list of the most contaminated sites in the U.S., after the EPA found lead contamination in homes in 2008.

The EPA and the Indiana Department of Environmental Management decided on a cleanup plan in 2012, but work to clean up the populated parts of the site did not begin until 2016, when children living at the West Calumet Housing Complex were found to have elevated blood lead levels.

Parts of the site were remediated enough to allow use by industry, and were subsequently removed from the NPL, but hundreds of homes remain part of the Superfund site.

The report, expected to be completed in October, will evaluate whether the cleanup "continues to be protective of public health and the environment," but will not include the former site of the West Calumet Housing Complex. The EPA said the omission is due to pending cleanup at the site.

Officials Issue 'Last Call' to Submit Samples to Test for Contamination From Lead Smelter in Pueblo
https://coloradotimesrecorder.com/2021/02/officials-issue-last-call-to-test/34517/
by James Bartolo
posted on February 16, 2021

The Colorado Smelter ceased operations in 1908, but its lasting impact has not been overlooked by the Environmental Protection Agency.

The site of Pueblo's shuttered lead and silver smelter was placed on the EPA's National Priorities List in 2014. Since then, the EPA has implemented a comprehensive program of exterior soil sampling, indoor dust sampling, and cleanup when necessary within the former smelter site and neighboring residential areas.

"In 2020, while following strict COVID-19 guidance… the crews made impressive progress, completing over 90% of exterior sampling and 40% of interior sampling," said Beth Archer, Community Involvement Coordinator for EPA Region 8. "As of today, we've completed 65% of exterior cleanups and 30% of interior cleanups."

Built south of the Arkansas River in 1883, the Colorado Smelter building was severely damaged by flooding in 1921. When the EPA took over in 2014, the former site consisted of a 700,000-square-foot pile of slag situated between three historic neighborhoods; Bessemer, Eilers, and the Grove.
A map showing the EPA's designated cleanup area including the former Colorado Smelter, which operated from 1883 to 1908, and three adjacent neighborhoods; Bessemer, Eilers (also known as Bojon Town), and the Grove. (Photo Courtesy of Beth Archer)

The EPA has divided the large cleanup area into Operational Unit 1, consisting of residential and commercial areas, and Operational Unit 2, which includes the former smelter site itself. Currently, both operational units are undergoing "remedial investigation" by the EPA, according to Archer.

"For Operable Unit 1, we are completing the sampling (remedial investigation) and cleanup (remedial action) concurrently to ensure EPA is removing lead and arsenic contamination from the community as quickly as possible," Archer said. "Specifically we are focusing on reducing exposure for sensitive populations such as children and women of childbearing age."

"For Operable Unit 2, EPA recently took some preliminary steps to conduct the ecological risk assessment," Archer said. "Due to the difference in human health exposure between the residential areas and the former smelter area, work on the former smelter area is on a slower timeline than for the residential and commercial areas."

Sampling and cleanup at both units was briefly put on hold during March 2020, after COVID-19 was declared a state emergency. Protocols have since been put in place to continue exterior soil sampling and cleanup; however indoor dust sampling has been suspended–with the exception of properties confirmed vacant for more than two weeks.

"EPA is working with our partners to develop an COVID-safe interior cleanup resumption plan which lays out protocols that the contractors would follow to resume indoor work, and pause again if needed," Archer said. "These protocols include social distancing, frequent hand-washing and personal protective equipment for crews."

Protocols for indoor work are currently being reviewed by EPA management, the Colorado Department of Public Health and Environment (CDPHE), and the Pueblo Department of Public Health and Environment (PDPHE). Residents living in the cleanup area will be notified by the EPA once the plan is approved.

"At that time, our contractor would begin reaching out to residents to schedule their property's cleanup," Archer said. "Residents may delay interior work if they do not feel comfortable proceeding due to COVID-19, and will remain on the schedule for future interior cleanup."

How Community Members Can Get Involved

Since the EPA began the community outreach for the Superfund site in 2012, local and state health departments have been an integral part of the cleanup process. The three organizations meet at least monthly to discuss progress and decide the next steps. Community members are also important to the process, according to Archer.

"We are always looking for community members to get engaged in the cleanup process," Archer said. "One of the best things residents can do is sign up for sampling, if they haven't already, and cleanup if needed."

"Another way community members can really help us with this process is by having conversations with neighbors in the study area and letting them know who to contact," Archer said. "We know there are a lot of people involved in the project, and word of mouth from community members is very helpful."

Community members can also attend virtual Community Advisory Group meetings, where members of the EPA, CDPHE, and PDPHE present the latest progress at the cleanup site and address questions from community members. Those interested are encouraged to contact Archer at (720) 512-1917 or (800) 227-8917 ext. 312-6611.

By the end of 2021, the EPA is looking to approve the safety plan to resume indoor dust sampling and complete the most, if not all, of the exterior soil sampling.

"We are beginning our 'last call' for sampling this year," Archer said. "We really encourage folks to contact us to sign up for sampling as soon as possible. They can contact me at 720-512-1917(text or call). We encourage folks to contact us for more information or visit our website at: www.epa.gov/superfund/colorado-smelter."

Trash Crisis Leaves Puerto Rico Near 'the Brink'

https://globalpressjournal.com/americas/puerto-rico/trash-crisis-leaves-puerto-rico-brink/

By Coraly Cruz MejíasSenior Reporter
16 Feb 2021

Most of Puerto Rico's landfills fail to meet federal standards and are almost full. Residents and experts worry that trash will soon overwhelm the region.

TOA ALTA, PUERTO RICO — Over the years, Benjamín González has watched his local landfill grow into a mountain of trash. It has polluted his city's once-pristine ravines. It has tainted the limestone aquifer. And it has left dark, bubbling puddles that infect the air with an ever-present stench.

"There are days that you just can't deal with it," says González, who has been part of a years-long effort to close the dump.

The landfill's trash towers over more than 100 houses in Contorno, a neighborhood in Toa Alta, a lush, tranquil city on Puerto Rico's northern coast, once known for its famous writers and poets.

Today, residents say, it's increasingly known for noxious odors that trap them inside and pollution that they suspect has caused serious illnesses. Their worries reflect a decades-long waste-management crisis in Puerto Rico that has only worsened in recent years, as recycling rates remain low even as trash piles up.

Every person in the region generates an average of 5.6 pounds of trash a day, according to a 2019 report card on Puerto Rico's infrastructure by the American Society of Civil Engineers. That compares with 4.4 pounds elsewhere in the United States.

CORALY M. CRUZ MEJÍAS, GPJ PUERTO RICO

A Contorno resident displays photos the community used to draw attention to the landfill's problems. But their efforts have dwindled over the past decade, she says.

Because Puerto Rico is a cluster of islands, the trash has nowhere to go, says Carl Soderberg, executive director of the Puerto Rico chapter of the Inter-American Association of Sanitary Engineering and Environmental Sciences.

"We're one step away from the brink," he says.

Twenty-nine landfills are spread throughout the region. Eighteen do not meet federal standards because, among other violations, they function as "open dumps."

The landfills are already so full that the U.S. Environmental Protection Agency predicts that they will outstrip their capacity by 2023.

SOURCE: Report Card for Puerto Rico's Infrastructure 2019; American Society of Civil Engineers

Puerto Rico recycles only 9% to 14% of its trash, although at least 35% of its solid waste is recyclable. In 2017, the trash crisis worsened when hurricanes Maria and Irma left at least 2.5 million tons of debris.

The landfill that bedevils Contorno residents opened in 1966. Two potable water wells and 14 subterranean water wells lie within 2 miles of the landfill. They feed into the Río de la Plata valley, an important potable water aquifer.

The dump sits on 31 acres, and it became such a menace that Contorno residents formed Toalteños por el ambiente (Toa Alta Residents for the Environment) to oppose it. They wrote the municipal legislature and the Environmental Quality Board (now part of Puerto Rico's Department of Natural and Environmental Resources) to complain about the stench. They were also angry that when it rained, torrents of trash flowed from the dump.

González says that before Environmental Quality Board officials paid visits, residents always warned landfill managers. But they covered the trash with soil after leaving it in the open for weeks, a violation of EPA standards.

CORALY M. CRUZ MEJÍAS, GPJ PUERTO RICO

José Rodríguez stands next to an accumulation of dark, smelly, bubbling liquid – known as leachate – that the dump discharges just a few steps from his home.

"We got tired," says González, who was part of Toalteños por el ambiente. "We went to the municipal legislature. They held meetings. We could see that it's uphill. We could see that it's not worth it."

By 2016, the Toa Alta landfill contained at least 30 million pounds of household hazardous waste – not including that which found its way into the surrounding area, according to an EPA administrative order in 2017.

Maintenance is poor, and exposed trash blows from the landfill. The dump also releases a foul-smelling liquid – known as leachate – to the tune of at least 4 million gallons a year. A 2012 study linked the leachate to abnormal development, low birth weight, leukemia and other types of cancer in nearby communities.

In 2017, the EPA ordered the dump to close. But it is still receiving trash.

María Coronado, director of the Department of Natural and Environmental Resources' land contamination program, says a shutdown order does not necessarily mean immediate closure.

CORALY M. CRUZ MEJÍAS, GPJ PUERTO RICO

Nilda Delgado, in brown, and Benjamín González look out over the dump, which borders a road in the neighborhood of Contorno.

"This is a gradual process that can take a couple of years or more, depending on the size of the facility," she says, adding that the landfill can take more trash through expansion.

José Rodríguez disagrees.

"That landfill should close; it can't take any more," says the Contorno resident, who lives steps away from a cesspool of stagnant liquid from the dump.

Rodríguez says mosquitoes and flies constantly swarm his house. And González says the landfill's overpowering odor often keeps residents inside.

"At night it looks like fog, but it's gas emanating from there," Rodríguez says. "They breathe that gas inside of their homes without knowing it. People die without knowing that. It's dangerous."
In and around Contorno, at least 15 people have died of cancer over the past few years, residents say.

Nilda Delgado, 76, has had cancer twice. She's now in remission, but the disease has killed several of her family members in the last 20 years.

“Aunt Fucha died of cancer, Aunt Juana died of cancer, Aunt Fela died of cancer, Uncle Mario died of cancer, Feldi and his wife died of cancer,” she says. “Raúl and his wife both died of cancer.”

She fears the landfill’s pollution hastened their deaths: “Everyone here is dying of cancer.”

Coronado says the organization wants to address the community’s concerns about cancer.

“It is in the interest of the secretary of the DNER that the community be attended to and feel attended to,” she says. “No community has to put up with this type of situation and [have] their quality of life be affected in this way.”

She also says a raft of challenges has beset the soil contamination program, which she runs. They include a lack of staff to monitor such situations, she says.

Since Jan. 14, Coronado says, the department has inspected the Toa Alta landfill, and met with the landfill’s director of operations and area residents. On Feb. 4, the agency sent the municipal government a letter outlining the landfill’s problems, the most serious issue being the cesspool of leachate. The municipality has 30 days from that date to begin attacking the problems, Coronado says.

The United States Congress has approved about $40 million and disbursed more than $6 million for the Department of Natural and Environmental Resources to recruit personnel and improve infrastructure and recycling management projects, Coronado says. And the agency will announce stricter rules on landfill management in March.

Still, Contorno residents say the government has failed them.

“I’m just tired,” González says. His neighbors nod and return to their homes.

Coraly Cruz Mejías is a Global Press Journal senior reporter based in Puerto Rico. She specializes in environmental reporting.

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Subject: 'We've learned to love the guy:' How Biden charmed the left

'We've learned to love the guy:' How Biden charmed the left

By Laura Barrón-López, Eugene Daniels

02/04/2021 05:58 PM EST

During a call with House Democrats on Wednesday, President Joe Biden used data from a three-year-old progressive think tank to argue his case for a massive Covid-relief plan.

The think tank, Data for Progress, may not have been in existence when Biden was vice president, but it's become a mainstay for activists and lawmakers on the left. That it's work product was shown love by the most establishment of Democrats did not go unnoticed among those who heard it. Indeed, news of the name-check quickly made its way to the group's co-founder Sean McElwee.

"I was glad to see that we're in their news diet," said McElwee. "It's evidence that Biden is hearing the stuff that progressives are doing and really engaging with it."

Two weeks into his presidency, Biden has collaborated with the left, co-opted it and, for the time being, won it over. Progressives in Congress and across different policy organizations say Biden and his team aggressively reached out to them from the moment it became clear he'd be the Democratic nominee through his time in office. It could fall apart as Biden's attention drifts toward more complicated issues that may require Republican buy-in. But, so far, what was once seen as a vulnerable flank for his presidency has been surprisingly secure.

"They've been very good at tending the garden," said Sen. Brian Schatz (D-Hawaii). "I don't know if that's because the president is a creature of the Senate or that their team needs a lot from congressional Democrats, but they have been super responsive and done their politics with precision."

It wasn't expected to go this way. Biden's 36-year career in the Senate was regularly attacked by progressives during the campaign. Biden's penchant for moderation and deal-making with Republicans was seen as a harbinger for bad bills to come, liberals warned.

So far, those fears haven't been realized. In fact, progressives say his eagerness to tend to Congress has made him more acutely aware of the populist impulses driving the Democratic Party right now. Biden's White House is directly and frequently engaging the left in ways his former boss, President Barack Obama, never did.

Two weeks of a presidency is hardly much of a record. And one lingering question remains for progressives: When Biden can no longer pass wishlist items with only Senate Democratic votes, how much political capital will he expend to pass things like immigration reform, gun control, and police reform through an evenly split Senate.

"We've learned to love the guy," McElwee said. But, he cautioned, "if things don't happen, it's going to be really hard for progressives. At the end of the day to come back to our base, you got to give us something to take to these voters."

Biden's team seems acutely aware of these pressure points. They've staffed the administration with officials who have deep roots in the progressive community. "We have a lot of friends that are now in the administration," as one leader of a progressive group put it.

And the tone appears to be set at the top. Biden's chief of staff, Ron Klain, progressives say, has been instrumental in outreach to the left wing of the party both before and after the inauguration. Brian Fallon, the executive director of Demand Justice, an organization focused on reforming the courts, said Klain has a respect for advocacy organizations other "insiders" don't share.

"A lot of people that are creatures of Washington scorn activists and movement people," said Fallon, who was himself once considered a creature of Washington before becoming a movement person.

Before starting Demand Justice, Fallon would have lunches with Klain about policy ideas and operational challenges. "He's been like a mentor figure to a lot of people that lead advocacy organizations," Fallon said.

Those dialogues with advocacy organizations have continued into the presidency. The release of an immigration bill on Day One, and rapid executive orders reversing some of the most controversial policies of the last four years have also appeased the left wing.

Some of the newer progressive groups that have led the charge on climate change action, meanwhile, say they have — what in effect is — an open door policy with key members of the new White House.

Evan Weber, political director of the climate-focused Sunrise Movement, said the group speaks to Biden's climate adviser, Gina McCarthy, and climate envoy, John Kerry, on a "weekly, near daily basis."

"We've talked about moving to clean vehicles and buildings and a focus on environmental justice," Weber said. "We haven't really had points of disagreement but it's probably coming. I think we'll start to disagree on the degree and urgency [more than] the general direction."

A White House official said the strategy of direct engagement is deliberate. "From senior levels there is a cognizant understanding of making sure that we reach out to progressives," the official said. They added that Biden and Sen. Bernie Sanders (I-Vt.), who heads the critical Senate Budget Committee, "have always had a great working relationship" and "you continue to see that."

Adding to the progressive ranks throughout the administration, Sanders' foriegn policy adviser Matt Duss is expected to join Biden's State Department, though the move isn't final. And Analilia Mejia, former adviser on Sanders' presidential campaign, recently became deputy director of the Labor Department's Women's Bureau. On Thursday, former senior adviser to Sanders' campaign, Josh Orton, announced his move to the Labor Department as a policy adviser to the new secretary.

On the House side, leading progressives are also finding early access to the administration, and, so far, willing partners.

Rep. Pramila Jayapal (D-Wash.) said the access began before the inauguration. Alongside one other member, she met with Susan Rice, now the head of the Domestic Policy Council and one-on-one with Brian Deese,

director of the National Economic Council in December and January respectively. She has a meeting with Jeff Zients, Biden's coronavirus coordinator, later this week.

Jayapal's place in the Biden orbit was underscored this week when she heard, in her words, that "there might be some issues about keeping [the] $15" minimum wage hike in the coronavirus package.

"We were able to call and say, 'can you confirm the White House's support for this policy so that millions of workers can get a raise across the country and they did that,'" she said in an interview. Within hours Biden tweeted support for raising the minimum wage, though he notably did not say whether he wanted it in the coronavirus relief package that is likely to pass through the budget reconciliation process. Axios first reported Jayapal's plea to the White House.

One member of a progressive group that recently met with White House Director of Public Engagement Cedric Richmond, said the administration "bought themselves time" by frequently talking to grassroots leaders during the transition. "The question is how long does the goodwill last?," the source added.

As Biden's administration looks beyond the coronavirus relief bill, they're aware that their relationship with the left may hit rocky patches. Progressives expect the same but don't think it's necessarily guaranteed.

"Is the governing coalition of the country going to be the Democratic party writ large: progressive centrists and aligned independents, is that the governing coalition?" said Jeff Weaver, former senior adviser to Sanders' presidential campaign. "Or is the governing coalition, Democratic Party centrists and Republicans? That's the fundamental question."

Keeping that coalition together, however, is likely dependent on where Biden comes down on the issue of eliminating the legislative filibuster. Though some leading Democrats have signaled a change to the filibuster may be on the horizon, progressives are watching Biden and other party leaders closely on the issue.

When the time comes, most progressive groups, particularly those created after Sanders' rise in 2016, will look to Biden to weigh in on reforming the filibuster. The procedural tool requires a 60-vote threshold for most legislation.

"A lot of the progressive priorities are going to be very difficult to [pass]" through the use of reconciliation, said McElwee, noting that they won't qualify under that particular parliamentary procedure.

For now, however, advocates are keeping the peace as Biden focuses on Covid. They say the administration knows where new political power centers lie and that, when the time comes for Biden to focus on issues beyond the pandemic, they hope he will rise to the occasion.

Biden knows "this is a racial justice moment, that this is a moment of intersecting crises," said Maurice Mitchell, national director of the Working Families Party. "They might have different prerogatives and certainly a different 'how' when you get into the details. But we're swimming in the same waters because of these crises."

For now, says Weaver, one thing is clear: "Progressives are at the table and that has never happened before."

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Subject: Parties remain far apart on thorny energy transition issues

Parties remain far apart on thorny energy transition issues

By Anthony Adragna

03/18/2021 03:02 PM EDT

House lawmakers on the Energy and Commerce Committee showed little indication of being able to find common ground on their approach to climate change with Republicans expressing particular skepticism about Democratic commitments not to leave fossil fuel communities behind as they seek to drive a clean energy transition.

Democrats vowed during the first hearing on their sprawling climate change legislation H.R. 1512 (117) — dubbed the CLEAN Future Act — that its provisions would foster innovation to drive down emissions in the industrial sector while ensuring communities that depend on polluting industries would not be forgotten.

"These and other climate policies in the CLEAN Future Act will empower America's workers with new, good-paying jobs and ensure that we do not fall behind in global competition," Energy and Commerce Chair Frank Pallone (D-N.J.) said. "They will revitalize our communities with the support they need to rebuild from the pandemic and leave no one behind."

Rep. Paul Tonko (D-N.Y.), who chairs the Environment and Climate Change Subcommittee and hosted the hearing, said the transition must be a "community-driven process since every affected community will have different needs, different wants and different assets." He said the transition "isn't going to be easy — we should be honest about that — but our current course of action is to do very little in an uncoordinated manner."

Several Democrats said the transition to cleaner energy is already well underway and unstoppable, noting the shift away from reliance on coal continued throughout the Trump administration despite the former president's promises to revive the sector.

"This disruption we're seeing in these communities is not necessarily as a result of environmental laws but of market forces where natural gas, wind and solar energy are out-competing coal even in the absence of a federal climate policy," Rep. Diana DeGette (D-Colo.) said.

Republican response: Rep. David McKinley (R-W.Va.), ranking member of the subcommittee, said the promises of new jobs were unrealistic and decarbonizing the electricity sector as rapidly as proposed would take a "miracle."

"We're going to destroy livelihoods, disrupt families, decimate communities, increase utility bills, threaten the stability of our grid, and we will still experience negative effects of climate change," McKinley said. "We agree we need to work to reduce carbon emissions, but we also need to understand the consequences before we rush into such a punitive action."

Full committee ranking member Rep. Cathy McMorris Rodgers (R-Wash.) said Republicans had "a fundamental concern with the direction that is being laid out right now" and rejected the CLEAN Future Act as unworkable.

"It seeks to transform the nation's economy, its energy systems, [and] the way people live on a timeframe and at a scale that far surpasses anything practical," she said. "At this pace, it's a rush and it makes no allowance for technological readiness."

Rep. Bill Johnson (R-Ohio) blasted the legislation as the "tactical implementation plan of the Green New Deal" that would "fill in the gaps" of the non-binding sweeping climate resolution.

"If implemented, we'll look awfully foolish a decade or so from now," he said, arguing advanced nuclear technologies could be more swiftly deployed with rules that speed up the permitting process.

Key context: Committee leaders unveiled the package, which aims to reach net-zero emissions across the U.S. economy by 2050, earlier this month. According to the EPA, the industrial sector represents the third-greatest contributor to greenhouse gas emissions at 22.8 percent of the U.S.'s total.

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Energywire -- The Transformation of the Energy Sector

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ENERGYWIRE — Wed., March 17, 2021

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Subject: UC economists push back on audit of California's EV incentives

UC economists push back on audit of California's EV incentives

By Debra Kahn

03/15/2021 07:55 PM EDT

Transportation experts on Monday defended California's clean-vehicle rebates against a recent state audit that questioned the incentives' environmental and socioeconomic benefits.

What happened: Thirteen transportation policy academics at the University of California pushed back on a state audit that was critical of California's programs to reduce emissions from the transportation sector. They argued the state's incentives for clean vehicles are part of a mix of policies to achieve its ambitious climate targets.

Background: State Auditor Elaine Howle's report last month found that the Air Resources Board has likely been overestimating emissions reductions from its transportation incentive programs, such as zero-emissions vehicle rebates, because they overlap with regulatory requirements like a mandate that manufacturers sell increasing proportions of zero-emissions vehicles.

Howle conducted the audit at the request of state Sen. Steven Bradford (D-Gardena), who has criticized CARB for focusing on zero-emission cars at the expense of poor communities. He asked Howle to analyze how the agency's transportation programs affect communities of varying incomes, ethnicities and geographic locations and how the various programs overlap.

The University of California academics said the report focused too much on incentives and the potential for the rebates to create "free riders," or people who take advantage of the rebates even though they would have bought clean vehicles anyway.

"[W]hile we agree that 'CARB has not done enough to measure the GHG emissions reductions its individual transportation programs achieve' and that there is a need for better analysis and evaluation, we emphasize that the report understates the challenge of untangling the effects of incentives and programs and that assertions regarding overstating of incentive effects are not grounded in evidence and may not be correct," they wrote.

CARB board member Dan Sperling was among the academic signatories.

What's next: Lawmakers are currently evaluating Gov. Gavin Newsom's budget proposal to spend $1.5 billion on zero-emission vehicle rebates and infrastructure, which has a heavier focus on infrastructure than previous spending plans and would eliminate funding for one of the most popular rebates, the Clean Vehicle Rebate Project. The Joint Legislative Audit Committee will review the report on Tuesday.

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Subject: California lawmakers want offshore wind target of 10 GW by 2040

California lawmakers want offshore wind target of 10 GW by 2040

By Colby Bermel

02/11/2021 12:50 PM EST

California would be required to plan for 10 gigawatts of offshore wind power by 2040 under a new bipartisan bill backed by environmentalists and labor unions.

Impact: CA AB525 (21R) would be a major milestone in California's pursuit of its ambitious climate goals and would start catching California up with seven states that have collectively set 29 GW of offshore wind targets. The legislation would provide more certainty to agencies and developers as the state seeks clean, reliable electricity, especially as major energy sources like natural gas power plants and two nuclear reactors will close in the coming years.

Background: The Golden State generated 13,680 gigawatt-hours of in-state wind power in 2019, according to the California Energy Commission, supplemented by 14,569 GWh of imported wind power. Together, that generation accounted for 10 percent of the state's power mix.

That electricity came from land-based wind turbines, as California has no offshore ones due to a variety of factors: some environmental opposition due to the possible disturbance of marine ecosystems, military resistance because of potential interference with training facilities and the bureaucratic and financial challenges tied to what would be massive construction projects.

That hasn't stopped state agencies from recognizing offshore wind's potential, citing it as a complement to solar power at night when winds can produce a significant amount of clean electricity. A recent report from the CEC, Public Utilities Commission and Air Resources Board identified 10 GW of offshore wind potential along the California coast, which would contribute to what the agencies say is 144 GW of new clean energy needed by 2045.

Details: AB 525 by Assemblymembers David Chiu (D-San Francisco), Jordan Cunningham (R-Templeton) and Laura Friedman (D-Glendale) would direct the CEC to craft a strategic plan to achieve the bill's goal of 10 GW by 2040, including an interim target of 3 GW installed by 2030. That plan would include information on ocean use, economic and workforce development, and transmission permitting. The CEC would submit it to the Natural Resources Agency and the Legislature by June 1, 2022.

The bill would also direct the CEC to plan for improving waterfront facilities to support construction activities, as well as require the PUC to fully include offshore wind power in its integrated resource planning process. To support that influx of electricity, the CEC, PUC and Independent System Operator would have to study transmission investments and upgrades to carry offshore wind power to population centers, while the CEC would convene a new working group.

Outlook: AB 525's prospects appear strong at the outset thanks to its bipartisan, bicameral authorship, as well as broad support from powerful political forces. Green groups like Environment California and American Clean

Power-California, along with labor organizations like the State Building and Construction Trade Council of California and the International Union of Operating Engineers' Western region, are backing the proposal. The coalition estimates the 10 GW construction phase would create more than 14,000 jobs.

Sens. Susan Talamantes Eggman (D-Stockton) and Scott Wiener (D-San Francisco) are the bill's Senate coauthors. They are joined by Assemblymembers Steve Bennett (D-Santa Barbara), Lisa Calderon (D-Industry), Bill Quirk (D-Hayward) and Phil Ting (D-San Francisco) as Assembly coauthors.

What's next: As a fiscal bill, AB 525 has until April 30 to pass policy committee so it can advance to the Assembly Appropriations Committee.

To view online:
https://subscriber.politicopro.com/energy/whiteboard/2021/02/california-lawmakers-want-offshore-wind-target-of-10-gw-by-2040-3986969

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Canada vows new 2030 climate target will be 'as ambitious as we possibly can be'

Canada vows new 2030 climate target will be 'as ambitious as we possibly can be'

By Maura Forrest

02/24/2021 06:38 PM EST

OTTAWA — Canada's environment minister says the federal government will be "as ambitious as we possibly can be" as it comes up with a new 2030 climate target

Jonathan Wilkinson met virtually Wednesday with U.S. climate envoy John Kerry, as the two countries launch a "high level ministerial dialogue on climate ambition," announced during the first bilateral meeting that took place Tuesday between Prime Minister Justin Trudeau and President Joe Biden. The initiative is meant to ensure the two countries move in lockstep on fighting climate change and to put pressure on other countries to match their ambition.

"After four years of moving in entirely different directions … it is great to be working together again," Wilkinson told reporters after the meeting.

Wilkinson said the federal government will look at provincial action, increased spending and policy alignment with the United States as it determines its new target.

New target: As part of a "roadmap" of the renewed Canada-U.S. relationship, both countries have promised to unveil new 2030 emissions targets ahead of a climate summit to be hosted by Biden in April. The Liberals promised a more ambitious 2030 target in their 2019 election platform, but its release was delayed by the pandemic.

In December, Wilkinson unveiled a climate plan that included a promise to increase the federal carbon tax to C$170 per metric ton by 2030. With those measures in place, the government estimates Canada's emissions will drop by 31 percent below 2005 levels by 2030 — a very modest increase beyond Canada's existing target, which is to cut emissions by 30 percent.

But at the time, Wilkinson said emissions could actually drop by somewhere between 32 and 40 percent, partly due to provincial action on top of federal policies. On Wednesday, he said the new 2030 target will be somewhere in that range. Ottawa is consulting with the provinces, he said, but may also be able to up its own ambition by spending more in areas like building retrofits. He also suggested Canada will be able to adopt more stringent vehicle emissions standards and methane regulations, now that the two countries plan to move in tandem on certain climate policies.

"We will be coming forward with a target that fully examines all those issues and is as ambitious as we possibly can be," he said.

However, he implied it's unlikely the target will be higher than 40 percent. "We are not going to sign up to something that's impossible."

Leading by example: Wilkinson said he hopes the Canada-U.S. collaboration on climate change will push other countries to do more, and singled out Japan, India, China, Australia and Mexico as countries they hope to influence. "The change in administration certainly creates more momentum and more pressure on the international community," he said.

Canada's new climate plan says the government will "explore the potential" of border carbon adjustments, which Biden has also said he supports. Carbon tariffs are seen as a way to shield industries in countries with carbon prices against competition from those without strong climate policies in place.

Wilkinson, however, said that policy "wasn't really the focus" of Wednesday's meeting. "It's not the first order of business."

Pipeline woes: Similarly, he said the fate of the Line 5 pipeline, which transports oil and natural gas liquids from Wisconsin to Ontario, did not come up during his meeting with Kerry.

Michigan Gov. Gretchen Whitmer has ordered a shutdown of the pipeline by May over environmental concerns, which has caused consternation in Canada. Wilkinson said the issue came up during the bilateral meeting on Tuesday, and "the Americans and President Biden certainly heard the concern." But he suggested it's primarily a state-level issue.

What's next: After four years of trying to move forward on climate change without a willing partner south of the border, Wilkinson said, this week's meetings "offered a welcome dose of climate optimism."

He said he's met twice so far with White House national climate adviser Gina McCarthy, and Wednesday marked his second one-on-one meeting with Kerry.

The ministerial dialogue will meet twice annually, with an initial meeting slated for sometime between March 15 and April 1 and a second at the beginning of September when "initial outcomes" are to be presented, according to a government backgrounder.

To view online:
https://subscriber.politicopro.com/canada/whiteboard/2021/02/canada-vows-new-2030-climate-target-will-be-as-ambitious-as-we-possibly-can-be-3987233

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Sent: 3/5/2021 4:47:41 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips: Morning Edition, 3/5/21

Daily Media Clips: March 5, 2021 (morning edition)
Agency
GephardtDaily: Supreme Court denies release of EPA documents
Biofuels
The Gazette: A rough road for Iowa's ethanol industry?
Enforcement
WFIT: Florida Business Groups Wade Into Wetlands Permitting Fight
Pollution
Water Technology: Bill aims to reduce U.S.-Mexico border pollution
EPA asks to review whether PolyMet 'may affect' Fond du Lac Band; requests permit suspension
Water
Prescott eNews: Officials grill water utility over response to earlier Luke AFB spill

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Supreme Court denies release of EPA documents
https://gephardtdaily.com/national-international/supreme-court-denies-release-of-epa-documents/
By United Press International
March 5, 2021

March 5 (UPI) — The Supreme Court on Thursday protected records detailing internal governmental agency deliberations sought by an environmental group.

The ruling marked Justice Amy Coney Barrett's first majority opinion.

The court's other conservative justices and liberal Justice Elena Kagan joined Barrett's opinion, while liberal justices Stephen Breyer and Sonia Sotomayor dissented.

In her 11-page ruling, Barrett wrote that the records were protected under a FOIA exemption that permits agencies to keep internal deliberation private in order to allow officials to debate openly.

"To encourage candor, which improves agency decision making, the privilege blunts the chilling effect that accompanies the prospect of disclosure," she wrote.

Sierra Club initially brought the case against the services after it was denied documents regarding an EPA regulation determining that "environmental intake structures," used to cool industrial equipment, would be harmful to endangered species.

The 9th U.S. Circuit Court of Appeals found the opinions were not privileged under the FOIA exemption, but the Supreme Court reversed that ruling Thursday.

"It is true, as Sierra Club emphasizes, that the staff recommendations proved to be the last word within the Services about the 2013 version of the EPA's proposed rule," Barrett wrote. "But that does not change our

analysis. The recommendations were not last because they were final; they were last because they died on the vine."

Barrett officially began her tenure on the Supreme Court on Nov. 3 after a rapid confirmation process in the brief time between the death of Justice Ruth Bader Ginsburg and the 2020 presidential election.

Florida Business Groups Wade Into Wetlands Permitting Fight
https://www.wfit.org/environment-and-science/2021-03-05/florida-business-groups-wade-into-wetlands-permitting-fight
Published March 5, 2021 at 7:44 AM EST

TALLAHASSEE --- The Florida Chamber of Commerce and a major developers' group are seeking to intervene in a high-stakes lawsuit over a move by the U.S. Environmental Protection Agency to shift permitting authority to the state for projects that affect wetlands.

Attorneys for the Florida Chamber and the Association of Florida Community Developers filed documents Friday in federal district court in Washington, as they seek to help defend the EPA's decision. The organizations said the motion to intervene in the case is unopposed, though the court had not signed off on their participation as of Wednesday afternoon, according to an online docket.

A coalition of environmental groups filed the lawsuit in January, contending that the EPA and other federal agencies did not comply with a series of laws in making Florida the third state to have such permitting authority.

But in the documents filed Friday, the Florida Chamber and the Association of Florida Community Developers said their members would be harmed if the permitting authority went from the state back to the federal government.

"Because of the agency action at issue, Chamber and AFCD members are currently subject to the state-administered permitting regime being challenged," the motion to intervene said. "Success for plaintiffs in this case would result in reversion to the prior, federally-administered permitting regime, which is ... less responsive and less transparent."

The EPA on Dec. 17 announced approval of the shift, which involves permitting for dredge and fill activities under part of the federal Clean Water Act. Florida lawmakers in 2018 overwhelmingly approved a bill that was an initial step in trying to move authority for the permitting from the U.S. Army Corps of Engineers to the state. Gov. Ron DeSantis in August submitted a package to the EPA seeking approval.

But the lawsuit filed in January alleges that federal officials violated laws such as the Clean Water Act and the Administrative Procedure Act in making the change.

"This action arises from the U.S. Environmental Protection Agency's unlawful approval of a state application to assume jurisdiction over the Clean Water Act's Section 404 permitting program, which regulates the dredging and filling of waters of the United States, including wetlands essential to water quality, storm and climate resiliency, threatened and endangered species and the economy," said the lawsuit, filed on behalf of the environmental groups by the Earthjustice legal group. "EPA's approval is unlawful because the state's program is not as stringent as federal law and rests on unprecedented arrangements that violate federal law."

The lawsuit also raised the possibility that other states could similarly pursue permitting authority. Only Michigan and New Jersey have had such authority.

In one of the documents filed Friday, lawyers for the Florida Chamber and the developers' organization said the "outcome of this litigation could dramatically affect the way" members seek permits.

"If the plaintiffs succeed, then Florida would no longer administer the program, and the protections afforded to permittees under Florida law would crumble," wrote the lawyers from the Tallahassee-based firm of Hopping Green & Sams.

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Bill aims to reduce U.S.-Mexico border pollution
https://www.watertechonline.com/industry/article/14198784/bill-aims-to-reduce-usmexico-border-pollution
Designates EPA as lead federal agency to address border pollution problems
Mar 5th, 2021

Senators Dianne Feinstein and Alex Padilla, both Democrats from California, recently introduced the Border Water Quality Restoration and Protection Act, a bill to reduce pollution along the U.S.-Mexico border and improve the water quality of the Tijuana and New rivers.

The bill would designate the Environmental Protection Agency as the lead agency to coordinate all federal, state and local agencies to build and maintain needed infrastructure projects to decrease pollution along the border.

Representatives Juan Vargas, Scott Peters, Mike Levin, Sara Jacobs, Darrell Issa and Raul Ruiz plan to introduce companion legislation in the House of Representatives.

"Toxic sewage and waste has flowed into the United States from Mexico for years because federal agencies haven't stepped up to deal with the problem," said Senator Feinstein. "The people of Southern California have been forced to suffer while different federal agencies keep passing the buck. This bill will put an end to the confusion by putting the EPA in charge of coordinating efforts and fixing the problem. I'm grateful to the Government Accountability Office for its detailed and informative report on this long-standing issue that must be addressed now."

"For too long, toxic waste and raw sewage has flowed across the border into Southern California, polluting our air and water and depriving border communities of outdoor recreation and economic opportunities," said Senator Padilla. "While federal agencies have largely ignored this problem, the health and safety of our coastal communities remains threatened. That's why I'm joining Senator Feinstein to introduce the Border Water Quality Restoration and Protection Act to direct the EPA to take the lead in finally addressing the Tijuana River pollution problem."

"The biggest challenge in addressing this environmental and public health crisis is that a majority of the pollution results from transboundary flows. Addressing cross-border pollution in our region requires strong communication between agencies – from both sides of the border," said Representative Vargas. "We need a lead agency to coordinate efforts between federal, state, local and Mexican entities to properly establish infrastructure and restoration programs to help address this decades-old problem."

The Border Water Quality Restoration and Protection Act is supported by the California Environmental Protection Agency; the California Natural Resources Agency; San Diego and Imperial counties; the cities of San Diego, Imperial Beach and Coronado; Chula Vista Mayor Mary Casillas Salas; the Port of San Diego; the San Diego Regional Chamber of Commerce; and WILDCOAST.

Based on recommendations from a Government Accountability Office report requested by Senator Feinstein that was released last year, the bill would:

Designate the EPA as the lead agency to address border pollution along the U.S.-Mexico Border and improve water quality of the Tijuana and New rivers entering the United States.

Require the EPA, along with its federal, state and local partners, to identify a list of priority projects and would authorize EPA to accept and distribute federal, state, and local funds to build, operate and maintain those projects.

Codify the existing Border Water Infrastructure Program to manage stormwater runoff and water reuse projects.

Require the International Boundary and Water Commission to participate in the construction of projects identified in the Tijuana and New rivers' comprehensive plans and specifically authorizes the commission to address stormwater.

EPA asks to review whether PolyMet 'may affect' Fond du Lac Band; requests permit suspension
https://news.yahoo.com/epa-asks-review-whether-polymet-153100503.html
Jimmy Lovrien, Duluth News Tribune, Minn.
Fri, March 5, 2021, 10:31 AM

Mar. 5—The U.S. Environmental Protection Agency has asked to study whether the proposed PolyMet copper-nickel mine "may affect" the downstream Fond du Lac Band of Lake Superior Chippewa after the court last month said the federal agency had the duty to make such a determination under the Clean Water Act.

In a motion filed Thursday in U.S. District Court in Minneapolis, the EPA voluntarily requested to review if discharges from PolyMet, which is proposed 70 miles upstream from the Fond du Lac Reservation, "may affect" the band's waters.

If the court grants the motion, the EPA said the review would take 90 days and has requested the U.S. Army Corps of Engineers suspend PolyMet's Section 404 permit, which allows PolyMet to discharge dredged and fill material into over 900 acres of wetlands, during that time.

If during its review the EPA finds PolyMet would affect the Fond du Lac Band, it would be required to notify the band. That would then allow the band to object to the permit and require the Army Corps to hold a hearing on the band's objection.

And if the permit was already suspended it "would allow for meaningful additional ... proceedings before the (Army) Corps" if the EPA does find PolyMet "may affect" the Fond du Lac Band, said Tera Fong, director of EPA's water division, in a Thursday letter to Col. Karl Jansen, the Army Corps' district engineer for the St. Paul District.

"Accordingly, EPA requests that the Corps consider suspending PolyMet's CWA Section 404 Permit if EPA's motion for a voluntary remand is granted," Fong wrote.

The Army Corps has authority to suspend a permit if it is "in the public interest," Fong wrote.

The move comes just weeks a federal judge allowed the band's claim that the EPA failed to inform it that PolyMet "may affect" its reservation to continue. In that decision, Judge Patrick J. Schiltz wrote "the Court has held that EPA had a legal duty to make a 'may affect' decision — and given that EPA has admitted that it did

not make such a decision — the Band would seem to have a plausible (perhaps even a slam-dunk) claim that EPA did not act 'in accordance with law.'"

In the same opinion, the judge had dismissed some of the band's other claims challenging a different water permit.

PolyMet's proposed copper-nickel mine near Babbitt and Hoyt Lakes would be the state's first and would sit within the St. Louis River Watershed, which empties into Lake Superior.

The Fond du Lac Reservation and treaty land sits on the St. Louis River. The band fears potential pollution from PolyMet, namely sulfides, would damage its wild rice and other resources.

A spokesperson for the Fond du Lac Band did not respond to the News Tribune's requests for comment Thursday evening.

PolyMet did not oppose EPA's motion, according to court documents.

"PolyMet plans to participate fully, as appropriate, in this process and believes the science will once again prevail," PolyMet said in a news release Thursday evening. "The science is clear that water discharges from the NorthMet copper-nickel-precious metals mine will have no impact on downstream waters."

PolyMet noted that the Minnesota Pollution Control Agency in December 2018 found that PolyMet would protect state's water quality, a finding challenged by environmental groups.

A number of other PolyMet permits remain on hold pending numerous legal challenges.

Officials grill water utility over response to earlier Luke AFB spill
https://prescottenews.com/index.php/2021/03/05/officials-grill-water-utility-over-response-to-earlier-luke-afb-spill/
By Haleigh Kochanski | Cronkite News
March 5, 2021 5:03 am
The Arizona Corporation Commission grilled a West Valley water company Wednesday, asking why it did not respond more aggressively after chemical agents were discovered in water from its wells five years ago.

Commissioner Anna Tovar at one point during the hearing asked an official of Valley Utilities Water Co., “Do you care for your customers?”

But company CFO Bryan Thomas told Tovar that the utility did everything that was required of it by state and federal regulators, which did subsequent testing of the company’s wells, and that it notified its customers and all new customers of the presence of the chemical.
“We are not chemists, we’re not doctors, we follow the standards that are provided by the EPA, ADEQ (the Arizona Department of Environmental Quality) and Maricopa County,” Thomas said.

The hearing came just two weeks after Luke Air Force Base notified thousands of nearby residents, including customers of Valley Utilities Water, that it had found high levels of the chemicals PFOA and PFOS in groundwater near the base. Those chemicals were elements in firefighting foam that was used in training exercises for decades at Luke, going back to the 1970s.

In May 2016, the Environmental Protection Agency issued a lifetime health advisory for the chemicals perfluorooctane sulfonate and perfluorooctanoic acid, which it said may result in developmental problems, certain cancers, liver issues and other problems.

But because the science on the chemicals is still evolving, the EPA issued the "non-enforceable and non-regulatory" advisory as guidance for local and state officials. The advisory set a safe exposure level of 70 parts of PFOA or PFOS per trillion – the equivalent, the Air Force said, of one drop in 20 Olympic-size swimming pools.

The Air Force took responsibility for the water contamination in its Feb. 18 notice to nearby residents. That notice also warned them against drinking tap water or using it for cooking after the latest tests on well water within a mile of Luke found elevated levels of the chemicals.

The base has been providing bottled water since then to nearly 1,500 water customers, or almost 4,000 residents. As of Wednesday, an official at Luke said the base had provided more than 21,000 one-gallon jugs of water, which residents can pick up from the base or have delivered to their homes.

But this is not the first time the chemicals have been found in water near the base – similar levels were detected in 2016, shortly after the EPA issued its advisory.

Tovar noted Wednesday that Liberty Utilities, another water provider near the base, has been filtering its water since 2016 to remove PFOS and PFOA. Valley Utilities Water notified its customers that water samples from area wells found chemical levels above the EPA limit and advised them of steps to take if they were concerned for their health.
"We were working with ADEQ and Maricopa County to do any testing that was required of us," Thomas said. "Once we started working with the Air Force back in 2019, we knew that they were going to be doing additional testing and that they would be handling all of the costs associated with treatment if the levels came in above the health advisory."

Tovar pressed Thomas on Valley's lack of testing and public notice after the 2016 discovery of the chemicals in the water.

"I know there isn't a type of enforceable policy in place with the EPA, but if you're in the business to deliver safe and reliable water, I would say at a bare minimum you would do follow up testing to note and inform your constituents," she said. "Only informing your constituents one time since 2016 is truly unacceptable."

Thomas said his company continued to do all the testing required by state and federal laws. But other agencies, including ADEQ and the Air Force, were doing the expensive testing for PFOA and PFOS, a cost that would had to have been passed on to ratepayers if Valley Utilities did it.

"We are only testing for the constituents that are required by the Safe Drinking Water Act," said Thomas, who noted that an ADEQ test in January 2018 found no traces of PFOS or PFOA.

"It was our impression that the costs for these types of things may not be recoverable from the Air Force base in the future," Thomas said. "Due to the high cost of this treatment equipment, we didn't feel like we could have our ratepayers bear those costs for unregulated contaminants and for contaminants that were caused by the Air Force base."

Tovar was not the only one unsatisfied with that answer. In a letter submitted as part of Wednesday's hearing, customer Rebecca Gross expressed her "deep disappointment."

“As a parent I thought we were safe, and now knowing that Valley Water knew of the high levels of PFAS and did nothing about it makes me so scared for my children’s health, and my health,” her letter said. “The EPA recommends doing something about this water, and a recommendation should be all it takes.”

Besides distributing bottled water, the Air Force has committed to continued testing, installation of filtration systems and development of alternative water supply systems that bring the area’s drinking water under EPA guidelines “as promptly as reasonably practicable.” All expenses are being paid for by the Air Force.

Message

From: EPA Press Office [press@epa.gov]
Sent: 3/18/2021 6:30:50 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: EPA Reboots Climate Change Website

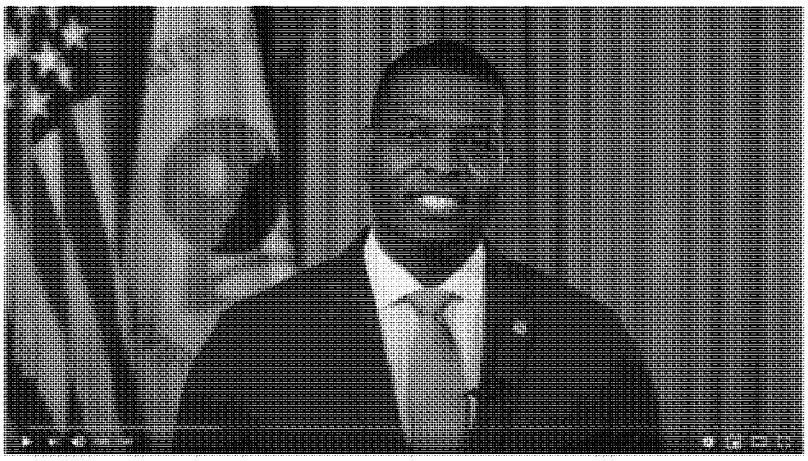
U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

EPA Reboots Climate Change Website

WASHINGTON (March 18, 2021) -- As part of the Biden-Harris Administration's commitment to action on climate change and restoring science, EPA is taking the first step in a relaunch of its climate change website. For the first time in four years, EPA now has a webpage to guide the public to a range of information, including greenhouse gas emissions data, climate change impacts, scientific reports, and existing climate programs within EPA and across the federal government.

"Climate facts are back on EPA's website where they should be," **said EPA Administrator Michael S. Regan.** "Considering the urgency of this crisis, it's critical that Americans have access to information and resources so that we can all play a role in protecting our environment, our health, and vulnerable communities. Trustworthy, science-based information is at the foundation of strong, achievable solutions."



2021 03 12 Admin Regan ClimateChange 1

Watch EPA Administrator Michael Regan's Climate Change Video Message.

The Biden-Harris Administration has made it clear that addressing climate change is a national priority. In the weeks and months to come, EPA will be adding new, updated information on climate change science, impacts, what EPA is doing and what you can do, providing a trustworthy, accurate public resource on climate change issues and solutions.

Climate change leads to rising seas, retreating snow and ice, and to changes in the frequency and intensity of heat waves, precipitation, and extreme weather events. These changes, occurring as a result of the buildup of greenhouse gases due to human activities, are changing the climate at a pace and in a way that threatens human health, society, and the natural environment. Children, the elderly, and the poor are among the most vulnerable to climate-related health effects.

To view the Climate Change website, go here: https://www.epa.gov/climate-change

To view the Climate Change website in Spanish, go here: https://espanol.epa.gov/el-cambio-climatico

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Subject: February 12 -- Climatewire is ready

Climatewire -- Policy. Science. Business.

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AN E&E NEWS PUBLICATION

CLIMATEWIRE — Fri., February 12, 2021

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Subject: National Academies report says net-zero by 2050 possible, with 'unprecedented' funding

National Academies report says net-zero by 2050 possible, with 'unprecedented' funding

By Alex Guillén

02/02/2021 11:00 AM EST

The United States can achieve net-zero carbon emissions by 2050, but it will require "rapid rates of change and unprecedented levels of funding," according to a report released Tuesday by the National Academies of Sciences.

Context: President Joe Biden pledged during his campaign to put the country on a path to achieve net-zero emissions by midcentury as part of an effort to avoid the worst impacts of climate change. The 210-page report concludes that goal is "on the edge of feasibility," and that such an ambitious effort could lead to a socioeconomic opportunity that can create jobs and improve the economy while making it "more fair and just," an argument many Democrats have made.

Details: The report, which NAS began in March 2020, focuses on "no-regrets" actions that could withstand uncertainty about the system's final technological mix and keep open as many viable paths to net zero as possible.

It names five technological goals for decarbonization, some of which the report acknowledges will require regulatory reform: Building energy efficiency improvements; electrification of vehicles and building heating infrastructure; obtaining 75 percent of electricity from clean sources by 2030; boosting transmission capacity by up to 60 percent; and tripling federal investment in clean energy research and development.

The report also included socioeconomic goals to help maintain public support for a 30-year transition, including leveraging decarbonization to strengthen the economy, grow jobs and support manufacturing, It also calls for eliminating "inequities in the current energy system that disadvantage historically marginalized and low-income populations," supporting policies to help industries and regions that will be hurt by decarbonization, and maximizing cost-effectiveness.

"These conditions warrant rapid rates of change and unprecedented levels of funding for RD&D, infrastructure planning, permitting and construction activity, and other changes in public policy and social systems that have to begin immediately across the energy economy, as well as unprecedented actions to build and maintain public support for the net-zero transition," the report said.

Achieving these goals will require spending about $300 billion above business-as-usual over the next ten years — but that the U.S. will get back that much in avoided climate damages and public health gains annually, the report said.

Policy recommendations: The report includes a litany of recommendations, including an economy-wide price on carbon dioxide starting at $40 per ton and increasing 5 percent annually, with rebates for low-income Americans who will be disproportionately affected.

It also calls for a national clean energy standard; manufacturing and performance standards for electric vehicles and building equipment; the creation of a federally chartered National Transition Corporation for long-term decarbonization guidance; a Green Bank initially capitalized at $30 billion to finance projects and reduce risk for private investors; reforms to the Federal Power Act to speed up siting and permitting of long-distance transmission; SEC rules boosting corporate climate risk disclosure; wholesale power market reforms; the installation of more smart electricity meters; and weatherization of low-income households.

Background: The report was authored by a committee of mostly consisting of academics, led by Princeton ecologist Stephen Pacala. Other members included Sue Tierney of the Analysis Group, Roxanne Johnson of the BlueGreen Alliance and Ed Rightor of the American Council for an Energy-Efficient Economy. It was funded by NAS funds and outside nonprofits, including the Alfred P. Sloan Foundation, Quadrivium Foundation, Gates Ventures and the ClearPath Foundation.

What's next: The report covers actions that can be taken over the next ten years; the subsequent two decades will be covered in a report due in a year.

To view online:
https://subscriber.politicopro.com/energy/article/2021/02/national-academies-report-says-net-zero-by-2050-possible-with-unprecedented-funding-2031615

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: February 18 -- Energywire is ready

Energywire -- The Transformation of the Energy Sector

Read today's Energywire on the web

ENERGYWIRE

AN E&E NEWS PUBLICATION

ENERGYWIRE — Thu., February 18, 2021

READ FULL EDITION

1. ENERGY TRANSITIONS:
'Impossible to avoid.' Years of grid warnings haunt Texas

A blue-ribbon committee of U.S. experts issued a grim warning years ago to operators of the nation's electric power networks, one that could echo today in frozen, power-starved Texas.

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2. ELECTRICITY:
Texas misery: Water problems follow blackouts

3. RENEWABLE ENERGY:
DOE, White House: Don't blame wind for grid crisis

4. ENERGY TRANSITIONS:
First U.S. fusion plant planned for 2035

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EV battery maker: Court ruling threatens Biden climate plan

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Biden admin appeals ruling that jeopardized 59 oil leases

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Pandemic causes biggest plunge in energy use in 30 years

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Energy CEOs launch net-zero alliance

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State senator proposes ban on fracking by 2027

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Oil traders rush for European diesel to help supply icy U.S.

11. NATURAL GAS:

Qatar lays out ambition to be LNG king for at least 20 years

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12. EXTREME WEATHER:

Mich. utility crews to help restore power in other states

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Energywire is written and produced by E&E News, which is staffed by a dedicated reporting team within the POLITICO newsroom. Energywire brings readers deep, broad and insightful coverage of the transformation of the energy sector. Energywire focuses on the business, environmental and political issues surrounding the rapidly changing energy industry and the numerous factors -- from expanding natural gas use to renewables and more -- that are altering the traditional electric utility industry. Energywire publishes daily by 8:00 a.m.

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: McCaul defends Texas power grid: 'We're not used to this type of weather'

McCaul defends Texas power grid: 'We're not used to this type of weather'

By Eleanor Mueller

02/21/2021 12:52 PM EST

Rep. Michael McCaul (R-Texas) defended his state's independent power grid Sunday, telling CNN's Dana Bash that "we're not used to this type of weather" and pointing to a decade-old report on winterization as the way forward.

The Texas power grid "was set up that way to be independent of federal oversight and regulations," McCaul said on "State of the Union." "That's very good with things like cybersecurity; not so good when it comes to an Arctic blast like this one."

Texas, the only state in the continental U.S. that operates an independent electric grid, has come under fire this week following a crippling winter storm that left millions without power and dozens dead when temperatures dropped well below freezing for days on end. The extreme weather has also led to pipes bursting, leaving many around the state without clean water.

Power-sharing, McCaul acknowledged, "would [also] have been helpful. We could have shared with other power grids."

He described a 2011 report from the state's Legislature that contained recommendations "as to how to winterize our operations," which was never properly implemented. "That's what we're going to taking a look at moving forward," he said, "so this never happens again."

"The difference between Texas and, say, the Northeast, is we're not prepared for this," McCaul went on. "We're not used to this type of weather." The grid "was not winterized for subzero-degree temperatures."

"All of what happened this past week was foreseeable and preventable," Houston Mayor Sylvester Turner, who served in the state Legislature in 2011 and introduced a bill that would have winterized the grid, said on CBS News' "Face the Nation" on Sunday.

Adding insult to injury, many residents also received historically high energy bills as a result of the extreme weather — which McCaul said federal funds will help reimburse customers for.

An emergency disaster declaration by President Joe Biden "brings in federal assistance from the federal government, and that's what Texans need right now so desperately," McCaul said. "The current plans with the federal assistance is to be able to help homeowners" not only repair their homes, but pay "their electricity bills as well."

Asked if the idea of using federal funds to pay for fallout from the failure of a state-run grid was "kind of rich," McCaul deflected.

"Here's the deal, is that [it happened] because we're not winterized," he said. "We need to strongly move forward and make the investment that they failed to do in the past" by implementing the recommendations of the 2011 report.

Climate change, McCaul said, "is real." The question "is how to deal with it."

He called for "a Manhattan-type project to deal with clean energy," referring to the Manhattan Project, by which the United States developed the atomic bomb in World War II.

Asked about the optics of Democrats, in some instances, doing more than Republicans to help the GOP-controlled state, McCaul was complimentary.

"It's great that they're crossing party lines to help Americans first and not just Republicans and Democrats," McCaul said of efforts by former Texas Rep. Beto O'Rourke and Rep. Alexandria Ocasio-Cortez (D-N.Y.) to aid Texans affected by the storm. "That's the way it really should be."

"When a crisis hits my state, I'm there. I'm not going to go on some vacation," McCaul went on. The decision by Sen. Ted Cruz (R-Texas) to fly to Mexico for a spontaneous vacation mid-week "was a big mistake."

To view online:
https://subscriber.politicopro.com/energy/article/2021/02/mccaul-defends-texas-power-grid-were-not-used-to-this-type-of-weather-2036863

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Yellen signals interest in climate-related stress tests for banks

Yellen signals interest in climate-related stress tests for banks

By Victoria Guida

02/22/2021 12:45 PM EST

Treasury Secretary Janet Yellen on Monday spoke positively about the idea of conducting special stress tests on banks to gauge the potential risks they face from climate change.

Yellen, speaking at an event hosted by The New York Times, said she was encouraged that the Federal Reserve is examining its regulatory options in this area.

"There's a new movement now toward stress testing of financial institutions — the recognition that financial institutions can be affected, that climate change creates risks," she said. "That's something that, at Treasury, we may be able to discuss and facilitate."

The actual tests would be conducted by the Fed, she said, adding that insurance regulators might also consider a similar route.

"It's not envisioned that these tests would have the same status in terms of limiting payouts and capital requirements" like the central bank's annual stress tests, "but I think they would be very revealing both for the regulators and the firms themselves in terms of managing their own risks," she said.

A coalition of banks, insurers and Wall Street trading firms last week issued a pledge to support U.S. efforts to combat climate change amid growing pressure from the Biden administration and investors, though they cautioned against new financial regulations that would force them to act.

For her part, Yellen has said she plans to start a new Treasury "hub" that would examine financial system risks arising from climate change and on related tax policy incentives. She intends to appoint a "very senior-level" official to lead climate efforts.

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From: EPA Press Office [press@epa.gov]
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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: EPA Seeks Nominations for Local Government Advisory Committee

U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

EPA Seeks Nominations for Local Government Advisory Committee

WASHINGTON (March 5, 2021) — Today, the U.S. Environmental Protection Agency is announcing a solicitation for nominations to serve on its Local Government Advisory Committee (LGAC), which advises the EPA on critical environmental issues impacting local governments. The agency is also accepting nominations for LGAC's Small Communities Advisory Subcommittee (SCAS).

"Local and state partnerships are vital to EPA's mission of promoting and protecting public health and the environment," **said Deputy Associate Administrator for Intergovernmental Relations Casey Katims**. "The Biden-Harris administration has laid out an ambitious agenda to tackle the climate crisis, prioritize environmental justice and create clean energy jobs. Seeking input and collaboration from communities across the country is an essential part of achieving these goals."

Members of the LGAC and SCAS will provide advice and recommendations on a broad range of issues, including: ensuring access to clean air and water; reducing greenhouse gas emissions; advancing environmental justice; bolstering resilience to the impacts of climate change; and limiting exposure to dangerous chemicals and pesticides.

Candidates must be current elected or appointed officials representing local, state, tribal or territorial governments. EPA expressly values diversity, equity, and inclusion, and encourages the nominations of individuals from diverse backgrounds, so that the LGAC and SCAS look like America and reflect the country's rich diversity.

To be considered for 2021 appointments, nominations should be submitted by April 16, 2021.

Learn more about the nomination process here https://www.federalregister.gov/documents/2021/03/05/2021-04624/local-government-advisory-committee-and-small-communities-advisory-subcommittee-request-for

Background
Chartered in 1993 under the Federal Advisory Committee Act, the Local Government Advisory Committee provides independent and objective policy advice to the EPA Administrator on a broad range of issues affecting local governments. The Small Community Advisory Subcommittee was established by EPA in 1996 to advise the Administrator on environmental issues of concern to the residents of smaller communities.

For more information about the LGAC, please visit https://www.epa.gov/ocir/local-government-advisory-committee-lgac.
For more information about the SCAS, please visit: https://www.epa.gov/ocir/small-community-advisory-subcommittee-scas.

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Covid recovery, workers emphasized in USTR report to Congress

Covid recovery, workers emphasized in USTR report to Congress

By Gavin Bade

03/01/2021 03:01 PM EST

The Office of the U.S. Trade Representative will focus on Covid-19 recovery this year as it assesses how to reshape American trade policies to tackle climate change and support higher wages at home and abroad, the agency said in its annual report to Congress.

Broad agenda-setting: The 2021 Trade Policy Agenda and 2020 Annual Report of the President of the United States on the Trade Agreements Program, produced by agency staff, is less detailed than recent years' reports because the Biden administration's staff is still setting up and USTR nominee Katherine Tai has yet to be confirmed by the Senate.

But the more than 300-page document still offers new insight into how the agency will approach labor, human rights and environmental protections, while illustrating the White House's reluctance on negotiating major new trade deals.

Workers and equitable growth: Tai has promised to review virtually all of Trump's trade actions, from his duties on global steel and aluminum producers, to his tit-for-tat tariff battles with China and the EU.

The report spells out more of the goals of those reviews, which the agency says will focus on how trade policies support wages for workers in the U.S. and other nations, rather than solely identifying new markets for American firms.

"The trade agenda will include a review of existing trade programs to evaluate their contribution to equitable economic development, including whether they reduce wage gaps, increase worker unionization, promote safe workplaces, tackle forced labor and exploitative labor conditions, and lead to the economic empowerment of women and underrepresented communities," the report reads.

The report pledges that USTR will use new "Rapid Response" provisions in the U.S.-Mexico-Canada agreement to "ensure workers receive relief through efficient, facility-level enforcement" when labor provisions of that agreement are violated. USTR also says it will combat forced labor in China and other nations.

"Trading partners will not be allowed to gain a competitive advantage by violating workers' rights and pursuing unfair trade practices," the report pledges.

Carbon border adjustment: The agenda discusses how trade can combat climate change, exploring "market and regulatory approaches" to address carbon emissions in global trade.

Those efforts will include "consideration of carbon border adjustments" — tariffs on carbon-intensive goods from nations without their own climate regulations.

Such tariffs aim to protect domestic industries from competition from firms in nations with lax environmental rules and are also under consideration in the European Union. But they would likely require Congress to enact, and could run into challenges at the World Trade Organization.

Covid recovery: USTR will work toward the Biden administration's goal to shore up American access to essential medical goods and pharmaceuticals that ran short during the Covid-19 pandemic, the report says.

Those two sectors were among the targets for a Biden executive order last week that targets supply chain reviews for critical goods. USTR said the trade agenda "will support these domestic investments with the goal of ensuring that frontline workers have immediate access to necessary personal protective equipment."

New deals notably absent: The trade agenda notably does not push to conclude any major new trade deals in the next year, which the Biden administration has said will have to wait until Congress has passed domestic economic stimulus.

That includes trade negotiations left unfinished by the Trump administration, like talks with the U.K. and Kenya. Those discussions are included in the report's lengthy review of 2020 trade actions taken by the previous Trump administration, but the document merely notes that negotiations are ongoing.

And the report makes no mention of a push to renew the trade promotion authority, which expires on July 1. Tai also skirted questions about reauthorization of that law in written responses to questions from the Senate Finance Committee, released Monday morning, committing only to "consult closely" with lawmakers on any new trade bills.

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https://subscriber.politicopro.com/trade/whiteboard/2021/03/covid-recovery-workers-emphasized-in-ustr-report-to-congress-3987305

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E&E Daily -- Congress. Legislation. Politics.

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E&E DAILY — Wed., March 17, 2021

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1. REGULATIONS:

Dems weigh assault on Trump rules, but time is short

Democrats said yesterday they are still considering using the Congressional Review Act to undo Trump environmental rollbacks, but the administration may be hesitant to deploy the rule-killing tool.

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2 new Texas E&C members: Different parties, similar goals

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Haaland takes the department's reins

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Carbon tax group launches major ad campaign

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Former Trump, Hill climate aide moves to advocacy

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Senators investigate electric vehicle supply chains

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Congress starts scrutinizing Biden conservation plan

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Groups urge lawmakers to bolster electricity markets

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Barrasso targets World Bank funding over fossil fuel ban

UPCOMING HEARINGS AND MARKUPS

12. CALENDAR:

Activity for March 15 - March 21, 2021

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GO BEHIND THE FIRST 100 DAYS: Joe Biden entered the White House with an expansive agenda, including rethinking energy and climate policy. Keep up to date on his agenda with POLITICO's First 100 Days to track the 46th president's efforts to reshape policy and politics. Follow along as we chronicle the regulation and legislation used to enact an agenda. **Check out the First 100 Days now.**

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Subject: Daily News Clips, February 25, 2021 (afternoon edition)

Administration
Inside EPA: Early Biden Actions Highlight Effort To Bolster Focus On Climate, Equity
Chemicals
National Law Review: Advocacy Groups and Plaintiffs' Experts Launch Two Challenges to EPA's Asbestos Risk Evaluation – Are EPA Settlements Possible?
Land Management
Bloomberg: Puerto Rico Landfill is Unsafe for Workers, Residents, EPA Says
Just the Real News: Soil cleanup completed as required by EPA at former Koppers facility in Carbondale, Illinois
Water
St. Peter Herald: Environmentalists make long-shot attempt to ban new factory farms
Flathead Beacon: Lincoln County Lawmakers Seek to Roll Back Lake Koocanusa Pollution Standard

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Inside EPA: Early Biden Actions Highlight Effort To Bolster Focus On Climate, Equity
Former EPA officials say several early actions by the Biden administration illustrate a renewed focus on climate change and environmental justice (EJ) at EPA and all other parts of the government, including selecting personnel who have extensive experience in these areas and taking a multi-pronged approach to implementing policies.

The "why" of focusing on climate change is because President Joe Biden and his administration see climate change as a real crisis, Scott Fulton, who served as EPA general counsel during President Barack Obama's first term and is now the president of the Environmental Law Institute, said Feb. 24 during a session of the virtual American Law Institute Continuing Legal Education conference Environmental Law 2021.
Fulton said this emphasis is being "carried out everywhere" and is likely shaping actions by major oil companies to diversify their investments, and pressure for action from the financial sector to address the financial risks of climate change.

While some see these private-sector actions as merely being politically expedient, "I see a reconciling of business with climate science," Fulton said, noting the private sector is often focused on reducing financial risks. As more climate-friendly actions are taken in the private sector, the market dynamics for even greater changes "pick up steam," he said. But other decisions within the administration will also advance this focus, Fulton said, adding that the White House and EPA are "chock-full" of senior personnel who have significant experience in crafting climate policies.

These include at the White House: David Hayes, Biden's special assistant for climate policy; Gina McCarthy, national climate advisor; and John Kerry, special presidential envoy for climate.
And at EPA, they include: Janet McCabe, who has been nominated to be EPA deputy administrator; Avi Garbow, senior counselor to the administrator; and Joseph Goffman, acting assistant administrator in the air office.

The Biden administration also made several policy announcements in its first month aimed at climate change, including backing support for carbon-reliant communities, doubling down on using the federal government's purchasing power to support climate-friendly purchases and using federal lands for renewable energy, Fulton said.

While some people see the United States' rejoining of the Paris climate agreement as not that significant on a domestic basis, Fulton said it is extremely significant internationally. The United States is the second largest emitter of carbon, and U.S. leadership on this front is critical, he said. During the several months that the United States was not part of the pact, even European countries committed to carbon reduction began slipping in their achievements, he said. How the United States will achieve the expected goal of greater reductions in carbon emissions is still a big question, Fulton said.

Legislation would help close the gap, but passing a climate change package is a very difficult thing to do, he said, questioning whether EPA will be stuck trying to be a "gap filler."

Environmental Justice

Gwendolyn Keyes Fleming, a partner with Van Ness Feldman who served as EPA chief of staff and administrator of EPA's Southeast Region 4 during the Obama administration, noted the Biden administration's multi-pronged approach to EJ in her Feb. 24 comments at the environmental law conference.

President Biden is addressing EJ through "scaffolding," rulemaking, enforcement and benefits, she said.
For example, under what she called scaffolding, Fleming noted Executive Order (EO) 14008, which addresses both climate change and environmental justice. The EO created a White House Environmental Justice Interagency Council to be led by the head of the White House Council on Environmental Quality (CEQ) and created a White House Environmental Justice Advisory Council to be funded by EPA. Additionally, the EO calls for CEQ within 6 months to "create a geospatial Climate and Economic Justice Screening Tool" and annually publish interactive maps highlighting disadvantaged communities, something Fleming described as an expansion of EPA's EJSCREEN tool.

Under rulemaking efforts, Fleming pointed to EO 13990, which detailed numerous Trump administration policies targeted for review and placed EJ as one of the pillars for consideration during that review. EO 14008 also calls on EPA to strengthen enforcement of environmental violations with disproportionate impacts on underserved communities, something Fleming says will be a "big focus" in this administration.

Furthermore, EO 14008 also calls on CEQ, the director of the White House Office of Management and Budget and the national climate advisor, in consultation with the EJ advisory council, to publish recommendations on how federal investments might be made toward a goal that 40 percent of the overall benefits flow to disadvantaged communities.

The recommendations are to focus on investments in the areas of clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure, the EO says. The recommendations shall reflect existing authorities the agencies may possess for achieving the 40-percent goal as well as recommendations on any legislation needed to achieve the 40-percent goal. -- *Lara Beaven* (lbeaven@iwpnews.com)

National Law Review: Advocacy Groups and Plaintiffs' Experts Launch Two Challenges to EPA's Asbestos Risk Evaluation – Are EPA Settlements Possible?

On January 26, 2021, a coalition of advocacy groups and prominent asbestos plaintiffs' experts launched two challenges to "Part 1" of the asbestos risk evaluation recently released by the United States Environmental Protection Agency (EPA). EPA concluded in Part 1 that 16 of the 32 "conditions of use" analyzed pose an "unreasonable risk" to human health, but advocacy groups have criticized EPA for only addressing risks associated with chrysotile asbestos and excluding review of other fiber types. Now, those groups have teamed up on a pair of legal challenges that could force EPA to revisit its Part 1 asbestos risk evaluation, which could delay risk management regulations.

First, the coalition filed a Petition for Review in the United States Court of Appeals for the Ninth Circuit seeking review of EPA's conclusions about asbestos and the comprehensiveness of its analysis. One of the Petition's chief complaints is that EPA "determin[ed] the risks of certain conditions of use of chrysotile asbestos fibers but declin[ed] to consider the risk of other asbestos fibers, conditions of use, health effects and pathways of exposure that impact public health."

Second, the coalition issued a Notice of Intent to Sue (NOI) under the Toxic Substances Control Act (TSCA) § 20(a)(2). The NOI alleges that EPA failed to perform a non-discretionary duty because (1) it did not complete the entire asbestos risk evaluation by June 19, 2020; and (2) the final risk evaluation failed to address the use and disposal of "legacy" asbestos (uses of asbestos that are not "ongoing," but may still pose a risk to consumers, such as asbestos in insulation).

While the coalition appears to have alleged valid grounds for lawsuits, it is not yet clear how these cases could change the playing field, as EPA already appears to be on its way to addressing existing legal deficiencies. The groups may be seeking a settlement with EPA or even an opportunity for EPA to request a remand of its Part 1 analysis. Notably, President Biden's

nominee for EPA Administrator, Michael Regan, acknowledged during his confirmation hearing on February 3 that he would "work with [his] staff to take a look at [the asbestos] evaluation, determine where those data and science gaps are, and govern ourselves accordingly."

Implications

First, EPA is already conducting "Part 2" of its asbestos risk evaluation to address "legacy" asbestos in response to a previous court loss. A similar coalition of advocacy groups won their bid in the Ninth Circuit in November 2019 in which the court rejected EPA's argument that it had the authority to omit legacy asbestos from the scope of review. *See Safer Chemicals Healthy Families, et al. v. EPA*, No. 17-72260 (9th Cir. Nov. 14, 2019). EPA obviously could not complete the legacy analysis by June 2020 just 7 months following the Ninth Circuit's November 2019 order. However, the court's intervening decision does not alleviate EPA from the statutory deadline, making the agency legally vulnerable to a mandatory duty suit. While EPA is already conducting the review, the coalition may be looking to force a settlement—EPA's typical response when there is no legal defense. The groups may view this as more achievable with the new administration and as providing certainty on EPA's timeline and court oversight to ensure against slippage.

Second, the issue to watch is what problems the groups will allege with the Part 1 evaluation and the progress of the litigation over the substance of the evaluation. Since Part 1 was completed in the prior administration, there is likely concern that allowing it to stand would leave in place a risk assessment that provides a less than desired foundation on which to craft risk management regulations. If the new administration chooses, it could even seek a voluntary remand of the action and merge Part 1 and Part 2. Additionally, legacy asbestos analysis has long been in the sights of advocacy groups and the deadline suit could provide an opportunity to have court oversight of the timeline for the legacy risk evaluation.

But, the challenges brought by the coalition, if EPA chooses to defend them, could create a paradox by potentially delaying asbestos regulations that the coalition likely believes are already long overdue. TSCA requires EPA to issue final regulations addressing the risks it identified in Part 1 of its risk evaluation within two years, and EPA is already beginning the risk management process. Favorable rulings in one or both of the cases could force EPA back to the drawing board on the asbestos risk evaluation, which could halt the asbestos regulations the Agency is already developing.

Next Steps

In the litigation already pending in the Ninth Circuit, the coalition must file its brief in support of its Petition by April 16, 2021. EPA will respond by May 17, 2021. The coalition cannot file their lawsuit (which must be brought in federal court) over the issues raised in the NOI until at least 60 days have passed following the NOI's submission to EPA, or March 27, 2021.

These latest legal challenges add to the growing list of TSCA risk evaluation-related issues the Biden Administration has inherited and undertaken itself. Now, the Biden EPA will need to divert time and resources to legal challenges that will further burden the Agency, which is already spread thin on TSCA risk evaluation-related activities, including:

- Addressing President Biden's directive—issued on January 20, 2021, immediately after he took office—to review a number of actions the Agency had taken since 2017, including the overarching "Framework Rule" governing EPA's risk evaluations (and on which the Agency had relied in excluding "legacy" uses from the original scope);
- Analyzing legacy asbestos for "Part 2" of the asbestos risk evaluation;
- Engaging in risk management activities and developing regulations to address the unreasonable risks found in the first 10 risk evaluations (including Part 1 of the asbestos risk evaluation), which had been expected to have been underway for at least six months, but are only now just beginning;
- Conducting risk evaluations for the next 20 chemicals selected for analysis; and

- Revising the Chemical Data Reporting (CDR) Rule to close "loopholes" regarding asbestos reporting to address a recent Northern District of California ruling that EPA, as a result, lacked sufficient information to conduct its asbestos risk evaluation.

Companies should keep a close eye on developments in both of these cases, which could have implications that extend more broadly than asbestos. Moreover, favorable rulings on the substance of EPA's conclusions or procedures from either Court could provide useful precedent to others seeking to challenge EPA's conclusions about other initial risk evaluations.

Bloomberg: Puerto Rico Landfill is Unsafe for Workers, Residents, EPA Says

Management practices at a landfill in Puerto Rico are causing unsafe conditions for nearby residents and the environment, the EPA said in a complaint filed in federal district court Thursday.

The municipal landfill in Toa Alta, P.R., could be contributing to the spread of disease by not covering solid waste deposited there, the Environmental Protection Agency told the U.S. District Court for the District of Puerto Rico.

The landfill also has steep and unstable sides, which could collapse, and large amounts of leachate from the landfill could contaminate soil, surface water, and groundwater, the complaint said. More than 100 homes and businesses are located within 1,300 feet of the landfill perimeter, it said.

The landfill doesn't have a low permeability cover, which is meant to prevent rainwater falling on the landfill from collecting hazardous substances like heavy metals, bacteria, and organic compounds.

The leachate, or contaminated water, is released from the bottom and sides of the landfill. Toa Alta stopped maintaining the leachate collection system in 2014, according to the complaint.

In a 2017 order, the EPA required Toa Alta to provide daily cover on active waste disposal areas, install and maintain provisional stormwater controls, properly manage leachate, and install perimeter fencing. The agency also required the municipality to stop accepting waste at the landfill that year, but Toa Alta didn't comply, the complaint said.

The likelihood of earthquakes and hurricanes, combined with the conditions at the landfill, endangers its workers, visitors, and neighbors, the EPA said.

The municipality has owned the 32-acre landfill since about 1966. A contractor has operated it since 2019, the complaint said.

Cause of Action: Resource Conservation and Recovery Act.

Relief: Stop Toa Alta from disposing solid waste at the landfill; order the municipality to address imminent and substantial endangerment to public health and the environment; civil penalties for violating the 2017 order; attorneys' fees.

Response: The municipality couldn't be reached for comment.

The case is U.S. v. Municipality of Toa Alta, D.P.R., No. 3:21-cv-1087, 2/25/21.

Just the Real News: Soil cleanup completed as required by EPA at former Koppers facility in Carbondale, Illinois

CHICAGO (Feb. 25, 2021) –U.S. Environmental Protection Agency today announced the completion of another cleanup at the former Koppers Wood-Treating Facility at 1555 North Marion St. in Carbondale. The agency required the current owner, Beazer East Inc., to address dioxin/furan-contaminated soil on 16 acres of the site.

Work crews cleared trees and brush to expand existing soil covers and excavated more than 34,000 tons of contaminated soil. The company also seeded native plants in accessible areas and will resume seeding remaining areas

in the spring. Erosion controls will be maintained at site boundaries and around the ditches and creek until the seeding is done and vegetation is established.

Previously, in 2010, Beazer East completed a six-year cleanup at the site under EPA's supervision. The discovery of remaining contamination made additional cleanup necessary. Both cleanups were ordered under the authority of the federal Resource Conservation and Recovery Act.

From 1902 until 1991, Koppers treated railroad cross ties, utility poles and other wood products with chemical preservatives at its Carbondale facility which contaminated land and nearby waterways.

For more information on the soil cleanup and the Koppers site, please visit: https://www.epa.gov/hwcorrectiveactionsites/hazardous-waste-cleanup-former-koppers-wood-treatment-facility-carbondale. You may also review site records at the Carbondale Public Library, 405 W. Main St., 618-457-0354.

St. Peter Herald: Environmentalists make long-shot attempt to ban new factory farms

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1 of 2

Pigs are raised at a hog operation in Hawarden, Iowa. Lawmakers in Iowa and a handful of other states, frustrated by agricultural regulations they say don't adequately protect water and air quality, have filed legislation to ban new or expanded large-scale farms. (Nati Harnik/The Associated Press)

- Suzanne Rook

In this Nov. 16, 2009 file photo, chickens stand in their cages at a farm near Stuart, Iowa. Since last year, legislators in at least four states have proposed moratoriums on new or expanding farms that have more than a certain amount of livestock. (AP Photo/Charlie Neibergall, File)

Iowa has a poop problem.

The Hawkeye State's pigs, cows and chickens produce about as much waste as 134 million people—nearly the population of Russia. Most of that manure is spread onto fields as fertilizer, where significant amounts of it wash into Iowa waterways. The city of Des Moines uses one of the most expensive nitrate removal systems in the world to make its water supply from the Raccoon River safe to drink.

"We have to ask if we can reconcile our water quality goals with the idea that we can continue to expand the livestock industry," said Chris Jones, a professor and water quality researcher at the University of Iowa. "And we can't. Where there's a high density of livestock, those watersheds tend to have the highest nitrogen and phosphorous levels."

For decades, scientists have studied the effects that livestock farms with large animal concentrations in Iowa and other states have on regional water quality, as increasing amounts of waste flow into rivers and groundwater. Now activists and some lawmakers say emergency measures are needed to stop toxic algae blooms in Lake Erie, dead zones in the

Gulf of Mexico and Chesapeake Bay, and threats to drinking water in rural communities. In some states, lawmakers worry about the future of smaller family farms.

Since last year, legislators in at least four states—Iowa, Maryland, Minnesota and Oregon—have proposed moratoriums on new or expanding farms that have more than a certain amount of livestock. None of the proposed bans is expected to become law this year, but the lawmakers say they aim to build momentum.

Meanwhile, regulators in Michigan and Wisconsin are crafting new rules that would limit manure spreading during the winter, when the ground is frozen and waste is more likely to wash away.

Those efforts face fierce opposition from the livestock industry, which notes that Americans rely on the operations for meat, dairy and eggs.

"Agriculture is the lifeblood of the state of Iowa," said Cora Fox, director of government relations for the Iowa Cattlemen's Association, an advocacy group for the beef industry. "This burdensome regulation would stifle Iowa's economy."

At the federal level, Sen. Cory Booker, a New Jersey Democrat, has proposed legislation that would phase out so-called factory farms within 20 years. Another bill from Sen. Amy Klobuchar, a Democrat from Minnesota, would strengthen antitrust laws, a proposal that agriculture observers think could have major consequences for corporate consolidation in the industry.

But agriculture is a significant economic engine in many states. Iowa, the nation's top pork-producing state—where at any time some 24 million pigs are being raised, according to the Iowa Pork Producers Association—exports meat around the world.

The state's number of concentrated animal feeding operations, known as CAFOs, grew from 722 in 2001 to more than 10,000 in 2017, according to a study on the industry by two retired University of Iowa professors. On those large-scale farms, hogs or poultry are raised inside large buildings.

The livestock industry also has cultivated political power. This week, some environmental activists told reporters that Iowa's bill, at least, isn't likely to get even a hearing in the GOP-dominated legislature.

Current regulations are enough, Eldon McAfee, attorney for the Iowa Pork Producers Association, told the Times-Republican newspaper. "We have extensive regulations in place since 1995 that properly regulate the siting and construction. Those regulations have been followed and a moratorium would be devastating to agriculture and beyond that to Iowa's economy."

It's unclear how many lawmakers have the appetite to challenge the system that accounts for much of the nation's food supply. Republicans in some states want to limit local jurisdictions' ability to oversee factory farms through zoning laws and permitting decisions.

CAFOs have proven difficult to regulate, say environmental activists. Many companies have found loopholes in the federal Clean Water Act to avoid monitoring their contaminants or obtaining permits. Many of the air pollutants emitted by livestock are not regulated under the Clean Air Act. Meanwhile, some state agencies tasked with enforcing those laws lack the resources or interest to crack down on pollution.

The push for outright bans reflects exasperation after years of task forces, voluntary programs and regulatory fights—all while factory farms have expanded rapidly. It's clear some lawmakers no longer see the industry's operations as a nuisance, but an emergency.

Growing concern

The current movement started in Iowa, where for four years straight grassroots supporters have persuaded Democratic lawmakers to sponsor a moratorium against factory farms. The proposals have little chance of passing in the Republican-controlled legislature, but proponents say the battle has caught the attention of policymakers in other states.

"We have so much manure we can't use it all," said Iowa state Sen. Pam Jochum, a Democrat, who is sponsoring a moratorium bill this year. "Iowa has seen manure spills, leaks that have resulted in fish kills, nitrate and ammonia pollution, algae blooms, impaired waterways, closed beaches, public health problems including childhood asthma, odors in the air, stress and depression."

Environmental worries have been coupled with concerns that the industry's increasing consolidation is driving small farmers out of business and hurting rural communities.

Emma Schmit, a longtime activist in rural Calhoun County, Iowa, said the smell in her region is so bad that going outside often makes her want to vomit. Her community has been hollowed out by factory farms, she said.

"You used to buy your feed locally and use a local vet, but now corporations have vertically integrated the system and provide everything," said Schmit, an organizer with Food and Water Watch, an environmental nonprofit that is among the most vocal opponents of factory farming. "There's nothing left for us anymore, and we don't see profits from agriculture coming back into our communities. We claim we're feeding the world, but both of our grocery stores have closed."

Environmental justice advocates also have spoken out about factory farms, noting that communities of color are often the ones left to deal with the industry's water and air pollution, foul stenches, health impacts and economic toll on rural communities.

Defenders of the industry say their farming model is the only way to supply America's demand for meat, eggs and milk. They point out that their companies already face many environmental regulations regarding waste and runoff.

GOP House Speaker Pat Grassley, who is involved in a family farm operation, told the Cedar Rapids Gazette earlier this month that the bill would be "dead on arrival."

"If you're going to approach this from a standpoint of a moratorium ... you're never going to have a sit-down conversation that can be a real 'What are some issues that need to be addressed,'" he told the paper.

Grassley did not respond to Stateline's requests for comment, nor did Iowa state Rep. Ross Paustian and state Sen. Dan Zumbach, the Republicans who chair the respective Agriculture committees in the legislature.

Most of the manure produced by Iowa's 4 million head of cattle is applied to fields as fertilizer, said Fox of the Iowa Cattlemen's Association, and farmers use it in a "responsible manner." The best way to address pollution runoff concerns, she said, is to encourage farmers to adopt voluntary practices to better manage their lands.

And across the country, state laws have encouraged or required livestock companies to detail how they'll handle animal waste. Iowa adopted a Nutrient Reduction Strategy in 2013, seeking to minimize the runoff that flows into the Mississippi River basin and contributes to the dead zone several states away in the Gulf of Mexico.

Farmers' participation in the program is voluntary, and the Iowa Environmental Council found that under the current efforts it could take hundreds, or even thousands of years for the state to meet its goal of cutting nutrient runoff by 45%.

A fast-growing industry

Environmental concerns about the industry aren't new. In the 1990s, flooding from hurricanes washed away lagoons full of pig waste in North Carolina, polluting groundwater and rivers. The state's lawmakers voted in 1997 to ban new waste lagoons, but at least 50 existing pools once again overflowed during Hurricane Florence in 2018.

Despite the limitations in North Carolina, factory farms have grown rapidly elsewhere. Iowa has seen a fivefold increase in large livestock operations since 1990, and the industry added 1,400 such farms nationwide between 2011 and 2017, according to the Midwest Center for Investigative Reporting.

A 2019 study by the Sentience Institute, a social science think tank, found that 99% of farmed animals in the United States live on large factory farms. As the industry consolidates into increasingly larger operations, small and medium-sized farms' share of agricultural production is declining, according to the U.S. Department of Agriculture.

Food and Water Watch estimates that there are now 25,000 factory farms in the country, accounting for 1.6 billion animals. Iowa, Jochum said, lost 40% of its farm jobs between 1982 and 2007. More than 85% of its small and medium-sized hog farms went out of business between 1997 and 2017.

Tyson Foods, one of the nation's largest meat producers, did not respond to questions or an interview request from Stateline, but issued a statement saying it supports state policies requiring farms to submit Nutrient Management Plans for their manure application.

Another large producer, Smithfield Foods, said in a statement that its farms are more efficient and use fewer resources per pound of food produced. Traditional farming methods such as letting animals graze in pastures are outdated, the company said.

"Put simply, feeding America with safe, affordable and nutritious protein cannot happen using farming practices from the old days," Keira Lombardo, Smithfield's chief administrative officer, said in a statement.

The company touted its efforts to reduce its carbon footprint but did not address questions about air and water pollution or manure runoff.

Perdue Farms, another large producer in Iowa, referred comment to a chicken industry trade association in the mid-Atlantic. Iowa Select Farms, the state's largest pork producer, did not respond to an interview request. The American Farm Bureau Federation referred comment to state-based bureaus; the Iowa Farm Bureau did not respond to inquiries. The National Pork Producers Council did not answer an email seeking comment. The Iowa Department of Natural Resources declined to comment about its regulation of factory farm pollution.

Nationwide dilemma

Some lawmakers in Oregon are considering a moratorium on construction or expansion of dairy operations with more than 2,500 cows. In 2017, the state allowed a large dairy farm to open before construction was complete, which resulted in manure overflows and more than 200 environmental violations.

State Rep. Rob Nosse, a Democrat who is sponsoring the moratorium bill, said he has concerns about both the environment and small farmers.

"The more that these large dairies become the way that agriculture and milk products are done, it makes it harder for small family farms to operate and get a fair price," he said.

Agriculture groups in Oregon say the offending farm—which eventually went bankrupt—gave their industry a black eye, but that banning large farms is not the answer.

"Existing farms that are compliant with every regulation possible, they won't be able to grow or expand," said Tami Kerr, executive director of the Oregon Dairy Farmers Association. "That is troubling."

The industry supports an additional inspection by state officials to ensure farms are environmentally compliant before they begin operation, said Mary Anne Cooper, vice president of public policy with the Oregon Farm Bureau. But she said capping the number of cows is misguided.

Oregon's largest dairy, Threemile Canyon Farms, has nearly 70,000 cows. The company says it's a leader in sustainable farming methods and labor practices, and it's not responsible for the decline in small farms.

"We really disagree with the basic premise of the bill that big is bad," said Tara May, vice president of communications and external affairs at R.D. Offutt Co., the farm's owner. "Threemile has no ability to set milk prices, tax policy or labor policy—those are some of the way more substantive issues that impact the cost of farming."

In Maryland, state Sen. Clarence Lam, a Democrat, proposed a moratorium on large-scale farms, given the waste seeping into wells and waterways.

Several Minnesota lawmakers proposed a bill last year that would have put a four year hold on any new farms or expansions with more than 700 cows.

Michigan regulators say several watersheds have seen E. coli and nutrient problems due to factory farms, including Lake Erie, where repeated algae blooms have damaged the lake and threatened the water supply of cities in Ohio. Officials have banned manure application during the winter months, where it's more likely to wash off frozen or snow-covered ground. That rule is being contested by industry groups.

Wisconsin also is currently drafting a rule of its own that could limit manure application in the fall and winter on some agricultural lands that are most susceptible to runoff.

Flathead Beacon: Lincoln County Lawmakers Seek to Roll Back Lake Koocanusa Pollution Standard

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Lincoln County Lawmakers Seek to Roll Back Lake Koocanusa Pollution Standard

https://flatheadbeacon.com/2021/02/25/lincoln-county-lawmakers-seek-to-roll-back-lake-koocanusa-pollution-standard/

With the EPA poised to accept a rule that strengthens Montana's environmental safeguards for fish species at the U.S.-Canada border, the Montana Legislature is considering a measure to quietly rescind it

BY TRISTAN SCOTT FEBRUARY 25, 2021

A herd of bighorn sheep pick their way over mounds of waste rock at the Elkview open pit coalmine on Sept. 25, 2019 in Sparwood, British Columbia. Hunter D'Antuono | Flathead Beacon

Republican lawmakers from Northwest Montana are advancing legislation that would torpedo a newly adopted water quality standard crafted through years of scientific work to protect fish species in Lake Koocanusa and the Kootenai River, the international waterway at the center of a sprawling effort to curb toxic chemicals leaching into the state from Canadian coal mines upstream.

In support of their bill to repeal the standard, which is the sole aim of Senate Bill 324, the legislators claim the process to develop the criteria was "jammed through the system," even as they concede it is the product of a six-year collaboration by a multitude of agencies spanning the U.S.-Canada border and involving leading scientific experts from across the globe, including two federal governments and multiple sovereign tribal nations.

The engineers of SB 324, Sen. Mike Cuffe, R-Eureka, and Rep. Steve Gunderson, R-Libby, insist they were hoodwinked by "environmentalists" who tried to "slip [the rule] past" late last year, when state regulators adopted a new proposed site-specific water quality standard for the chemical selenium, which in Lake Koocanusa has spiked to levels deemed harmful for a suite of fish species.

Cuffe and Gunderson maintain the final procedural steps were rushed despite their direct involvement in the lengthy regulatory process, the extent of which Cuffe repeatedly emphasized to members of the Senate Natural Resources Committee on Feb. 22, when the bill surfaced for the first time at a last-minute hearing.

“I’ve been part of [the process] since the beginning. I was at the very first meeting, I was at every meeting,” Cuffe said. “Lake Koocanusa is my country. And if anyone believes that I’m not going to do the best thing for my country then you don’t know what you’re thinking.”

Still, with days left before the U.S. Environmental Protection Agency (EPA) hits its deadline to approve the state’s new administrative rule on Friday — a concurrence that would furnish Montana with an enforceable water quality standard at the border for the first time while also providing a tool to avoid costly litigation — Cuffe and Gunderson are pressing the Legislature to rescind it.

“I am asking you to help me hit the reset button,” Cuffe told committee members. “We think the process was flawed. We think something happened where they decided, ‘we are going to get a standard out by the end of the year’ and they accelerated it through.”

Gunderson put an even sharper point on the allegations he and Cuffe have been making for months, claiming the rule was adopted through a procedural sleight of hand prior to the installment of a new Republican administration under Gov. Greg Gianforte.

“The process has been driven through just like a freight train at high speed over a trestle that’s washed out, and it continues today,” Gunderson told committee members. “Let’s slow it down, let’s stop it, let’s do whatever we have to do.”

Sen. Mike Cuffe, R-Eureka. Beacon file photo

The problem with slowing it down, state environmental regulators and other architects of the new rule say, is that a 60-day window for the proposed standard's approval is rapidly closing, and the EPA is slated to accept the state's recommendation this week. If SB 324 succeeds, it will immediately place Montana and Lake Koocanusa at odds with the federal Clean Water Act.

"No reset is needed, Senator Cuffe," Chris Dorrington, the newly appointed director of the Montana Department of Environmental Quality (DEQ), who was tapped in December by the current Republican administration, said at the hearing, where he provided lengthy testimony in opposition to the bill and stood for questions.

"This process has been ongoing for six years," Dorrington said. "The data taken from water in Lake Koocanusa and from fish in Lake Koocanusa show that the selenium level in the water column is harming fish right now. I have shared with Senator Cuffe in four different meetings the data that substantiates this model and that has resulted in a protective standard for fish in this lake. These aren't imaginary fish in lakes all over the U.S. These are fish in this lake right now."

The current selenium standard for water bodies was established in 1987 at 5 micrograms per liter. In 2016, the EPA developed updated recommended national criteria at a value of 1.5 micrograms per liter for lakes and reservoirs and 3.1 micrograms per liter for rivers, while also suggesting that states use site-specific standards whenever appropriate and applicable.

In Montana, the DEQ opted to pursue a site-specific standard for Lake Koocanusa and the Kootenai River due to the sensitivity of its fish species and the increasing load of toxic chemicals bearing down on the waterway from piles of waste rock in Canada. The state Board of Environmental Review (BER) approved a site-specific standard last December, setting the new criteria at 0.8 micrograms of selenium per liter on the lake and 3.1 micrograms per liter on the river.

Prior to BER approval, the site-specific criteria also received a hearing before the Montana Legislature's Water Policy Interim Committee (WPIC), which convened last October at the behest of Cuffe and Gunderson. Then, as now, they pressed the committee members to delay the process for six months, but their motion failed on a 5-5 vote along party lines.

And then, as now, the lawmakers' opposition to the standard confounded its supporters, who say that without a protective value in place at the border Montana is entirely at the mercy of a Canadian coal-mining corporation, and without recourse against its toxic byproduct spilling downstream.

"Why are Montana representatives asking us to press pause on something that protects Montana?" asked Sen. Jill Cohenhour, D-Helena, the Montana Senate Minority Leader who also sits on the Senate Natural Resources Committee. "This has been a very long process and very collaborative, and there has been a very clear timeline in place."

Cohenour, who is also a member of WPIC and vetted the proposed standard last October, said she's even more troubled by the ramifications that repealing the rule would have on the state of Montana, which could wind up on the hook for cleanup costs and other penalties "because we didn't set a standard that put the onus on the company that did this in the first place."

In nearby Idaho, for example, state environmental regulators recently enacted a selenium standard for flowing waters identical to Montana's rule, even as they gather new evidence in their state's portion of the Kootenai River revealing selenium levels in some fish species, such as mountain whitefish and burbot, already exceed existing EPA limits under the federal Clean Water Act.

If Montana were to "reset" the process for its proposed protective standard, state regulators would almost certainly be forced to contend with that new data and set an even more stringent standard, Dorrington said.

Moreover, because Idaho has promulgated a site-specific water quality standard for selenium in the Kootenai, the state can set a "Waste Load Allocation" limit on any dischargers of selenium — in this case, Montana via British Columbia — which, if violated, holds those dischargers financially accountable.

"That means Montana could be given a Waste Load Allocation for which, without this standard, we would have no control over," Cohenour said. "Without this rule we have no control over the amount of selenium coming into Montana

from Canada. That really concerns me because over the long haul Montana taxpayers will be actually footing the bill for pollution that is coming in from Canada. So it is necessary for Montana to put a protective measure in place in order to put pressure on a Canadian company to do what it was supposed to do in the first place, which is reduce the amount of selenium coming into this state."

Clayton Elliott, the director of Montana's chapter of Trout Unlimited, also testified against SB 324, though other opposition was scant due to the hearing receiving late scheduling notice. That factor, coupled with pandemic-related requirements that virtual participants provide 24-hour notice of their intent to testify at a legislative hearing over Zoom, dramatically pared down the queue of opponents who wished to speak.

"There were other folks who wanted to testify but could not because of the late hearing notice and the 24-hour requirement," Elliott told the committee members.

Prominent among those opponents are leaders of the Confederated Salish and Kootenai Tribes (CSKT), who have been urging a more stringent water quality standard at the international boundary for years, and who were outraged upon learning they could not testify during this week's hearing.

"It's just amazing to me that we have been on this track for six years, working with the best selenium experts in the world and more agencies than I can count to protect our aboriginal waters, and now we're being accused of rushing the process," Richard Janssen, head of the CSKT's Natural Resources Department, told the Beacon. "There would have been opponents [of SB 324] coming out of the woodwork if we'd been allowed to testify."

Richard Janssen, head of the Confederated Salish and Kootenai Tribes' Natural Resource Department. Beacon file photo

"We are very concerned about mining impacts to water quality, fish, wildlife, and traditional cultural uses by CSKT members and non-members alike," CSKT Tribal Chairwoman Shelly Fyant wrote in a Feb. 23 letter to committee members, after learning the hearing had taken place without the Tribes' involvement. "The Tribes depend on these waters for our cultural and subsistence practices, as we have for time immemorial."

"Characterizations, such as that the process was rushed or flawed are patently contrary to the documented history," Fyant added.

Still, Cuffe and Gunderson say their concerns are shared by other elected officials in Lincoln County, who worry the new regulation on selenium will be manipulated by environmentalists to impede future mining and timber operations in their districts, even though there is no evidence of naturally occurring selenium in the region, or in any other nearby geologic features other than beneath the Canadian coal mines.

As an example, Montanore Mine has conducted widespread soil sampling at its underground copper and silver operation near Libby, but has yet to turn up any traces of selenium, Dorrington, of the DEQ, told committee members.

"There is no source of selenium, and there would be no scientific basis for a limit placed on a logging or a mining operation due to selenium because the selenium doesn't exist," Dorrington said.

The rising levels of selenium entering Lake Koocanusa have long been traced to mining operations in British Columbia's Elk River Valley, where the global mining giant Teck Resources owns and operates five metallurgical coal mines and is seeking additional permits for new projects to expand its footprint and build additional mines.

Teck officials say the company is conducting water quality monitoring at 100 stations in the Elk Valley, and remains "committed to taking the steps necessary to achieve the objectives of the Elk Valley Water Quality Plan (EVWQP) and stabilizing and reducing selenium levels in the Elk River watershed and Koocanusa reservoir."

Still, even as Teck invests hundreds of millions of dollars in new water-treatment technology, it has encountered past challenges that have forced the company to take entire treatment facilities off line. In 2016, Tech opened a new tank-based water treatment plant at its Line Creek Mine north of Sparwood, B.C., which is designed to convert selenium into a solid form and remove it.

In 2018, however, the company discovered the tank-based treatment plant wasn't working as planned, and instead released an even more biologically aggressive form of selenium into the water. Later that year, Teck opened up an addition to the water-treatment plant that uses an advanced oxidation process to remove selenium. Currently, the facility at West Line Creek is treating 1.5 million gallons of water per day. The treatment plant can reduce selenium concentrations by 96 percent and nitrate concentrations by 99 percent, according to Teck. The company is now working on an even larger water-treatment plant farther north at its Fording River Mine.

Dean Runzer, general manager for Teck's water-quality management team, holds a chunk of metallurgical coal at Teck's Elkview open pit mine on Sept. 25, 2019 near Sparwood, British Columbia. Hunter D'Antuono | Flathead Beacon

Despite the ongoing treatment and mitigation efforts, scientists say there isn't any evidence to show the process is reversing or even stabilizing contamination trends at the U.S.-Canada border; instead, the extent of the contamination in Montana appears to be even more widespread than previously thought.

One recent EPA study concluded for the first time that selenium concentrations — in addition to entering Lake Koocanusa, where they have been increasing for decades — is also found at high levels in the Kootenai River downstream from the reservoir.

"It's becoming increasingly clear that this is a watershed-scale issue, and I find it really frustrating that we're talking about a bill to roll back all the progress we've made after investing so much time and so many resources," Erin Sexton, a University of Montana researcher who was among the first to uncover evidence of high concentrations of selenium in fish species in Lake Koocanusa, said in an interview with the Beacon. "It's also frustrating to hear the bill's sponsors describe a six-year process as 'rushed' and then see this bill come out of nowhere, and go to a committee hearing without allowing any of us who have participated from the beginning to testify."

Even though the state's administrative process was triggered last year, the new selenium standards are a culmination of more than six years of collaboration with leading selenium experts and the Lake Koocanusa Monitoring and Research Working Group, which included steering subcommittees for stakeholders and technical experts.

The process was born of a July 2014 Memorandum of Understanding drafted between Montana DEQ and British Columbia's Ministry of the Environment (MOE), with the aim of jointly studying Lake Koocanusa and addressing the rising levels of selenium. In addition to being subjected to numerous public meetings, rigorous data collection and a peer-reviewed modeling report, the standard was based on input from both Montana and Idaho DEQ, Montana Fish, Wildlife and Parks, the EPA, the U.S. Geological Survey, the U.S. Fish and Wildlife Service, B.C's MOE, the U.S. Army Corps of Engineers, the CSKT, the Kootenai Tribes of Idaho, and the Ktunaxa Nation of B.C.

"The standard has already been submitted to the EPA, the deadline to approve is up at the end of this week," Dorrington said. "If this bill goes through and repeals that standard, we would go back to the old Montana standard which is not deemed protective and which the EPA will not accept. So that will likely go to litigation. This standard is based on science and a good model. It's been submitted and we are anticipating EPA concurrence in the next week."

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Message

From: Kibilov, Nicholas [Kibilov.Nicholas@epa.gov]
Sent: 2/24/2021 4:54:25 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips: Morning Edition, 2/24/21

Daily Media Clips: February 24, 2021 (morning edition)

Agency

abc17: Trump stacked his Cabinet with climate skeptics. Now Republicans are piling on Biden's climate activist nominee

Agriculture

NewsDakota: FARM GROUPS EMBRACE NEW EPA POSITION ON SRES

Biofuels

The Independent: State leaders laud EPA support of biofuels ruling

Emissions

Forbes: Why Good Data Is Crucial To Evaluate Under-The-Radar Methane Emissions Around The World

Water

abc10: EPA removes sunken, oil-leaking boat from Lake Tahoe
Bloomberg: Texans' Frozen Pipes Are Warnings of Yet Another Climate Threat
BusinessDay: Texas mom tells of five-day ordeal without water as millions left high and dry

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Trump stacked his Cabinet with climate skeptics. Now Republicans are piling on Biden's climate activist nominee

https://abc17news.com/politics/national-politics/2021/02/24/trump-stacked-his-cabinet-with-climate-skeptics-now-republicans-are-piling-on-bidens-climate-activist-nominee/
By CNN Newsource
Published February 24, 2021 6:09 am

President Joe Biden nominated the most diverse Cabinet in history, but the Senate, which gets to offer "advice and consent," is suddenly full of members — mostly Republicans — who are critical of partisan tweets and are carefully scrutinizing nominees' job qualifications.
The attention has chiefly fallen on three domestic policy roles:

- Office of Management and Budget nominee Neera Tanden has written a lot of mean tweets about conservatives and progressives and clashed with Bernie Sanders' future presidential campaign manager. She'd be the first woman of color in charge of the executive budget.
- Department of Health and Human Services nominee Xavier Becerra played important roles defending the Affordable Care Act from the Trump administration's efforts to get it declared unconstitutional and in California's pandemic response. He'd be the first Latino to run HHS.
- Interior Secretary nominee Deb Haaland has supported the Green New Deal and wants to end fracking on public land. She'd be the first Native American Cabinet secretary.

The difficulty faced by Haaland is particularly interesting since it's not just political — opposition or support for a fossil fuel economy — but also scientific. One party wants to actively address climate change and the other does not.

What Matters went to CNN's Drew Kann, who covers climate change for the network, to find out more about how energy policy intersects with climate science and where Haaland fits into that equation.

What is fracking and why is it controversial?

WHAT MATTERS: One criticism of Haaland is that as a lawmaker, and unlike President Biden, she supports a ban on fracking on federal land. That's pretty much the opposite of the Trump administration, which worked hard to expand fracking on public land. Why are fracking in general and fracking on public land in particular such key issues? Is it a scientific or political dispute?

KANN: Through a purely scientific lens, the link between fracking and climate change is fairly simple. Fracking — short for hydraulic fracturing — is a process of extracting oil and gas by blasting liquids deep underground into rock formations to unlock fossil fuel reserves hidden inside.

When we burn that oil and gas in our cars and trucks and power plants, it releases carbon dioxide into the atmosphere. And the more carbon dioxide (CO2) that we put in the atmosphere, the thicker the blanket of greenhouse gases around the globe gets, and the hotter the planet gets as well.

Fracking doesn't just add more CO2 to the equation. Oil and gas drilling also releases huge amounts of methane — another greenhouse gas that isn't as abundant in the atmosphere as CO2, but has the potential to trap more than 25 times more heat and is already causing around 25% of the warming we feel today.

While burning fossil fuels isn't the only reason that Earth is heating up, it is the biggest cause of global warming. And nearly all scientists agree that to stop the worst effects of global warming, we need to stop burning oil and gas — and fast.

But figuring out how — or whether — we stop burning oil and gas is where this gets political.

What is the public lands piece of this?

WHAT MATTERS: Where does most fracking occur and why is it so important to some lawmakers?

KANN: While most drilling in the US occurs on private and state lands, about 9% of both the oil and gas produced onshore is extracted from federal lands. In 2019, land leasing to oil and gas companies through the Department of the Interior brought in $4.2 billion in revenue for the federal government.

That's a nice chunk of revenue, but what's even more important to some politicians are the jobs that those fracking leases are connected to. There is little debate that a shift away from fossil fuels and towards renewables will come at the expense of fossil fuel extraction jobs. But the Biden administration has argued that moving the US towards a net-zero emissions economy will ultimately create more better-paying jobs than the ones that are lost along the way.

This jobs argument is at the center of the Biden administration's climate pitch. And it is also central to the Republican opposition to Haaland's nomination, and explains why fracking has become such a political football.

Undoing Trump's policy

WHAT MATTERS: A large portion of the Biden energy policy is undoing President Donald Trump's energy policy, which was to expand drilling and increase oil and gas production and exports. Is this back-and-forth just going to continue with administrations in the future?

KANN: US climate policy over the last few years has certainly been whiplash-inducing. President Trump spent most of his four years in office gutting Obama-era climate change regulations, and now President Biden's task will be to roll back the rollbacks.

President Biden has already issued a number of executive orders aimed at reversing Trump's policies. He rejoined the Paris Climate Agreement on his first day in office and soon after temporarily halted new oil and gas leases on public lands.

But experts say crafting climate policy that can last long after Biden is out of the White House will be one of his biggest challenges. One of the problems with executive actions and even agency rule-making through the Environmental Protection Agency and the Department of the Interior is that many of those rules can be challenged and eventually undone by future administrations.

And with a razor-thin Democratic Senate majority, Biden will face a tall task to pass climate legislation that can endure after he is out of office.

WHAT MATTERS: If confirmed, how large a role exactly could Haaland play in furthering Biden's climate agenda?

KANN: Michael Regan, Biden's nominee to lead the EPA, will be at the tip of the spear when it comes to rebuilding the climate and environmental guardrails that were dismantled under Trump. But the Department of the Interior will also play a huge role in the Biden administration's all-of-government approach to tackling climate change.

Interior manages more than 413 million acres of federal lands, as well as millions more acres held in trust for Native American tribes. What happens on that land — whether it is leased out for fossil fuel exploration or protected — will have a huge impact on the lives of Americans today, as well as future generations.

Haaland's confirmation would also be historic because of her heritage — she is a citizen of the Laguna Pueblo, one of the 574 Native American tribes recognized by the US government. And given the federal government's long history of mistreatment and injustice toward Native Americans, having Haaland in charge of all federal lands as the country's first Native American cabinet member would be rich in symbolism.

FARM GROUPS EMBRACE NEW EPA POSITION ON SRES
https://www.newsdakota.com/2021/02/24/farm-groups-embrace-new-epa-position-on-sres/
February 24, 2021 @ 6:47 am
Ag Central News

(NAFB) – Farm and biofuel groups welcome the recent Environmental Protection Agency announcement supporting the Tenth Circuit Court's January 2020 decision regarding small refinery waivers.

EPA states that it "agrees with the court that the exemption was intended to operate as a temporary measure and, consistent with that Congressional purpose, the plain meaning of the word 'extension' refers to continuing the status of an exemption that is already in existence."

The four petitioners in the case—the Renewable Fuels Association, National Corn Growers Association, American Coalition for Ethanol and National Farmers Union, welcomed the announcement in a statement. The groups say, "This announcement marks a major step forward by the Biden administration to restore the integrity of the Renewable Fuel Standard."

Last month, the U.S. Supreme Court granted a request from two refiners to review the Tenth Circuit case, even though EPA did not ask the high court to examine the ruling.

Arguments before the Supreme Court are expected in the spring.

State leaders laud EPA support of biofuels ruling
https://theindependent.com/news/local/state-leaders-laud-epa-support-of-biofuels-ruling/article_1c6d8482-765c-11eb-980b-cbac009b166d.html
Robert Pore
Feb 24, 2021

On Monday, the Environmental Protection Agency announced its support of the U.S. Court of Appeals for the Tenth Circuit's ruling in Renewable Fuels Association et al. v. EPA.

Sen. Deb Fischer, R-Neb., said this is a "critical win for Nebraska's economy."

"Nebraska is the nation's second leading ethanol producer, behind Iowa. It has a production capacity of more than 2 billion gallons of ethanol, along with its various byproducts, such as distiller's grain." Fischer said.

President Joe Biden has been in office a little more than a month, but Fischer has been battling the EPA on this issue since 2019, during the Trump administration.

In June 2019, she introduced the bipartisan RFS Integrity Act along with Sen. Tammy Duckworth, D-Ill.

The legislation would ensure the EPA properly accounts for exempted gallons and ensures that key information surrounding small refinery exemptions is made publicly available.

In January 2020, the 10th Circuit vacated and remanded three EPA decisions that granted small refinery exemption petitions for the 2016 and 2017 RFS compliance years, ruling that a small refinery's petition can be granted only to refineries with existing exemptions.

Fischer said the EPA declined to take formal action on the matter and a petition for review of the circuit court's order was filed in September.

In March 2020, following the 10th Circuit announcement, Fischer led a group of senators who sent a letter to Andrew Wheeler, then-administrator of the EPA, urging adoption of the court's opinion. They warned that additional exemptions would represent a "devastating blow" to biofuel producers.

In January, Fischer said, the Supreme Court agreed to review the case, with oral arguments before the court expected this spring.

After Biden became president, Fischer said, she and her colleagues wrote to EPA Acting Administrator Jane Nishida and requested that she review and reverse Wheeler's three small refinery exemption waivers.

Following the EPA decision, John Hansen, president of the Nebraska Farmers Union, said, "This is the best news I have heard in a long time."

Hansen said he found it odd that "I am celebrating evidence that our government officials are agreeing to follow the law, and the direction of the court."

"After the Trump administration lost in the 10th Circuit Court, they still did not change their illegal ways," he said. "Their arrogance was truly amazing, and deeply disturbing. Government agencies are not above the law."

Hansen said the misuse of small refinery exemptions cost the ethanol industry and producers 4 billion gallons of ethanol that "was not produced as a result of the misuse of the SREs. That amounted to 1.6 billion bushels of corn not utilized, which is nearly as much corn as annual U.S. exports."

"We need to get our ethanol industry back on its feet and regain the pull through demand for corn it represents when it is healthy and functioning as it should," he said.

"Everyone knows that farmers should not rely on the federal government payments for 40% of their annual income, so the more we can do to manage our production to keep prices at profitable levels, the better," Hansen said.

This week, EPA said it agrees with the court that the exemption "was intended to operate as a temporary measure and, consistent with that congressional purpose, the plain meaning of the word 'extension' refers to continuing the status of an exemption that is already in existence."

The four petitioners e were the Renewable Fuels Association, National Corn Growers Association, American Coalition for Ethanol and National Farmers Union.

A statement released by the four petitioners stated:

"Our nation's biofuel producers and farmers appreciate EPA's careful review of the 10th Circuit Court's decision, and we are pleased the agency's new leadership is reversing the previous administration's flawed position on small refinery exemptions.

"This announcement marks a major step forward by the Biden administration to restore the integrity of the Renewable Fuel Standard and honor the intent of Congress. We wholeheartedly agree with EPA's conclusion that the small refinery exemption was intended to be a temporary measure and we are pleased to see the agency confirming that only previously existing exemptions may be extended."

Gov. Pete Ricketts said the EPA announcement "is good news for Nebraska's farm families and our 25 ethanol plants."

"We are the second largest producer of ethanol, and Nebraskans want to see a robust renewable fuel Standard (RFS)," Ricketts said. "We appreciate the EPA's commitment to following the court's decision, which will help ensure the agency is following the law and maintaining a robust RFS."

Nebraska is the nation's second leading ethanol producer, behind Iowa. Plants across the state, including the Green Plains Ethanol Plant in Central City (pictured), have a production capacity of more than 2 million gallons of ethanol, along with its various byproducts, such as distiller's grain, Sen. Deb. Fischer said. The Central City plant opened in 2004 and has around 50 employees.
(Independent/Josh Salmon)
Josh Salmon

Why Good Data Is Crucial To Evaluate Under-The-Radar Methane Emissions Around The World
https://www.forbes.com/sites/ianpalmer/2021/02/24/why-good-data-is-crucial-to-evaluate-under-the-radar-methane-emissions-around-the-world/?sh=15b014255b08
Ian Palmer

Feb 24, 2021,11:15am EST

The Valley Generating Station has been reported to have been leaking methane since 2019.
CITIZEN OF THE PLANET/UNIVERSAL IMAGES GROUP VIA GETTY IMAGES

After 10 years, it's now accepted by most oil and gas companies that methane emissions are bad news. The emissions are mainly leakage of natural gas from wells, from pipelines, and from oil and gas facilities such as gas processing plants.

Most individual leaks are very small but a few big ones can really distort the picture. And tens of thousands of small ones in wells and pipeline miles adds up. Pneumatics which are devices that contain gas under pressure are a big contributor to leakage.

Methane emissions are bad news because they are wasted natural gas that could be sold for $3 or $4 per thousand cubic feet (Mcf.)

Just as serious, maybe more serious, is that methane is a greenhouse gas (GHG) that is worse than carbon dioxide (CO2) in its warming and damaging effect: 21 - 81 times worse depending on the duration of the comparison.

It's become clear that more regulation is needed to limit methane emissions, something I will discuss further in my next piece.

International view.

The International Energy Agency (IEA) in its new 2021 Technology Report says that agriculture globally contributes about a fourth of methane emissions. The energy sector is a close second – including emissions from oil and gas, coal and biofuels.

The oil and gas part is responsible for approximately 2.1 Gigatonnes of CO2-equivalent emissions per year (Gt/yr CO2-eq), which amounts to 5% of total global greenhouse gas (GHG) emissions. The spotlight points directly at oil and gas companies.

The IEA project that methane emissions will need to fall by 70% from 2020 levels to satisfy their internal Sustainable Development Scenario (SDS) goal to meet the Paris Agreement.

There are commercial aspects of this too. First, if the leaks could be stopped the gas could be sold to help the bottom line. Second, consumers are starting to ask gas producers how good is their record on abating methane emissions – before they agree to buy their gas.
Figure 1. Main sources of man-made methane emissions in the USA: energy, agriculture, waste.
EPA

In the US, methane emissions from the energy sector have been falling in the period 1990–2018 (Figure 1). This is remarkable, since over this period natural gas production in the US has increased by 60%. And most of the increase has occurred since 2005, when shale-gas came onstream. The "facilities" that provide data to the EPA include oil and gas basins, oil and gas companies, gas plants, and refineries, so methane leaks or releases may have fallen in a variety of facilities.

Partnerships are crucial.

DNV-GL is a company with headquarters in Norway that is concerned with safeguarding life, property and the environment. They collect and analyze data from the oil and gas sector. The combustion of oil and gas product

accounts for 75% of the sector's GHG while only 25% comes from the production and distribution footprint. It's not how oil and gas industry makes and distributes their product (their carbon footprint) that's the problem, it's the subsequent usage and burning of their product by end-users.

In their modeling projections through 2050, DNV-GL predict that global energy-related GHG emissions will be down roughly 50%. But fossil fuels will still be responsible for 74% of the global energy-related CO2 emissions, plus over 80% if CO2 and methane emissions are combined as CO2-equivalents.

DNV-GL insist that coalitions and partnerships are needed to invent and apply new decarbonization technologies. They note:

- "bp, EDF, Eni, Equinor, Shell, Total and Wintershall Dea have collectively made policy recommendations to the EU to standardize methane emissions data collection;
- More than 20 leading oil and gas companies are committed to the Methane Guiding Principles partnership pledged to reduce methane emissions; and
- The Oil and Gas Climate Initiative, the International Association of Oil & Gas Producers, and IPIECA are collaborating toward developing a best practice guideline on detecting, monitoring and reporting such emissions."

DNV-GL predictions reveal that the energy transition won't be rapid enough to meet the temperature limits specified by the Paris Agreement. Because of this, governments, investors and society will be forced to make increasing demands on oil and gas to decarbonize the industry.

The Importance of good data.

The Environmental Defense Fund (EDF) have pushed hard on this subject as entities like bp and Shell and ONE Future have committed to reduce methane emissions and report the data. They are involved too with the Oil and Gas Methane Partnership, along with the UN Environment Program to better methane measurement and reporting.

EDF's report called Hitting the Mark is a roadmap for the oil and gas industry to obtain and report good data on methane emissions. But they also lament that methane emissions data are outdated, inaccurate and unreliable. Some companies use engineering calculations from the 1970s. This must be replaced by direct measurement by way of satellite sensors, airplane flyovers, and ground-based detectors.

ONE-Future success.

A coalition of sixteen natural gas companies, called Our Nation's Energy Future (ONE Future), was formed in 2014 to address methane leakages. It includes upstream, midstream, and downstream operators. These companies have invested in reducing methane emissions by repairing system leaks in several sectors: production, distribution, transmission and storage, processing, and gathering.

In 2012, the overall natural gas industry's leakage rates or methane intensity was 1.44%. ONE Future reported that its 2018 methane emissions were down to 0.33%. The 2018 data also reveal that in the production segment, about 70% of emissions were due to pneumatic devices, 9% were due to equipment leaks, and only 7% were due to venting and flaring of associated gas.

What seems to be an impressive success requires caution. According to EDF, the percentages are underestimated due to measurements that are outdated, inaccurate and unreliable, as mentioned above. As EDF have quoted, "In short, the days of estimates and engineering calculations must give way to direct measurement."

Yet, even if the numbers are underestimated, the trend of lower methane intensity over time is surely valid and an encouraging sign.

EPA removes sunken, oil-leaking boat from Lake Tahoe
https://www.abc10.com/article/news/local/california/epa-removes-sunken-boat-from-lake-tahoe/103-3cef1cd8-f301-4277-98bb-d5c98c051cad
Author: Associated Press
Published: 8:06 AM PST February 24, 2021
Updated: 8:06 AM PST February 24, 2021

The EPA says it was first reported Jan. 15 to have sunk in 15 feet of water about 300 yards offshore from South Lake Tahoe's Pope Beach.

SOUTH LAKE TAHOE, Calif. — A crew for High Sierra Marine Inc., a private contractor hired by the Environmental Protection Agency [EPA], has removed an abandoned boat from Lake Tahoe that sank in January and believed to be leaking oil.

The raising of the 40-foot recreational vessel was completed Tuesday, Feb. 23 in coordination with the El Dorado County Sheriff, the Lahontan Regional Water Quality Control Board, Tahoe Regional Planning Agency and the California Department of Fish and Wildlife Office of Spill Prevention and Response.

The EPA says it was first reported Jan. 15 to have sunk in 15 feet of water about 300 yards offshore from South Lake Tahoe's Pope Beach. The EPA planned to spend about $20,000 on the effort in conjunction with others, including the California Department of Fish and Wildlife Office of Spill Prevention and Response. Repeated efforts by multiple agencies to identify the boat's owner failed.

Texans' Frozen Pipes Are Warnings of Yet Another Climate Threat
https://www.bloomberg.com/news/articles/2021-02-24/texans-frozen-pipes-warn-of-yet-another-extreme-weather-threat
Power outages are just the start. Aging policies and infrastructure are making drinking water vulnerable to extreme weather.
By Leslie Kaufman and Kim Chipman
February 24, 2021, 7:00 AM EST

At first, Amanda Fuller thought she was one of the lucky ones. Then the water stopped running.

As Texas started dipping into single-digit temperatures overnight Sunday, power companies began instituting blackouts across the state, but Fuller's home just outside Austin stayed warm and bright. On Monday, though, as she was fixing a mid-morning a snack for her two children, ages one and six, the water from the tap suddenly "went to a trickle within a few seconds and was gone," she said. It turned out the freeze had caused several water mains to break and disrupted power to the city's primary water treatment plant.

The family had a small stockpile of water intended to get them through summer heat blackouts, but not nearly enough for what turned out to be a five-day ordeal. On Wednesday, they decided to fill their bathtub with snow to use for flushing the toilet. To replenish their drinkable supply, they melted snow in the slow cooker and on their grill, boiling the meltwater and then running it through a coffee filter to get rid of impurities. "We kind of had our own little water treatment plant in the kitchen,'' Fuller recalled. But the process was laborious. The snow was powdery and didn't yield much liquid. Filling just one water jug could take three or four hours.

The Fullers' experience is far from an aberration. By last Wednesday, the Texas Commission on Environmental Quality was reporting that 332 local water systems were affected by the storms, meaning that 7 million Texans either had no service or were receiving possibly contaminated water. Those numbers don't include the countless others whose water supply is fine but whose pipes burst in the freeze. Drinking water supplies were also knocked offline in Ohio.

"We had a statewide failure of water infrastructure," said Sharlene Leurig, chief executive officer of Texas Water Trade in Austin, calling the deep freeze "a huge wake-up call."

"It's not just a hurricane, drought, flood, or cold temperature problem," she said. "We have a resilience problem."

This is far from the first extreme weather event in the U.S. to affect drinking water access. Hurricane Katrina affected the drinking water supply of millions across Louisiana and Mississippi; some New Orleans residents were instructed to boil their water for over a year after the storm to ensure that it would be safe to drink. Hurricane Maria compromised water for 2.3 million people when it struck Puerto Rico in 2017. The wildfires that torched California in recent summers spewed toxic ash that settled in the water supply, leading to concerns about contamination.

The is also far from a U.S. phenomenon. As the world warms, cities including Cape Town, South Africa and La Paz, Bolivia have had to ration water as extended droughts depleted their water supplies. In low-lying areas of Bangladesh, meanwhile, sea level rise threatens to inundate agricultural lands and groundwater reservoirs.

"The major difference with water is, if anything, the problem of dealing with extremes is going to be greater," said Barton Thompson, a professor of natural resources law at Stanford University. In periods of high heat, too little water can cause water pressure to drop, which can be a problem for aging pipes. On the other end, big storms can overwhelm sewage systems with too much water and allow contaminants to flow into waterways and even reservoirs.

In the U.S., the 1974 Safe Drinking Water Act requires states to draft emergency response plans that are then approved by the Environmental Protection Agency. And yet still, governments are regularly caught off guard, said Aaron Colangelo, chief litigation counsel at the Natural Resources Defense Council, in a blog post about the Texas crisis. "States have been lax in writing and updating plans, or EPA hasn't adequately vetted those plans, or both," he said. "That has to change before the next disaster threatens access to safe water."
Workers repair a water pipe break at an intersection in Galveston, Texas on Feb. 19.
Photographer: Thomas Shea/AFP/Getty Images

Erik Olson, a water expert at the NRDC, outlined measures the U.S. should be taking to fortify water infrastructure. These includes burying pipes deeper, putting water storage at higher elevations so gravity can assist delivery if electricity fails, and building treatment plants high enough that they won't be vulnerable to flooding during storms—a common problem after hurricanes.

Travis Isbell, a 32-year-old fourth-generation rancher from Florence, Texas, said he's done "fully" relying on the government for water. Service in his area was out from Tuesday through Sunday. To keep his livestock hydrated, he had to drive them to rivers or earth tanks and hack through layers of ice. Where those weren't available, he drove as much as 60 miles round trip to haul water from other sources. Now, he's going to "look at some different water storage options so as not to be so dependent on the utility district," he said.

The crisis was eye-opening for Amanda Fuller in a different way. As director for the National Wildlife Federation's Texas Coast and Water Program, she was already familiar with the water issues facing the state. "It's just so different when it's you and your family and your one-year-old not taking a bath, and also dealing

with the uncertainty day after day of not knowing when it was going to end," she said, adding, "You just can't take water for granted for a day."

Texas mom tells of five-day ordeal without water as millions left high and dry
https://www.businesslive.co.za/bd/world/americas/2021-02-24-texas-mom-tells-of-five-day-ordeal-without-water-as-millions-left-high-and-dry/
Water Trade CEO labels statewide failure of infrastructure after storms a 'huge wake-up call'
24 FEBRUARY 2021 - 16:18 LESLIE KAUFMAN AND KIM CHIPMAN

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Sharlene Leurig, CEO of Texas Water Trade

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The water shortage is also far from a US phenomenon. As the world warms, cities including Cape Town and La Paz, Bolivia, have had to ration water as extended droughts depleted their water supplies. In low-lying areas of Bangladesh, meanwhile, a rising sea level threatens to inundate agricultural lands and groundwater reservoirs.

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Message

From: E&E News [ealerts@eenews.net]
Sent: 3/4/2021 12:15:48 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: March 4 -- E&E Daily is ready

E&E Daily -- Congress. Legislation. Politics.

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AN E&E NEWS PUBLICATION

E&E DAILY — Thu., March 4, 2021

READ FULL EDITION

1. INTERIOR:

All eyes on Murkowski as committee votes on Haaland

The Senate Energy and Natural Resources Committee will meet today to decide whether to favorably recommend to the full Senate the nomination of Rep. Deb Haaland to serve as Interior secretary.

TOP STORIES

2. POLITICS:

5 takeaways from the CEQ, EPA nominees hearing

3. APPROPRIATIONS:

Earmark revival likely to boost Army Corps, water projects

TRANSITION

4. NOMINATIONS:

State picks vow climate action, get grilled on pipeline

5. NOMINATIONS:

Panel questions DOT pick on green projects, permitting

ON THE HILL

6. BIOFUELS:

House climate bill would uncover refinery waivers

7. FORESTS:

Republicans jump into the fray over Black Hills logging

IN COMMITTEE

8. ENERGY POLICY:
Grid bill would complement Dem climate package

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Republican bill takes aim at bank fossil fuel pledges

10. PUBLIC LANDS:
Cortez Masto pushes major conservation, oil and gas bills

11. ENDANGERED SPECIES:
Bipartisan bill targets global 'extinction crisis'

UPCOMING HEARINGS AND MARKUPS

12. CALENDAR:
Activity for March 1 - March 7, 2021

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Sent: 3/2/2021 5:32:19 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Kerry sees challenge to 'disentangle' climate in China talks

Kerry sees challenge to 'disentangle' climate in China talks

By Zack Colman

03/02/2021 12:31 PM EST

White House climate envoy John Kerry on Tuesday acknowledged the U.S. may have difficulty separating discussions with China over climate change from other issues on which the world's two largest emitters disagree.

Background: Kerry's comments to the CERAWeek energy conference reflected a more circumspect tone on bilateral climate opportunities than he expressed in the opening weeks of the Biden administration. Kerry has hoped the U.S. and China could keep a separate lane for climate discussions even as the nations also battle over human rights, spying, intellectual property and trade issues, although Beijing has indicated it viewed all those issues as intertwined.

The news: "I think you can unentangle, disentangle some of it," Kerry said when asked by former Energy Secretary Ernest Moniz. "Perhaps not all of it."

Kerry acknowledged the relationship is different now than when as secretary of State he worked with China on a 2014 deal to limit greenhouse gas emissions. But he also said conversations with and statements from Chinese officials even in recent years about a willingness to work with others provides a chance to hold China accountable to its own words.

"I think you have to put that to the test. I don't think we have yet," he said.

Kerry added one area the U.S. intends to prod China is on its financing for overseas coal-fired power plants through its Belt and Road Initiative investments, though some observers note that activity slackened last year.

"The One Belt, One Road is a challenge with respect to their funding of coal in various parts of the world — about 70 percent of the new coal-fired power coming online in various parts of the world is Chinese funded," Kerry said. "We've raised that issue with them and that will continue to be a bone of contention."

Context: Kerry's remarks come as China prepares the release of its next Five-Year Plan on Friday, a key document that dictates the Chinese Communist Party's strategy. Experts will be watching for more signals and details about how China plans to honor its goal of reaching net-zero emissions by 2060 and peaking emissions before 2030.

To view online:
https://subscriber.politicopro.com/energy/whiteboard/2021/03/kerry-sees-challenge-to-disentangle-climate-in-china-talks-3987318

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CLIMATEWIRE — Wed., March 17, 2021

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Whiff of the unthinkable at EPA: CO2 standards for states

There's renewed hope among climate advocates for an ambitious federal rule to limit greenhouse gases using the same type of mechanism that penalizes states for exceeding air pollution thresholds.

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Why cloud seeding won't reverse climate droughts

3. BUSINESS:

World's biggest reinsurer to quit thermal coal

POLITICS

4. CAR RULES:

Biden presses automakers for emissions deal

5. CONGRESS:

With Trump gone, FEMA brass issues climate warning

6. FLORIDA:

DeSantis to spend COVID aid on climate resilience

CLIMATE IMPACTS

7. SCIENCE:

National Academies: Climate research needs fresh approach

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8. ENERGY TRANSITIONS:

Hydrogen's $230B funding call is still awaiting an answer

IN THE STATES

9. MASSACHUSETTS:

State Senate again OKs sweeping climate bill

10. EXTREME WEATHER:

Storms taking aim at South could bring strong tornadoes

INTERNATIONAL

11. GEOPOLITICS:

What will spark war when clean energy dominates?

A message from POLITICO:

GO BEHIND THE FIRST 100 DAYS: Joe Biden entered the White House with an expansive agenda, including rethinking energy and climate policy. Keep up to date on his agenda with POLITICO's First 100 Days to track the 46th president's efforts to reshape policy and politics. Follow along as we chronicle the regulation and legislation used to enact an agenda. **Check out the First 100 Days now.**

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E&E News PM -- Late-Breaking News

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E&E NEWS PM — Thu., February 25, 2021

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1. NATIONAL PARKS:

NPS picks first African American woman as Park Police chief

Pamela Smith, a 23-year veteran of the U.S. Park Police, will replace embattled acting Chief Gregory Monahan next week and become the first African American woman to lead the 230-year-old agency, the National Park Service said today.

THIS AFTERNOON'S STORIES

2. INTERIOR:

BLM morale tanked under Trump, survey finds

3. PUBLIC LANDS:

National park attendance took a big hit in 2020

4. ADVOCACY:

Pat Roberts joins lobby firm

5. EPA:

Lawsuit: Ozone rule fails to consider endangered species

6. OFFSHORE DRILLING:

Bipartisan lawmakers push for state power over leasing

UPCOMING HEARINGS AND MARKUPS

7. CALENDAR:

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From: EPA Press Office [press@epa.gov]
Sent: 3/8/2021 11:26:41 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: EPA Seeks Public Comment on Protecting Human Health and the Environment from PBT Chemicals

U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

EPA Seeks Public Comment on Protecting Human Health and the Environment from PBT Chemicals

WASHINGTON (March 8, 2021) – Today, in accordance with Biden-Harris Administration executive orders and directives, the U.S. Environmental Protection Agency (EPA) is asking for additional public input on five final rules for persistent, bioaccumulative and toxic (PBT) chemicals issued on January 6, 2021 under the Toxic Substances Control Act (TSCA). These rules, which went into effect last month, address exposure to toxic chemicals that remain in the environment for long periods of time and build up in the body.

"These rules are intended to provide critical health protections for Americans, including children, workers, other potentially at-risk groups, and the environment," **said Michal Freedhoff, Acting Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.** "Re-examining these rules under the Biden-Harris Administration and making any necessary changes to them will ensure we're delivering on the promise to protect human health and the environment by reducing exposure to toxic chemicals."

As a first step in its efforts to immediately review these rules, EPA is opening a 60-day comment period for the public to provide new input on:

- Whether the rules sufficiently reduce exposure to these chemicals, including exposures to potentially exposed or susceptible subpopulations, and the environment.
- Newly-raised compliance issues associated with the final rule on phenol, isopropylated phosphate (3:1) (PIP (3:1)) including the compliance dates for certain regulated articles.

- Whether to consider additional or alternative measures or approaches.

This review is being done in accordance with the Protecting Public Health and Environment and Restoring Science to Tackle to Climate Crisis Executive Order, which asks all agencies to review their actions to ensure that they meet statutory obligations, are guided by the best available science, ensure the integrity of federal decision-making, and protect human health and the environment.

EPA will use the feedback received during this public comment period to determine the best path forward, which could include amending the current rules to include additional or alternative exposure reduction measures or extending compliance dates for certain regulated products and articles. Upon publication of the Federal Register notice, EPA will accept public comments in docket EPA-HQ-OPPT-2021-0202 on www.regulations.gov for 60 days.

As noted above, the notice seeks comment on newly-raised issues associated with the March 8, 2021, compliance date for the prohibitions on processing and distribution of Phenol, Isopropylated Phosphate (3:1) (PIP (3:1)) for use in articles, and the articles to which PIP (3:1) has been added. Stakeholders recently informed EPA that the prohibition on processing and distribution of PIP (3:1) could impact articles used in a wide variety of electronics, from cell phones, to robotics used to manufacture semiconductors, to equipment used to move COVID-19 vaccines and keep them at the appropriate temperature. Stakeholders note that the complexity of international supply chains makes locating the presence of, and finding alternatives to, PIP (3:1) in components challenging. They assert that an extension to the compliance deadline is necessary to avoid significant disruption to the supply chain for a wide variety of articles. It was not EPA's intent during the development of the rule to have such a broad disruptive impact. Thus, EPA is also announcing its expectation that this specific issue will be addressed as part of the broader re-examination of these rules. Based in part on the information collected as part of the effort announced today, EPA intends to extend compliance dates as necessary for the prohibitions on processing and distribution of PIP (3:1) for use in some articles, and some of the articles to which PIP (3:1) has been added.

For these same reasons, EPA is issuing a temporary 180-day "No Action Assurance" indicating that the agency will exercise its enforcement discretion regarding the prohibitions on processing and distribution of PIP (3:1) for use in articles, and the articles to which PIP (3:1) has been added. The agency is taking this action to ensure that the supply chain of these important articles is not interrupted while EPA continues to collect the information needed to best inform subsequent regulatory efforts and allow for the issuance of a final agency action to extend the March 8, 2021, compliance date as necessary.

Learn about the public comment period and view the documents related to the "No Action Assurance."

Learn more about the PBT rules.

epa.gov

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CLIMATEWIRE — Thu., March 4, 2021

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Biden's promise to unions: 'I'm all for natural gas'

Workers unions are enjoying greater access to the White House as President Biden seeks their support for his aggressive climate policies. The delicate relationship hinges on fossil fuel jobs.

TOP STORIES

2. ENERGY TRANSITIONS:
'It's gigantic': Battery storage grows exponentially

3. SCIENCE:
Antarctica's fate tied to rivers in the sky

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4. EXTREME WEATHER:
Flood program faces $2B annual shortfall from climate change

5. ADAPTATION:
Miami readies for rising seas

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6. KENTUCKY:
State seeks federal help as floodwaters cause damage

7. CALIFORNIA:
Dangerously dry year looms for wildfire-prone state

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8. FINANCE:

Bank of England gets mandate to drive net-zero goals

9. SOUTH KOREA:

Battery battle sparks carmaker calls for a truce

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1. REGULATIONS:
Democrats put scrapping Trump rules on the back burner

Talk about Democrats using the Congressional Review Act to scrap Trump rules flared in early January, after the party won the Georgia Senate races and secured the chamber majority.

TEXAS BLACKOUTS

2. ENERGY POLICY:
Dems call for grid spending in response to Texas disaster

3. ENERGY POLICY:
Texas Democrats push to open state's electric grid

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4. HOUSE:
Natural Resources leadership picks forecast ideological divide

5. Q&A:
Haley Stevens on plastics, recycling and PFAS action plans

ON THE HILL

6. APPROPRIATIONS:
Democrats plan to revive earmarks, but with new limits

7. ENERGY MARKETS:
Biden faces more Hill pressure on Nord Stream pipeline

IN THE SENATE

8. CLIMATE:

Grassley rebukes Gina McCarthy comment, invites her to Iowa

9. POLITICS:

Moderate Democrat taking over regulations panel

UPCOMING HEARINGS AND MARKUPS

10. CALENDAR:

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Analysis: The real reasons Texas went dark

Opponents of renewable energy blame frozen wind turbines for the state's electricity crisis. But there were bigger failures involving natural gas.

TOP STORIES

2. EXTREME WEATHER:
'It's serious': FEMA's disaster fund will be broke by April

3. ENERGY TRANSITIONS:
Save the date: First U.S. fusion plant planned for 2035

CLIMATE IMPACTS

4. EXTREME WEATHER:
Northwest rivers expected to see 60% bigger floods

5. SCIENCE:
Climate change delayed dinosaur migration — study

BUSINESS

6. TRANSPORTATION:
Ford to go all electric in Europe by 2030

7. EMISSIONS:
Rio Tinto CEO makes U-turn on carbon goals

IN THE STATES

8. NEW JERSEY:

State earmarks $100M to expand electric truck, bus fleets

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Energywire -- The Transformation of the Energy Sector

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Biden expected to back pipeline in Supreme Court battle

The Biden administration's Justice Department may keep supporting a pipeline company's eminent domain power in the latest energy fight to land before the Supreme Court, legal experts say.

TOP STORIES

2. Q&A:

'Accelerated': How Amazon plans to deploy electric vans

3. UTILITIES:

TVA turns to natural gas, EVs: What it means for Biden

4. ENERGY TRANSITIONS:

Electric industry group embraces carbon policies

FEDERAL AGENCIES

5. PEOPLE:

Top Trump DOE official joins conservative energy group

ENERGY TRANSITIONS

6. POLITICS:

Rocky Mountain Institute changes name, gets climate focus

7. PANDEMIC:

U.S. energy use may not reach 2019 levels until 2050 — report

TECHNOLOGY

8. CYBERSECURITY:

Energy hacking vulnerabilities surged in 2020 — report

LAW

9. OIL AND GAS:

Groups ask 9th Circuit to stop Alaska drilling project

ELECTRICITY

10. ELECTRIC VEHICLES:

Moped-share company Revel building car charging hub in NYC

11. MEXICO:

Business groups: President's bill would push dirtier power

OIL AND GAS

12. BUSINESS:

Office glut comes to Texas as oil bust leaves towers empty

13. ENERGY MARKETS:

OPEC+ pledges to keep tight leash on oil supplies

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: New York climate panel recommends gas bans, other measures to reduce building emissions

New York climate panel recommends gas bans, other measures to reduce building emissions

By Marie J. French

02/04/2021 05:15 PM EST

A key New York advisory panel plans to recommend a ban on fossil fuels in new construction and an eventual prohibition of gas or oil replacements of boilers and other equipment in existing homes, apartments and commercial buildings.

The proposed recommendations by the housing and energy efficiency advisory panel were presented for public comment on Thursday.

Why it matters: Buildings account for a large portion of the state's emissions and are a challenging area to tackle given the age of building stock. Electrification is seen as a key step to support the state's interim emissions reduction goal of 40 percent from 1990 levels by 2030 and net zero by 2050.

New York's housing stock relies primarily on fossil fuels. For single-family homes, about 65 percent use natural gas and 19 percent use fuel oil.

Details: The panel wants a ban on fossil fuels in new construction for heating and hot water in place in about five years for single-family homes and 10 years in multifamily and commercial buildings. A ban on fossil fuel equipment replacements when boilers reach the end of their useful life would also go into place in about 10 years for single-family homes and 15 years for other buildings.

Several people who commented suggested that a more definitive, precise timeline was needed to help prepare people for the transition. Additional education and awareness is also needed, they said.

“This will help us actually start going through the process of solving the unintended consequences or barriers that we’re going to see,” said Jessica Azulay with the Alliance for a Green Energy Economy, referring to a more definite timeline.

The panel's slides note that specific dates depend on legislation and rulemaking to implement these proposals.

Others, including geothermal heat pump installers, raised concerns about whether electric air-source heat pumps are the best option, especially in colder parts of the state.

The panel is also recommending an extremely efficient state energy code and stricter appliance standards for products not preempted by federal rules, such as computers, LED lights, commercial dishwashers and air purifiers "as soon as possible."

Chris Jensen, a code enforcement officer with the town of Canandaigua, warned that the proposals would simply drive up costs and send people out of the state.

“Local courts will not and do not fine residents for energy code violations,” he said. “Municipalities will not support code enforcement to pursue energy code violations."

The best way to drive energy efficiency improvements is through incentives, Jensen said.

In terms of financing these efforts, the panel is proposing that the state apply a "clean water model" to decarbonization building efforts by offering low-cost capital. Financing should also be offered by utilities to provide capital for upgrades and direct cash incentives should be prioritized for low-income households and disadvantaged communities.

The panel also has a proposal to manage the transition off natural gas by addressing the role of utilities. Members of the panel recommend restrictions on advertising natural gas as clean, removing provisions of law that reduce the costs of hooking up to the gas system, adopting depreciation rates for gas infrastructure that align with the climate law and allowing for thermal district heating loops to use utility and public rights of way.

A planning study should examine how to ensure the transition is affordable to ratepayers who are not able to immediately switch off of gas and examine the role of gas utilities in the long term. A transition plan should also be developed for workers in the gas industry.

Some of the panel's additional recommendations include:

— Requiring energy benchmarking for multifamily buildings over 10,000 square feet and periodic energy audits for commercial buildings over 25,000 square feet
— Set energy efficiency performance standards for multifamily and commercial buildings larger than 25,000 square feet
— Energy usage data disclosures at lease or point of sale
— More training for clean energy workers, with a focus on opportunities for people in disadvantaged communities
— Require training and employment for low-income people on energy projects funded by the state or public-private partnerships
— Scale up education and outreach efforts
— Expanded use of performance contracting to achieve goals for public building upgrades
— Creation of a "Retrofit Electrification Readiness Program" for low-income households, affordable housing and disadvantaged communities to cover costs of nonenergy improvements needed to support electrification or efficiency measures
— Support for pilots and research on lowering embodied carbon in buildings, alternatives to planet-warming refrigerants and all-electric buildings

The panel is not recommending any funding source for these proposals. But John Lee, a member, noted that the panel has mentioned that federal support may be on the horizon and an economy-wide carbon fee or climate pollution fee could send the right investment signals.

Next steps: The panel plans to consider public comment, which can also be submitted via email to eehpanel@nyserda.ny.gov by Feb. 18, and will then share its recommendations with the Climate Action Council in March. The council is required to issue a draft scoping plan to achieve the 2050 net-zero emission goal by the end of this year.

To view online:
https://subscriber.politicopro.com/energy/article/2021/02/new-york-climate-panel-recommends-gas-bans-other-measures-to-reduce-building-emissions-2032863

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Agency

ENR: Biden Cabinet Picks Emphasize Job Creation
The Fence Post: Boozman: McCarthy to determine EPA policy
BuzzFeed News: Trump Led An "All-Out Assault" On The EPA. Now Biden Has To Rebuild It.

Air

KFI AM 640: Environmental Groups to Sue EPA Over Air Quality in Southland

Biofuels

KFGO: Biden's EPA pick to review options for biofuel blending law beyond 2022
KOMO News: EPA fines Shell Oil $191,000 over release of toxic vapors from Anacortes refinery
GreenMatters: Fossil Fuel Air Pollution Kills 10.2 Million People Every Year, New Research Finds
Nation of Change: Fossil fuel air pollution linked to 1 in 5 deaths globally, new study reveals
Energy.AGWired: RFA Opposes Extending RFS Compliance Deadlines

Chemicals

c&en: US EPA yanks toxicity assessment of PFAS contaminant, citing political interference
ewg: Will the Pentagon Continue To Flout State Standards for 'Forever Chemicals'?

COVID-19

KMOX: EPA: Some doorknobs, handrails made of copper alloys can 'continuously kill' coronavirus

Enforcement

DailyRepublic: EPA again orders Amazon to stop selling illegal pesticides

Waste Management

PAHomePage: Digital Exclusive: Local recycling plant reaches multi-million dollar settlement with EPA

Biden Cabinet Picks Emphasize Job Creation

https://www.enr.com/articles/51186-biden-cabinet-picks-emphasize-job-creation
February 10, 2021
Tom Ichniowski, Debra K. Rubin, and Corinne Grinapol

President Joe Biden's cabinet choices most likely to affect the construction industry are moving quickly into place. His pick for transportation secretary, Pete Buttigieg, is already on the job, and nominees for federal labor, energy, environmental and commerce agencies appear primed for approval. Full Senate confirmation could come by month's end.

Candidates have had to defend Biden's climate-change strategy unveiled last month and will have to help the administration as it gears up to win approval for a $1.9-trillion stimulus plan that passed the Senate on party lines Feb. 5. Buttigieg, confirmed Feb. 2 by the Senate on an 86-13 vote, is expected to have a prominent role in helping to push the recovery plan.

All 13 of the DOT chief's "no" votes were Republicans. But Buttigieg was approved by 36 GOP senators, a positive sign for the administration's legislative initiatives in transportation and other sectors. "It's an encouraging start," says Steve Hall, American Council of Engineering Cos. senior vice president for advocacy.

In addition to the massive lift with the coronavirus aid package, Buttigieg also will have to deal with a vital surface transportation reauthorization expiring on Sept. 30 and a Highway Trust Fund that faces insolvency, says Sean O'Neill, Portland Cement Association senior vice president for government affairs.

Buttigieg lacks DOT and Capitol Hill experience, but his assembled team "brings deep knowledge of both policy and process that will pay dividends in crafting a visionary and robust infrastructure plan," said Ray LaHood, the first Obama-era DOT Transportation Secretary.

Biden's nominee for DOT deputy secretary, for example, is Polly Trottenberg, former commissioner of the New York City DOT for seven years and Obama's U.S. DOT undersecretary for policy. She also was an aide to majority leader Sen. Chuck Schumer (D-N.Y.).

Pro-Union Labor Choice

In his Feb. 4 appearance before the Senate Health, Education, Labor and Pensions Committee, Marty Walsh, Boston mayor and labor secretary nominee, hewed closely to Biden's views on a range of labor issues, including raising the minimum wage and a new emergency workplace safety standard related to the pandemic.

A long-time laborers' union member and former building trades council president in Boston, Walsh recounted to senators how his father's joining the laborers' union was his family's "way into the middle class."

Shortly after the hearing began, Committee Chair Patty Murray (D-Wash.) announced she would reintroduce the Protecting the Right to Organize, or PRO, Act. It calls for a variety of union-backed changes in federal labor law, including ending the prohibition against secondary boycott. Biden supports the bill, and so does Walsh.

"We cannot build the same way we've always been. We cannot put humpty dumpty back together the same way every time." – Michael Regan, Nominee For EPA Administrator

In his hearing, Walsh said the PRO Act "is one step towards helping people to organize freely." He added, "I do believe in the right of organizing. I do believe in the right of people being able to join the union if they want to join the union."

Industry positions are split deeply on the legislation. It has the strong backing of the building trades but faces fierce opposition from the Associated Builders & Contractors and the Associated General Contractors of America.

"We believe in the right for employees to choose a union—and not to join a union," Michael Bellaman, ABC president and CEO, said in an interview. Sen. Tim Scott (R-S.C.) blasted the PRO Act, saying that it would be a major blow to the 27 "right to work" states, such as his own, and also said it would be "devastating for the economic future of the nation."

Regarding the Occupational Safety and Health Administration, Walsh said the administration and Congress should aim to have OSHA be "an agency that is there to help workers and to help employers—and not be put in the middle of both."

Bellaman added, "The guy's from the [construction] industry. So he knows the industry, and I think that that is positive."

Sen. Bill Cassidy (R-La.), citing comments from Teamsters' union General President James P. Hoffa, brought up Biden's decision to cancel the Keystone XL pipeline, resulting in the loss of about 8,000 union jobs. Walsh

said workers who lost jobs at the Keystone project will be able to find new ones in other energy areas through the Build Back Better plan. But Cassidy said the Keystone jobs were lost immediately, adding, "The jobs you're describing are in the by and by."

Granholm Pushes Clean Energy

Former Michigan Gov. Jennifer Granholm, in her Jan. 27 energy secretary confirmation hearing before the Senate Energy and Natural Resources Committee, also faced questions about Biden's clean-energy policy strategy.

"Coal and natural gas are not going away. Don't leave them stranded in the ground," stressed Wyoming Sen. John Barrasso, now the top committee Republican. Despite nay votes from senators in fossil-fuel-producing states, Granholm was approved by the committee 13-4 on Feb. 3. Observers expect her to win full Senate confirmation.

"I am obsessed with creating good-paying jobs in America," Granholm told the confirmation panel. "In making energy in America, we will make sure no worker gets left behind." She voiced support for continued LNG export.

Emphasizing her role in diversifying the Michigan economy in the wake of auto-industry plant closures, she noted the state's push into battery production and other renewable-energy sectors and emphasized the role DOE and its national labs can play in research and funding. Granholm said she was "1,000%" in support of prioritizing clean-energy job growth in areas of the U.S. with major fossil-fuel-sector exposure. She said the strategy would create 10 million new jobs.

Granholm noted that a "high priority" for DOE will be a joint effort with the Federal Energy Regulatory Commission to modify and expand the U.S. power transmission network to boost clean-energy connections. She also noted that the need to expand domestic rare-earths production to boost clean-energy growth would be a jobs producer and also the potential of DOE's billions of dollars in funding for technology development and commercialization.

Also now set for a full Senate vote as commerce secretary is Rhode Island Gov. Gina Raimondo, who cleared Commerce Committee review with a 21-3 approval on Feb. 3. At her hearing, she said infrastructure resilience would be a priority, as would renewable energy. The nation's first offshore wind farm was built in 2017 off her state's coast. She also enacted new state clean-energy goals to produce all power from renewable sources by 2030.

Regan Promotes Resilience

Michael Regan, Biden's pick to lead the Environmental Protection Agency, also sought to alleviate Republican senators' concerns about the president's climate-related policies linked to tension in protecting jobs in the fossil-fuel sector.

"I believe that many of the jobs and the skill sets that people have … can move quickly to [clean energy and rehabilitation] jobs," said Regan, secretary of North Carolina's environmental agency since 2017.

Throughout his Feb. 3 hearing, Regan stressed themes of "convening stakeholders" and incorporating science and data into decision-making. He also spoke of designing regulations to give state and local officials flexibility in how rules are applied, pointing to considerations of carbon-capture technology, the renewable-fuel standard and Clean Air Act regulations governing emissions of pollutants by coal-fired power plants.

In a marked change from the Trump administration, Regan addressed the human contribution to climate change and extreme weather events, and the job opportunities presented by mitigation and making infrastructure more resilient. "We cannot build the same way we've always been," he said. "We cannot put Humpty Dumpty back together the same way every time."

The committee sent Regan's nomination to the Senate floor Feb. 9 in a 14-6 vote. Shelley Moore Capito (R-W.Va.) said ahead of the vote that she was opposing Regan because she was concerned that former EPA Administrator Gina McCarthy—now in charge of Biden's domestic climate-change plan—and others would be directing the actions at EPA, rather than Regan himself.

Boozman: McCarthy to determine EPA policy
https://www.thefencepost.com/news/boozman-mccarthy-to-determine-epa-policy/
-The Hagstrom Report
10 Feb 2021

Senate Agriculture Committee ranking member John Boozman, R-Ark., said Tuesday that he believes Gina McCarthy, the White House national climate adviser, will determine environmental policy in the Biden administration rather than Michael Regan, President Biden's nominee for Environmental Protection Agency administrator.

In an online speech to the crop insurance industry convention, Boozman noted that Regan had come before the Senate Environment and Public Works Committee on which he sits for a confirmation hearing but that Boozman believes that McCarthy, who headed EPA in the Obama administration, will decide environmental policy.

Boozman added that he fears that the Obama-era Waters of the United States rule, which the Trump administration rewrote, will be "coming back." He told the crop insurers that legislators "need your help in fighting things that are not good for agriculture or the rest of the economy."

(The Red River Farm Network noted this week that in discussing WOTUS at his hearing, Regan, who is the secretary of the North Carolina Department of Environmental Quality, said, "I think courts will give us a ruling, but I also don't want to lose an opportunity to take a look at what we've learned. As a state secretary, I've been on the receiving end of both rules. I've had conversations with farmers, and we have a clear opportunity to look at how we protect our water quality without overburdening small farmers.")

Boozman said he believes the Biden administration is going to mount "an all-out assault" on climate policy rather than wait for the 2023 farm bill.

Boozman also repeated previous statements that he does not believe that carbon can qualify as a commodity under the Commodity Credit Corporation because the CCC Charter Act says "agricultural commodities 18 times." Boozman said he would like to see a USDA lawyer attach a name to the position that USDA has the authority to use the CCC to fund carbon-related programs.

"I don't think the people who drafted it would think that carbon would be part of the program," Boozman said, adding that if carbon qualifies for funding through the CCC other things might also be eligible.

"What scares me is that they said they do," Boozman said. "What they are saying puts you on guard." Such thinking "shows that the end justifies the means," just as the Obama administration did with WOTUS, he said.

"There is a finite amount of money," Boozman said.

"Whatever we do, carbon credits has to be voluntary," Boozman said, even though "there is talk" about attaching participation and conservation to crop insurance. The benefits of climate programs also should go to farmers, he said.

The Biden administration is "much more friendly" toward Cuba, Boozman noted, saying that he believes that Cuba should be further opened as an agricultural market. Eighty percent of what Cubans eat is imported, he said, and "even critics" ask why Cubans should not buy food from the United States.

Broadband needs to be added to the "three Rs" of infrastructure – railroads, roads and runways –because it is important to both productivity and to climate solutions, Boozman said.

In a veiled reference to the Trump administration's large ad hoc payments to farmers, Boozman said he wants farmers to be more dependent on markets because "you can't count" on federal programs, and reliance on them makes farm lenders concerned.

The Biden administration will push conservation, Boozman said, but it has become difficult to get people to sign up for the land-idling Conservation Reserve Program and may be more difficult now that commodity prices are up. There is a danger to taking land out of production, he said, because "it is not like the old days that the U.S. was such a dominant player." Now the United States will lose market share to Brazil and other countries that do nothing on climate change, he explained.

Despite his criticism of the Democrats, Boozman said that he believes a lot can be accomplished if the agriculture community sticks together.

"Times are different each time you write the farm bill," he said. "This time hopefully things will have turned up a bit."

Boozman said he hopes the 2023 farm bill "is more of a tweaking," but acknowledged that it could be "a significant tweaking."

"Everyone agrees crop insurance is the underpinning of our network," he concluded.

Trump Led An "All-Out Assault" On The EPA. Now Biden Has To Rebuild It.
https://www.buzzfeednews.com/article/zahrahirji/epa-morale-trump-biden
Under Trump, the Environmental Protection Agency kneeled to the country's biggest polluters and lost more than 800 employees. Staffers say they want accountability.
Zahra HirjiBuzzFeed News Reporter
Posted on February 10, 2021, at 1:00 p.m. ET

After four years at the wheel, the Trump administration came closer to taking down the Environmental Protection Agency than many employees thought was possible.

On the campaign trail in 2016, Donald Trump said he wanted to dismantle the agency — responsible for reining in pollution in the US for the last 50 years — into "little tidbits." As president, he boasted about gutting dozens of the EPA's "job-killing" environmental rules governing clean air, climate, water, and toxic waste. His political appointees sidelined EPA scientists and took marching orders from big polluters. Climate change, once an agency priority, was erased from its website.

"I had never experienced an attack like that," Gary Morton, who worked at the EPA for 26 years before retiring in October 2019, told BuzzFeed News. "We're supposed to protect human health and the environment. But, through his dismantling the existing framework of environmental protection, we were no longer doing that."

Now, President Joe Biden is aiming to tackle the climate crisis and environmental justice with the most ambitious plan ever enacted in the US. To do that, he'll need the EPA.

But the sobering reality is that the EPA in 2021 is an agency in crisis, according to interviews with activists, academics, and more than a dozen current and former employees. More than 800 staffers left the agency under Trump, many of whom felt that they could no longer do their jobs holding polluters accountable and protecting public health. Morale among those who stayed is at a record low, with many staffers exhausted after four years of being Trump's punching bag. And distrust is rampant as employees are forced to continue working alongside managers who caved to the Trump administration's flagrant disregard of science.

As much as employees are excited to jump on Biden's to-do list and are rooting for his EPA chief nominee, Michael Regan, they say they can't move at the breakneck pace the new administration wants unless there is accountability for the past four years.

"How do you build trust with people who basically have been traumatized?" said Joyce Howell, an EPA attorney and union leader in Philadelphia. "I think it's going to be really difficult."

"It was an all-out assault."

Trump visited the EPA headquarters, located across the street from his Washington, DC, hotel, only once as president.

On the afternoon of March 28, 2017, he took a seat in front of a row of coal miners flanked by EPA head Scott Pruitt, Energy Secretary Rick Perry, and Interior Secretary Ryan Zinke. The president then signed an executive order aimed at unraveling Obama's climate legacy, including undoing the Clean Power Plan. Robert Murray, then chief executive officer of the coal giant Murray Energy, had a front-row seat.

"You know what it says, right?" Trump asked the coal miners. "You're going back to work."

What Trump didn't mention was how the rule for curbing power plant pollution was crafted with public health in mind. According to the EPA's own analysis, the rule would have prevented 3,600 premature deaths, 1,700 heart attacks, and 90,000 asthma attacks every year it was in effect.

EPA staffers had only just learned of the event, after receiving an email from Pruitt's chief of staff with the subject line: "Our Big Day Today."

"All of us watched it on closed-circuit TV," Elizabeth Southerland, EPA's former water chief, told BuzzFeed News. "It was basically just a slap in the face."

This was the Trump playbook for the EPA on display for the first time. It soon became commonplace for Pruitt and his successor, Andrew Wheeler, to make sweeping changes favoring polluters — framed as increasing efficiency, transparency, or boosting the economy — that shut out and undercut staff experts, many of whom had worked at the agency for decades.

When Pruitt first proposed a "Red Team/Blue Team" public debate on climate change, his staff hid the involvement of prominent science deniers from the press. And between spring 2016 and spring 2018, the EPA quietly deleted at least 1,304 references to climate change (about 61% of references tracked) across the agency website, according to monitoring by a research group called the Environmental Data and Governance Initiative.

"I was part of a climate change work group, and they just stopped scheduling meetings," Howell told BuzzFeed News. "Nobody said anything. It just — poof — went into the air. It just didn't exist anymore."

And while Pruitt's moves on climate change got the most attention, he also hampered other parts of the agency that were working on public health.

Southerland's team had finalized the first national permit limits on toxic metals and other harmful pollutants in wastewater coming from coal-fired power plants. Pruitt announced he was reconsidering the rule in a press release before telling her. After 33 years at the EPA, Southerland left in August 2017.

"It wasn't just climate change these guys went after," she said. "It was an all-out assault, across the board, on all statutes."

The crackdown on the agency's own experts, often in favor of corporate and political interests, was unnerving. Pruitt met with industry representatives 25 times as often as he did with environmentalists during his first seven months in office, according to a Reuters review of his calendar. He encouraged oil executives to apply for top positions at the EPA and illegally changed who could serve as the agency's science advisers, stacking committees with scientists who had ties to the fossil fuel and chemical industries.

Courtesy Gary Morton
Gary Morton

Political appointees "came in and created an atmosphere of intimidation and fear over the employees," said Morton, who worked as an enforcement officer.

Perhaps Pruitt's most blatant attack on science occurred at an April 24, 2018, event closed to the press. That's when he shared a proposal to stop the EPA from relying on what he called "secret science," effectively blocking the use of many public health studies, based on a plan first designed by tobacco industry consultants in the 1990s.

The rule's point of contact was listed as Tom Sinks, then Office of the Science Advisor director. But he knew nothing about it.

"I had never seen a draft of the rule until it was released to the public," Sinks, who left the agency in 2020, told BuzzFeed News. Sinks and others within the agency saw Pruitt's move as a clear attempt to block science-based decisions while encouraging conspiracies among deniers.

"The only secret about the 'secret science' rule was that the rule was drafted behind closed doors by individuals who were never named," Sinks said.

Pruitt didn't stay at the EPA long, resigning in July 2018 amid a flurry of ethics scandals. His deputy, Andrew Wheeler, a former lobbyist, took over for the duration of Trump's presidency.

Staffers told BuzzFeed News that while Wheeler more often flew under the radar, many of the changes that were most damaging to the agency were implemented under his watch.

Chip Somodevilla / Getty Images
Andrew Wheeler answers senators' questions during his confirmation hearing on January 16, 2019 in Washington, DC.

In one of his early actions, Pruitt seized authority from regional offices working on toxic waste cleanup at Superfund sites. Any decisions about sites with cleanup costs estimated at $50 million or more had to be approved by the agency chief.

But it was only after Wheeler began sidelining career experts that Jim Woolford, then-director of EPA's Superfund remedial program, said he really felt "marginalized by the political leadership and truly disrespected."

"I was told on two to three different occasions that my input was not welcome," said Woolford, who retired in 2020 after spending 34 years at the agency. "I reached the decision that it was too stressful for me to stay, and I just decided to retire."

Similarly, enforcement officers were told they needed permission from the administrator office to issue certain information requests to companies, a critical tool for prying data loose from polluters.

The EPA policies previously focused on "protection and prevention," according to Morton. But under Trump, officials removed the prevention measure, Morton explained. "So now companies no longer had to take preventive measures to ensure a spill didn't occur; they just had to worry about cleaning it up afterwards."

EPA staffers agreed the biggest damage Wheeler did to the agency was pushing through drastic changes thwarting its oversight of pollution. When the pandemic first hit, he took the controversial step of effectively pausing enforcement. Some states followed suit, and pollution increased in the months afterwards. And his staff finalized dozens of rollbacks first set into motion by Pruitt's team, including replacing the Clean Power Plan and lowering fuel efficiency targets for cars. Even after Biden won the 2020 presidential election, Wheeler continued to push new rules that would obstruct the agency's ability to curb air and climate emissions.

"We still have an administration doing everything in its power before the 20th to get rules like the ['secret science' rule] across the finish line," a senior Biden transition official told reporters on Jan. 5. "And they are not doing it for any other reason than to make it more difficult for the next administration."

"The agency has been decimated."
Bill Clark / CQ-Roll Call, Inc via Getty Images
A tattered Environmental Protection Agency flag flies in front of the EPA in Washington on May 1, 2020.

To press the reset button on the EPA, the Biden administration has already identified 48 Trump-era regulations to review and possibly undo, recruiting agency veterans to drive an aggressive climate agenda.

And he's tapped Regan, who has a proven record on environmental justice, to lead the agency. If confirmed, Regan, an EPA alum who most recently served as secretary of the North Carolina Department of Environmental Quality, would be the EPA's first Black administrator.

"This administration's priorities for environmental protection are clear," Regan said in the opening remarks of his confirmation hearing before Congress last week. "We will restore the roles of science and transparency at EPA and support the talented, dedicated career officials. We will move with a sense of urgency on climate change. We will stand up for environmental justice and equity."

Joshua Roberts / Getty Images
Biden's Nominee for EPA Administrator, Michael Regan, speaks at the Queen theater on December 19, 2020 in Wilmington, DE.

But staffers and members of Congress are skeptical he can do that without first surveying and addressing the wreckage at the agency.

"You will be coming into an agency that in my view is more or less captured by the fossil fuel industry," Sen. Sheldon Whitehouse, a Democrat from Rhode Island, said at the hearing.

"It left a trail of damage to the institution," Whitehouse continued. "It left a trail of conflicts of interest, particularly on the scientific advisory groups. It left a trail of rulemakings thrown out for pretty patent violations of administrative law. It left a trail of FOIA failures and [information requests] unanswered. And I suspect you'll find a good deal more as people come forward and are prepared to describe things that took place in the previous administration and maybe even some who couldn't bear it and left and might very well come back with some stories."

One big hurdle will be staffing. Even before Trump took office, the agency had struggled to maintain its workforce. Then between January 2017 and January 2021, the agency lost 816 employees, according to the EPA.

"There have been a lot of long term problems at EPA — it was underfunded, under resourced, and [had] staffing issues," said Marianne Sullivan, an associate professor at William Paterson University and a volunteer researcher tracking the EPA for EDGI. "The Trump administration exacerbated a lot of pre-existing problems."

"Job number one" needs to be hiring, Woolford said. "They really have their job cut out for them because the agency has been decimated just by the loss of career staff, loss of institutional knowledge, the loss of programmatic knowledge."

Another challenge will be boosting morale. People are "rattled" and "shocked" about "what they could not do or say under the past administration," said Undine Kipka, an environmental engineer with the EPA and a union representative. "It's going to take a lot to get back from that, but we just have to. We don't have another choice if we want to fulfill the mission of the agency."

To do that, the EPA's new leadership needs to recommit to the agency's central mission to protect clean air and water. According to an analysis by the watchdog Environmental Integrity Project, EPA inspections and evaluations dropped every year Trump was in office, and they were all below the levels previously reported over the past 20 years. The Trump administration also closed fewer civil cases and opened fewer new ones; it also charged fewer polluters in criminal cases, compared to each term of the Obama administration.

But holding oil and gas companies, power plants, and industrial farms accountable for their actions isn't enough, staffers say. They want the agency to hold itself accountable for the past four years too.

"There's not a lot of trust in the middle management group that has colluded with the old administration," Nicole Cantello, an EPA lawyer and union leader in Chicago, told BuzzFeed News. "I think that a real issue [is] where or not the Biden administration is going to be able to break through this group of folks who implemented the Trump administration's agenda pretty successfully and muzzled the rank and file."

Courtesy Nicole Cantello
EPA lawyer Nicole Cantello

To build trust with staffers, the EPA may need to follow in the footsteps of Biden's defense secretary and clean house of "those that are true Trump loyalists who don't want to do anything that is really going to promote climate change," said Christine Todd Whitman, EPA chief during the Bush administration.

The EPA did not respond directly to questions from BuzzFeed News about hiring plans, morale, and trust issues. "EPA has a workforce second to none in terms of commitment, experience, expertise and technical ability across a range of disciplines," agency spokesperson Nick Conger told BuzzFeed News in an email. "The

agency's new leadership is committed to supporting a diverse and talented EPA as we move forward to fulfill the Biden-Harris Administration's priorities."

Conger also mentioned that officials at the agency were reviewing a sweep of Trump-era rules and policies and "will consider modifying or revoking those that are not consistent with President Biden's goals." Most, if not all, of the previous administration's rules are tied up in litigation, and the courts have rejected some of the environmental rules passed under Trump.

On Jan. 19, Trump's last full day in office, the DC Circuit Court struck down the power plant replacement rule, leaving a clear route for Biden's EPA to craft a new rule to cut climate emissions from power plants. Then, on Feb. 1, the Montana District Court struck down Trump's "secret science" rule after multiple environmental groups filed lawsuits.

For the rest of the Trump rules still hanging in litigation, agency officials have other options to blunt their effects, said Michael Burger, executive director of Columbia's Sabin Center for Climate Change Law. But if and when more Trump-era rules are scrapped, it will likely take the agency years to pass new ones.

Speaking before Congress, Regan pledged to do a damage assessment of the last four years once he was confirmed.

"There are lots of staff at EPA right now doing a reevaluation of a ton of rules and activities that may or may not have been done in a transparent manner or leveraged science in the way that we'd like. So we're going to correct that," Regan said.

But he also said his biggest challenge was time.

"We're going to have to walk and chew gum at the same time," he added. As of Wednesday, there was no date for Regan's confirmation vote. ●

Environmental Groups to Sue EPA Over Air Quality in Southland
https://kfiam640.iheart.com/content/2021-02-10-environmental-groups-to-sue-epa-over-air-quality-in-southland/
By City News ServiceFeb 10, 2021

LOS ANGELES (CNS) - The Center for Biological Diversity and Center for Environmental Health filed a legal notice today of their intent to sue the Environmental Protection Agency for failing to ensure that Los Angeles and San Bernardino counties have effective plans to reduce smog pollution.

"For too long the EPA has failed to protect people from the dangerous health effects of smog," said Robert Ukeiley, a senior attorney at the CBD. "Allowing smog pollution is a political choice, and when the EPA fails to control it, it's children and the elderly who tend to pay the highest price."

The EPA determined that the Los Angeles and San Bernardino areas have smog pollution at levels high enough to trigger health problems and ecological harm, according to the centers.

"The evidence that smog pollution contributes to adverse health effects is unmistakable," said Kaya Allan Sugerman, director of the CEH's illegal toxic threats program. "EPA is legally obligated to ensure more people do not needlessly die from COVID-19 due to unsafe levels of smog pollution."

Human exposure to ground-level ozone can increase the frequency of asthma attacks, make the lungs more susceptible to infection, inflame and damage airways, make it more difficult to breath, and aggravate various lung diseases including emphysema, asthma and bronchitis.

Those effects have been found in healthy individuals but are more serious in vulnerable populations and among people with underlining health conditions.

Exposure to smog pollution leads to increased visits to emergency rooms, missed school and work days, increased medication use and even deaths. The EPA found that places with elevated concentrations of ozone and long-term exposure to ozone are not only linked to the aggravation of asthma but can cause it to develop.

Biden's EPA pick to review options for biofuel blending law beyond 2022
https://kfgo.com/2021/02/10/bidens-epa-pick-to-review-options-for-biofuel-blending-law-beyond-2022/
Fargo, ND, USA / The Mighty 790 KFGO | KFGO
Thomson Reuters
Feb 10, 2021 11:58 AM
By Stephanie Kelly

(Reuters) - U.S. President Joe Biden's pick to lead the Environmental Protection Agency said he will confer with legal and policy teams to understand the options available for setting mandates to blend biofuels into the nation's fuel mix beyond 2022.

Michael Regan also said he has had conversations with other members of the Biden administration, including Biden's pick for the Agriculture Department, to discuss the role biofuels can play in combating climate change, according to written responses from Regan to questions submitted to him by Republican Senator Joni Ernst of Iowa.

Under the U.S. Renewable Fuel Standard (RFS), oil refiners must blend billions of gallons of biofuels into their fuel mix or buy credits from those that do. Refiners can apply for an exemption if they can prove the requirements harm them financially.

The RFS includes volume mandates up to 2022 that grow each year.

The law is a hot-button issue across the U.S. Farm Belt, as the requirements have created a huge market for corn. The oil industry follows it closely as well, as the obligations are expensive for refiners and the mandate represents increased competition for fossil fuels.

Both industries will watch how the administration will handle the RFS after 2022, when the EPA will determine annual volumes.

"I will confer with my legal and policy team to understand all of the options before me regarding the RFS program, and in this specific case, how to set the RFS volume requirements beyond 2022," he said, in response to a question from Ernst asking whether he will try to grow the use of advanced biofuels like biomass-based diesel.

If confirmed, Regan will have a number of outstanding issues surrounding the RFS to deal with, including setting renewable volume obligations for 2021.

(Reporting by Stephanie Kelly in New York; Editing by Lisa Shumaker)

EPA fines Shell Oil $191,000 over release of toxic vapors from Anacortes refinery
https://komonews.com/news/local/epa-fines-shell-oil-191000-over-release-of-toxic-vapors-from-anacortes-refinery
by KOMO News Staff
Wednesday, February 10th 2021

SEATTLE - The company that operates the Anacortes oil refinery will pay a $191,000 fine for violations of the Clean Air Act stemming from a 2015 release of toxic vapors that sickened dozens of local residents of the area.

The fine, part of a settlement with the Environmental Protection Agency, is in addition to previous fines of over $420,000 levied by the Northwest Clean Air Agency and the Washington Safety and Health Agency against Shell Oil Products U.S. over the incident.

According to the EPA, Shell employees at the refinery deviated from the facility's operating procedures which resulted in the release of about 700 pounds of toxic vapors.

The un-combusted air pollutants included toxic hydrogen sulfide, dimethyl sulfide, mercaptans, pyrophoric iron, and benzene over a period of about 3 1/2 hours on Feb. 20, 2015.

In the stagnant weather conditions, the vapors did not disperse and caused strong odors to reach the Swinomish Indian Reservation, the city of La Conner and other nearby areas. More than 550 people in these areas were impacted by the release, some of whom sought medical attention.

During an inspection following the release, EPA identified several violations of the Clean Air Act. Shell has since corrected the violations.

Fossil Fuel Air Pollution Kills 10.2 Million People Every Year, New Research Finds
https://www.greenmatters.com/p/fossil-fuel-air-pollution-deaths
BY SOPHIE HIRSH
FEB. 10 2021, PUBLISHED 1:02 P.M. ET

We know that air pollution is killing people, and we know that fossil fuels are killing people — but the results of a new study show that air pollution specifically caused by burning fossil fuels is killing people at an absolutely astounding rate. The researchers found that fossil fuel-caused air pollution prematurely kills around 10.2 million people every year.

SOURCE: GETTY IMAGES

Fossil fuel-caused air pollution causes millions more deaths every year than previously thought.

According to the World Health Organization (WHO) website, air pollution kills an estimated 7 million people worldwide every year — but the results of this new study indicate that the true statistic may be even higher.

The new study, published in February 2021 in the journal Environmental Research, explained that burning fossil fuels including coal, diesel, and gasoline (primarily for powering vehicles, as well as other activities) produces particulate matter (PM2.5). These are tiny, inhalable particles 2.5 micrometers or smaller in diameter.

Researchers from Harvard University, the University of Leicester, and the University of Birmingham estimate that PM2.5 from burning fossil fuels caused 10.2 million premature deaths in 2012, mostly in China (3.9 million) and India (2.5 million), followed by parts of the eastern U.S., Europe, and Southeast Asia. China, the U.S., and India are the world's top three fossil fuel users, in that order — in fact, those three countries use 54 percent of fossil fuels worldwide (by weight), per CleanTechnica.

In 2018, PM2.5 from fossil fuels killed 8.7 million people prematurely. As The Guardian noted, that represents one in five global deaths that year.

"We were initially very hesitant when we obtained the results because they are astounding, but we are discovering more and more about the impact of this pollution," co-author Eloise Marais told The Guardian. "It's pervasive. The more we look for impacts, the more we find."

How does air pollution kill people?
The PM2.5 and other air pollutants emitted by burning fossil fuels can cause a variety of serious conditions in humans, such as heart disease, stroke, COPD, lung cancer, and serious respiratory infections, according to the WHO. PM2.5 can also cause other conditions that are not necessarily life-threatening in themselves, but can mount over time, such as asthma, decreased lung function, trouble breathing, and impaired visibility (haze), according to the Environmental Protection Agency (EPA).

This is much more than an environmental issue — it's an issue of environmental justice, and an attack on BIPOC and low-income communities. People who cannot afford healthcare are forced to suffer through these issues, and it's unjustly killing them.

We need to shift to renewable energy.
The researchers conclude their study with a call to action: we need to move away from fossil fuels and towards renewable energy sources. "Fossil fuel combustion can be more readily controlled than other sources and precursors of PM2.5 such as dust or wildfire smoke, so this is a clear message to policymakers and stakeholders to further incentivize a shift to clean sources of energy," they wrote.

Moving away from fossil fuels and protecting the planet is not just something diehard environmentalists should care about — it's something that everyone on Earth should care about, because our greed for fossil fuels is killing us.

Fossil fuel air pollution linked to 1 in 5 deaths globally, new study reveals
https://www.nationofchange.org/2021/02/10/fossil-fuel-air-pollution-linked-to-1-in-5-deaths-globally-new-study-reveals/
Poor air quality from burning fossil fuels such as coal and diesel was responsible for more than 8 million deaths in 2018.
By Nick Cunningham
February 10, 2021

Fossil fuel air pollution is responsible for roughly one in five deaths worldwide, a much higher death toll than previously thought, according to a new study published Tuesday.

Poor air quality from burning fossil fuels such as coal and diesel was responsible for more than 8 million deaths in 2018, according to research published February 9 in the journal Environmental Research by Harvard University, the University of Birmingham, the University of Leicester, and University College London.

This new research suggests that mortality from fossil fuel air pollution is twice as high as previously thought; an earlier estimate from the Global Burden of Disease Study in 2015, the largest and most comprehensive study on the causes of global mortality, pegged the number of deaths from all sources of air pollution at 4.2 million.

"Our study adds to the mounting evidence that air pollution from ongoing dependence on fossil fuels is detrimental to global health," Eloise A. Marais, a professor in the Department of Geography at the University College London, and a co-author of the report, said in a statement. "We can't in good conscience continue to rely on fossil fuels, when we know that there are such severe effects on health and viable, cleaner alternatives."

The study's high death toll is the result of an improved understanding and mapping of particulate matter, or PM2.5 — microscopic pollution particles found in the air which are 30 times smaller than the width of human hair.

PM2.5 lodges in the lungs and contributes to respiratory illnesses, such as asthma, and can lead to lung cancer. The latest study looks at global mortality, but it is important to note that at the local level, air pollution is disproportionately felt by low-income communities and communities of color. Suffering from these types of respiratory illnesses also contributes to worse effects from Covid-19.

The new study provides a more precise understanding of how fossil fuels specifically impact human health. Prior studies relied on satellite and surface observations of PM2.5, an approach that cannot discern the pollutant's source; satellite data wouldn't be able to tell the difference between pollution from a diesel engine or a wildfire.

The new study overcomes this challenge by using a sophisticated 3-D modelling program of atmospheric chemistry called GEOS Chem. The researchers used the program to divide up the world into small 50-kilometer by 60-kilometer boxes. They then incorporated data on emissions from industry, ships, aircraft, and ground transportation. This allows for a much more accurate portrait of what people are breathing, and where the pollution comes from.

"Rather than rely on averages spread across large regions, we wanted to map where the pollution is and where people live, so we could know more exactly what people are breathing," said Karn Vohra, a graduate student at University of Birmingham and lead author of the study.

There also haven't been many detailed health studies of high-levels of exposure to pollution. But recent studies from highly-polluted areas in Asia have offered new insights into precisely how pollution affects human health. The researchers incorporated this new data into their model to more accurately quantify mortality linked to such pollution.

Unsurprisingly, the worst death toll is found in China and India, where dense populations live among the highest concentrations of PM2.5 in the world, due to the burning of coal in hundreds of coal-fired power plants and the combustion of gasoline from millions of vehicles. Together, the two countries accounted for more than 60 percent of fossil fuel pollution-related mortality worldwide in 2012, with 3.9 million and 2.5 million deaths, respectively.

That same year, the U.S. had 355,000 premature deaths attributable to fossil fuel pollution, the study estimates.

"As a pediatrician in Richmond, California — an area that is home to several oil refineries and a coal terminal — I see in my clinic every day the ways in which babies, children, and teenagers are harmed by pollution from fossil fuels," Dr. Amanda Millstein, a Richmond-based pediatrician, said in a statement commenting on the new study. "From increased rates of asthma to higher rates of prematurity, my patients' health is harmed by fossil fuel pollution from before they are even born."

Indeed, PM2.5 has been found to impact fetal growth inside the womb.

While the new evidence depicts a more menacing impact of PM2.5, there has long been ample evidence that air pollution has disastrous effects on human health. Despite this, the Trump administration sought to maintain weak regulations on PM2.5 as recently as last year. In fact, Trump's Environmental Protection Agency (EPA) was "willfully ignoring inconvenient studies," a former EPA official told DeSmog last year.

Cleaning up the air, however, can yield rapid improvement in health, the study noted. While fossil fuel pollution was responsible for 21.5 percent of all global deaths in 2012, that share fell to 18 percent in 2018, largely due to tightening air quality standards in China, which resulted in a 30 to 50 percent decline in annual average PM2.5 emissions nationally.

RFA Opposes Extending RFS Compliance Deadlines
http://energy.agwired.com/2021/02/10/rfa-opposes-extending-rfs-compliance-deadlines/
CINDY ZIMMERMAN FEBRUARY 10, 2021

In a virtual public hearing this week, the Renewable Fuels Association opposed the Environmental Protection Agency's proposed extension of the 2019 and 2020 Renewable Fuel Standard compliance deadlines, calling it a last minute favor to oil refiners made by former EPA Administrator Andrew Wheeler on his way out the door.

In his testimony, RFA Chief Economist Scott Richman said, "All that this proposal does is to compound problems that the agency itself created under the former administration—the massive and illegal increase in small refinery exemptions and the failure to finalize the 2021 Renewable Volume Obligations by the statutory deadline."

Richman pointed out how, in the case of the 2019 compliance deadline, EPA is actually seeking an extension of an extension; nearly a year has passed since the original deadline, and refiners are simply seeking to stall the inevitable. EPA's continued delays have allowed those refiners who did not use a sufficient volume of biofuels to comply with their 2019 standards to instead buy RIN credits at historically low prices.

US EPA yanks toxicity assessment of PFAS contaminant, citing political interference
https://cen.acs.org/environment/persistent-pollutants/US-EPA-yanks-toxicity-assessment/99/web/2021/02
Agency says scientific integrity of PFBS document was compromised
by Cheryl Hogue
FEBRUARY 10, 2021

Political meddling and a breach of scientific integrity led the US Environmental Protection Agency to reconsider a toxicity assessment for perfluorobutanesulfonic acid (PFBS), the EPA says.

PFBS is part of a family of environmentally persistent chemicals called per- and polyfluoroalkyl substances (PFAS), many of which are toxic. PFBS has been detected widely in drinking water, wastewater, and food packaging, according to the EPA.

Invoking a Jan. 27 memo on scientific integrity and evidence-based policymaking from President Joe Biden, the EPA announced Feb. 9 that it was removing the PFBS assessment from its website and reviewing the document.

The move came after EPA scientists scrutinized a package of actions on PFAS, including release of the PFBS assessment, announced on Jan. 19 during the last hours of the Trump administration. The scientists determined that the conclusions on PFBS "were compromised by political interference," the agency says in a statement.

"Issuing documents, like the PFBS Toxicity Assessment, that include conclusions purporting to reflect science when in fact they are the product of biased political interference undermines the agency's scientific integrity policy and erodes the trust that the American public has in EPA, the quality of our science, and our ability to protect their health and the environment," says EPA career scientist Jennifer Orme-Zavaleta. She is the agency's acting assistant administrator for research and development and acting science adviser.

The assessment had set a safe daily dose for long-term exposure between 0.0003 and 0.001 mg of PFBS per kilogram of body weight per day. This differed from previous EPA toxicity assessments, which set a single value.

"At political direction, the PFBS assessment was changed to provide ranges of values rather than the previously peer-reviewed and vetted reference value," Orme-Zavaleta says in an emailed response to a C&EN query. "These changes were made after the assessment had completed external peer review and public comment" and following final review by the agency and an interagency group, she says.

Presenting toxicity values as a range is not scientifically sound, she adds, and would create "significant challenges" to EPA regulators attempting to rely on the assessment to set cleanup or drinking water limits.

Giving a range for the PFBS safe daily dose "does not serve the interest of communities. It gives too much discretion to cook the books and calculate less protective safety thresholds," says Melanie Benesh, legislative attorney for the Environmental Working Group, an advocacy group.

3M introduced PFBS to replace surfactants that were based on one of the first-generation PFAS, perfluorooctanesulfonic acid, and were used for decades in the company's Scotchgard products. PFBS is used as an industrial surfactant and to make water- and stain-resistant coatings.

Will the Pentagon Continue To Flout State Standards for 'Forever Chemicals'?
https://www.ewg.org/news-and-analysis/2021/02/will-pentagon-continue-flout-state-standards-forever-chemicals
By Jared Hayes, Policy Analyst

WEDNESDAY, FEBRUARY 10, 2021
In 2019, in the absence of enforceable federal limits, New Hampshire became one of the first states to set its own drinking water standards for the toxic "forever chemicals" known as PFAS.

But so far, the Department of Defense has refused to comply with these new state standards – reinforcing the department's long history of putting service members and nearby communities at risk from PFAS, a large family of fluorinated chemicals, some of which have been linked to cancer, reproductive harm, immune system damage and other serious health problems. A recent study by the Centers for Disease Control and Prevention showed that communities living near current or former military sites had, on average, significantly higher levels of PFAS in their blood than the average American.

Shortly after New Hampshire's standards went into effect, state officials notified the Air Force, which runs Pease Air Force Base in Newington, N.H, about the state standards, which are tougher than the advisory levels set by the federal Environmental Protection Agency.

After reviewing the impacts of PFAS on the body, including harm to the immune system, reduced fertility, altered lipid metabolism and liver toxicity, New Hampshire officials set legal limits for PFAS in drinking water between 11 parts per trillion, or ppt, and 18 ppt – far lower than the 70 ppt health advisory levels the EPA set in 2016 for the two most notorious members of the chemical family, PFOA and PFOS.

New Hampshire's PFAS Standards Versus EPA's Health Advisory Level

Type of PFAS	EPA	New Hampshire
PFOA	70 ppt for combination of PFOA + PFOS	12 ppt
PFOS		15 ppt
PFHxS	No standard	18 ppt
PFNA	No standard	11 ppt

EPA and N.H. Department of Environmental Standards

State officials wanted the Air Force to provide clean water to people living near the Pease base who rely upon drinking water wells contaminated by the military's use of firefighting foam made with PFAS.

But the Air Force refused to meet the state's science-based standards, saying they would comply with those standards only when the Defense Department acts as the water utility. Unless the well water was above the EPA advisory levels of 70 ppt, the well owners were on their own.

Two weeks later, Defense Department officials testified before Congress that state PFAS standards would only be considered, not necessarily followed, during the cleanup of PFAS contamination from military bases.

Despite pressure from the Pease Restoration Advisory Board and New Hampshire's congressional delegation, Air Force officials still refused to provide safe water to their neighbors. Finally, when the Pentagon failed to act, state officials provided Newington residents with bottled water, filters and access to municipal water. In November, New Hampshire Gov. Christopher T. Sununu sent the Air Force a bill, formally requesting reimbursement "for any costs incurred for the work completed as part of connecting these households to clean drinking water."

The Defense Department's refusal to take responsibility for PFAS pollution in New Hampshire is just one example of its stonewalling in hundreds of communities where military facilities have polluted the groundwater or drinking water.

This week, Bloomberg Law reported that six other states are fighting with the department to meet their standards, and that "members of Congress from both parties are starting to vent their frustration at military foot-dragging even as the states take different paths to address the contamination."

Last year, EWG identified 28 military bases where drinking water is contaminated with PFAS at levels above some state limits but below the EPA's advisory level. Overall, PFAS contamination has been confirmed at 329 military installations, and the Defense Department says hundreds more may be contaminated. No one knows how many people are drinking from contaminated wells near these bases.

Pentagon officials have understood the risks of PFAS-based firefighting foam since the early 1970s, when Navy and Air Force studies first showed the foam was toxic to fish. In 2001, a Defense Department memo concluded that the PFAS used in the foam was "persistent, bioaccumulating and toxic."

But the department failed to warn service members until 2011 and has been slow to replace firefighting foam or clean up legacy PFAS pollution. Now the Pentagon is dragging its feet once again.

EPA: Some doorknobs, handrails made of copper alloys can 'continuously kill' coronavirus
https://www.radio.com/kmox/news/national/epa-says-some-copper-alloys-kill-coronavirus
By Megan Lynch NewsRadio 1120 KMOX

LENEXA, KS (KMOX) - The US Environmental Protection Agency says some copper surfaces kill coronavirus.
In a release, the agency says, "certain copper alloys provide long-term effectiveness against viruses, including SARS-CoV-2, the virus that causes COVID-19. As a result of EPA's approval, products containing these copper alloys can now be sold and distributed with claims that they kill certain viruses that come into contact with them."

The EPA points out, not all copper products can carry those claims. They have to be a certain antimicrobial alloy containing nearly 96-percent copper.
"New efficacy testing supported by the Copper Development Association and conducted according to EPA's protocols demonstrated certain high-percentage copper alloy products can continuously kill viruses that come into contact with them. Based on testing against harder-to-kill viruses, EPA expects these products to eliminate 99.9 percent of SARS-CoV-2, the virus that causes COVID-19, within two hours."

Those alloys could be manufactured into a wide range of surfaces, including doorknobs and handrails. The agency says the material could be a supplement, not a replacement for standard infection control practices.

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EPA again orders Amazon to stop selling illegal pesticides
https://www.dailyrepublic.com/all-dr-news/wires/business/epa-again-orders-amazon-to-stop-selling-illegal-pesticides/
By Tribune Content Agency

Chad Schulze, an EPA Pesticide Enforcement Officer, displays one of the banned pesticides that Amazon was selling online. (Greg Gilbert/The Seattle Times/TNS)

For the third time in three years, the federal Environmental Protection Agency (EPA) has ordered Amazon to stop selling illegal pesticides on its online marketplace, saying the chemicals pose "a significant and immediate health risk to consumers, children, pets, and others exposed to the products."

In its most recent "stop-sale" order, issued last month and announced Tuesday, the EPA's Seattle office told Amazon to take down listings for dozens of products the agency said are potentially dangerous or ineffective, including some products claiming to kill viruses.

Amazon has removed those products, a spokesperson for the Seattle-based commerce giant said in a statement. Since the order was issued on Jan. 7, Amazon has put "processes in place" to "proactively block" unregistered pesticides and products making inaccurate claims about Covid-19 before they are listed for sale, the spokesperson said.

The environmental agency has been playing a cat-and-mouse game with illegal pesticide vendors on Amazon.com for almost a decade.

Between 2013 and 2018, the EPA charged that Amazon committed nearly 4,000 violations of the Federal Insecticide, Fungicide and Rodenticide Act by allowing third-party vendors to sell and distribute from Amazon warehouses pesticides and disinfectants that had not been evaluated by the EPA for safety and efficacy.

Amazon settled those charges for $1.2 million and committed to more closely monitoring and removing illegal pesticides from its platform.

Since then, far fewer illegal pesticides and disinfectants have found their way onto the platform, said Chad Schulze, the EPA's pesticide enforcement lead in Seattle, and those that do are less toxic. And among e-commerce platforms, he said in an interview Tuesday, Amazon is "a better place than any other e-commerce site out there."

"But is (Amazon) perfect? Is it stopping everything we need them to stop?" he said. "No."

As part of the 2018 settlement, for instance, Amazon created an e-learning module on federal pesticide regulations and required all vendors selling pesticides on its platform to score higher than 80% on the end-of-course quiz.

"But as my co-workers have found out, there are a bunch of YouTube videos that give you the answers," Schulze said. One such answer key is among the first Google results for the search term "Amazon pesticide test." And the agency continues to interdict shipments of illegal pesticides destined for Amazon fulfillment centers, Schulze said.

Last June, the EPA ordered Amazon to remove more than 30 illegal pesticides still for sale, including one labeled "Amazon's Choice," signifying the company recommended it to consumers. The latest action added 70 products to that list, including products marketed as household and pool cleansers, bracelets purporting to repel mosquitoes and a range of appliances claiming to kill or neutralize viruses.

"We have no idea what those products are made of," Schulze said. "And when you have people purchasing a product that says it will kill or control viruses in their personal space but it does not, that's a huge risk as well."

Consumers seeking protection against SARS-CoV-2, the virus that causes Covid-19, should purchase products on the EPA's list of suggested disinfectants, the agency said in a news release.

Despite Amazon's progress, EPA officials remain concerned about the retailer's continued noncompliance with federal pesticide safety statutes.

"It's pretty unprecedented from an enforcement perspective to have to issue administrative orders and penalty orders numerous times," said Brett Dugan, the EPA's assistant regional counsel, in an interview Tuesday. Typically, he said, "companies that receive a formal enforcement response from a federal agency change their practice completely.

"That has not happened here," Dugan said.

Digital Exclusive: Local recycling plant reaches multi-million dollar settlement with EPA
https://www.pahomepage.com/top-news/digital-exclusive-local-recycling-plant-reaches-multi-million-dollar-settlement-with-epa/

by: Varvara Budetti
Posted: Feb 10, 2021 / 12:54 PM EST / Updated: Feb 10, 2021 / 12:55 PM EST

PALMERTON, CARBON COUNTY (WBRE/WYOU-TV) — American Zinc Recycling Corp. (AZR), a local recycling plant dealing with steel production waste has reached a settlement with the federal government after being cited for environmental violations.

A federal-state lawsuit claimed the company was violating air, water and hazardous waste environmental laws at their Palmerton facility. This lawsuit has now been settled for an estimated $4.3 million in penalties and measures meant to reduce lead dust exposure for nearby residents.

"This settlement will help protect the community of Palmerton from exposure to harmful pollutants as well as hazardous waste," Larry Starfield, Environmental Protection Agency Acting Assistant Administrator for the Office of Enforcement and Compliance Assurance said in a statement. "In particular, I am very pleased that the settlement will address fugitive emissions of lead dust that are posing a public health risk to families living as far as three miles away."

As part of the settlement agreement, AZR has agreed to reduce pollution from their facility including an estimated 48 million pounds of electric arc furnace dust over three years. Improval of their environmental impact will be done through monitoring of equipment, the installation of leak-detection equipment and implementation of dust and stormwater control plans. The company will also pay a $3.3 million penalty which will be divided equally between the U.S. and Pennsylvania.

"This settlement resulted from the commitment and hard work of EPA's staff, who worked diligently with Justice Department attorneys and PADEP officials. The negotiated resolution protects the environment and public health of the surrounding community," Acting EPA Mid-Atlantic Regional Administrator Diana Esher said in a statement. "I am pleased that all parties were able to come to a settlement on such important issues."

According to the DEP media release, AZR is located on the Aquashicola Creek, which flows into the Lehigh River. The plant has been operating for more than 100 years, reclaiming hazardous waste but generating kiln rubble which includes lead.

The U.S. Agency for Toxic Substances and Disease Registry evaluated nearby residents' airborne lead exposure. The agency found that lead was a public health concern for those living within a three-mile radius of the facility. This was discussed with the community during a public meeting in 2018.

The EPA and Pennsylvania Department of Environmental Protection issued complaints against AZR following the inspection of the plant. Their findings allege multiple violations including those of the:

- Clean Air Act (CAA): violations of lead, carbon dioxide, particulate matter, nitrogen oxide emission limits; violations of fugitive dust emissions limits; violations of recordkeeping, reporting and testing requirements.
- Clean Water Act (CWA): violations of CWA permit discharge limits for cadmium pH, and zinc; discharge of contact cooling water; sampling and monitoring violations; violations of stormwater management safeguards, including failure to ensure process wastewater did not combine with stormwater; violations of Spill Prevention Control and Countermeasure (SPCC) equipment, containment, inspection, training, and SPCC plan requirements.
- Resource Conservation and Recovery Act (RCRA): violations of RCRA hazardous waste management and storage requirements, including operation without a permit; failure to take necessary steps to prevent release of hazardous waste, failure to conduct required training; and failure to comply with hazardous waste marking, labeling, container closure requirements.

- Emergency Preparedness and Community Right-to-Know Act (EPCRA): violations of toxic chemical recordkeeping and reporting requirements for lead compounds.

As part of the settlement, AZR does not admit to any wrongdoing. The company previously settled a similar suit for their facility in Chicago in April of 2020.

Eyewitness News has reached out to the company for comment. As of this writing, we have not heard back.

Message

From: E&E News [ealerts@eenews.net]
Sent: 3/10/2021 12:27:48 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: March 10 -- Energywire is ready

Energywire -- The Transformation of the Energy Sector

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AN E&E NEWS PUBLICATION

ENERGYWIRE — Wed., March 10, 2021

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Message

From: POLITICO Pro Energy [alert@email.politicopro.com]
Sent: 3/9/2021 5:14:00 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Democrats introduce bill to price methane emissions

Democrats introduce bill to price methane emissions

By Anthony Adragna

03/09/2021 12:13 PM EST

A trio of Senate Democrats introduced legislation on Tuesday that would direct the Treasury Department to begin placing a fee on methane emissions beginning in 2023.

"Putting a price on methane pollution that discourages oil and gas companies from continuing their practice of virtually unfettered methane pollution is one of the most effective immediate steps we can take to keep global temperatures from rising more than 1.5 degrees Celsius," Sen. Sheldon Whitehouse (D-R.I.) said in a statement. "We believe our new bill would put a stop to virtually all methane emissions from the industry."

Joining Whitehouse on the legislation, developed over the course of several years, are Sens. Cory Booker (D-N.J.) and Brian Schatz (D-Hawaii).

The details: The fee on methane, a far more potent heat-trapping gas than carbon dioxide, would be determined on a basin-by-basin basis for all companies that produce, gather, process or transmit oil or natural gas. The price on methane would begin at $1,800 per ton and increase 2 percent above inflation in subsequent years.

Funds collected through the fee would go toward the National Coastal Resilience Fund, a program that aims to prepare coastal communities to deal with impacts of climate change. The Treasury Department would develop the program in conjunction with the Environmental Protection Agency and the National Oceanic and Atmospheric Administration.

Under the bill, companies would be able to "opt out" and pay a lower fee if they can demonstrate their methane emissions intensity is less than a basin's average. As part of that process, they would have to use an independently peer-reviewed method for gathering emissions data and report their emissions regularly, install control technologies and eliminate venting and flaring.

Even though the fee is so high, proponents see the legislation as likely to raise some revenue and therefore qualify under the rules for budget reconciliation, should Democrats pursue that approach to advance climate change legislation later this year.

To view online:
https://subscriber.politicopro.com/article/2021/03/democrats-introduce-bill-to-price-methane-emissions-3987466

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Biden fossil finance ban aims to isolate China on coal

By Zack Colman

02/12/2021 05:00 AM EST

President Joe Biden's plan to halt U.S. funding for overseas fossil fuel projects will turn the global spotlight on China for bankrolling coal projects around the globe.

But it could also push poor countries closer to Beijing — and risk ceding the United States' position as a leading financier for developing economies.

Biden's directive last month to move toward withholding money from international institutions like the World Bank that help poor nations build fossil fuel power plants stands in stark contrast to Beijing's flow of cash under its Belt and Road Initiative, which supplies 70 percent of the financing for the world's new coal-fired plants. The White House is betting its move will paint China as hypocritical as that country — the world's top greenhouse gas emitter — aims to take a leading role in international climate change efforts.

John Podesta, who led the Obama administration climate strategy and is close to Biden's team, said the White House would need some "diplomatic choreography" if its plan is to work.

The U.S. move "leaves China isolated. The pressure will build on China to stop its coal finance and to green the Belt and Road Initiative," he said.

But the plan will require the Biden team to closely coordinate its foreign policy, trade and clean energy initiatives, because the absence of U.S. money for coal projects won't on its own sway other nations' energy plans. And the U.S. cannot unilaterally offer sweet enough financial terms for clean energy to lure countries away from China's coal finance.

To outmaneuver Beijing, the U.S. will need to build support with other nations and international institutions to increase their joint financing for green projects, according to a Biden administration official who asked for anonymity because the person was not authorized to speak to the media.

"To be successful, we need to meet China on the field of Belt and Road, and you put together packages with partners that are non-fossil," the official said. "We'll have to look at the investment opportunities here country by country by country.

Even as it targets coal projects, the Biden administration is unlikely to seek a blanket ban on funding for projects using natural gas, a fossil fuel that is generally cleaner than coal and has seen its U.S. production and use boom in the past decade. The language in Biden's executive order calls for a review of "carbon-intensive" projects, allowing leeway for U.S. natural gas exporters to continue their growth — a move Biden officials such as Energy Secretary nominee Jennifer Granholm has touted as keeping countries from pursuing coal projects, and offering allies an alternative to Russian gas supplies.

Determining how any such exemptions work will involve striking a consensus among officials at the White House, Treasury Department, State Department and DOE, said Nikos Tsafos, deputy director of the Center for Strategic and International Studies energy security and climate change program.

"That's where I think it's going to get harder to figure out how narrowly or broadly to write the rules," he said.

Treasury Secretary Janet Yellen will also be heavily involved. The Treasury oversees U.S. financing agencies like the U.S. International Development Finance Corporation, and Yellen has the power to direct how U.S. representatives at the World Bank and other multilateral development banks vote.

Yellen could revive the Obama-era efforts to push back globally through the Organization for Economic Cooperation and Development on aid provided by governments to make their exports more competitive, this time with a particular focus on fossil fuels, since much of China's coal financing relies on that type of government support.

Secretary of State Antony Blinken has said the U.S. must push countries away from "dirty" energy. But how exactly Blinken and White House climate envoy John Kerry will weave the climate agenda into broader foreign policy priorities is not yet clear. In a phone call between Biden and Chinese President Xi Jinping on Wednesday, Biden raised concerns about military and economic issues, but also cited areas for partnership, including climate change.

Kerry is expected to try to keep the climate issue at the top of the agenda. Still, it's notable that Biden has not yet nominated an undersecretary for State's energy division, said David Goldwyn, a consultant who led State Department energy diplomacy during the Obama administration. That suggests to Goldwyn that Biden feels Kerry is capable of handling many of that department's duties, which includes energy diplomacy and international economic growth.

China might already be subtly presenting a window of opportunity for Kerry, Blinken and Yellen.

Belt and Road Initiative coal finance fell last year during the pandemic, while declining renewable power costs have made new coal-fired power plants less attractive in places like southeast India. A recent China central government report also criticized alleged malpractice within China's National Energy Administration, which observers said could bode poorly for coal.

Kelly Sims Gallagher, who handled the Obama White House's Chinese climate portfolio, said pandemic recovery packages in the EU and now the U.S. are leaning on clean energy growth — and the countries could press China to get behind similar measures.

"It could mean that China is retrenching and rethinking. So bringing China to the table and rethinking about greening the [Belt and Road Initiative] is wise," said Sims, who now leads the climate policy lab at Tufts University's Fletcher School.

The U.S. will need to pressure China to end coal financing separately from other thorny issues like trade, intellectual property theft and human rights, said David Sandalow, who was assistant secretary for international affairs at DOE during the Obama administration and served on Clinton's National Security Council.

"The U.S. government needs to be clear that we think climate cooperation is both in the interest of our nations and the world," said Sandalow, who is now at Columbia University's School of International and Public Affairs.

So far, China's foreign ministry has scoffed at such a separation. It issued a statement on Jan. 28 denouncing Blinken's characterization of China's treatment of Uighur Muslims as "genocide" by saying climate change

"cooperation cannot stand unaffected by the overall China-U.S. relations. It is impossible to ask for China's support in global affairs while interfering in its domestic affairs and undermining its interests."

That could indicate efforts to persuade China to stop pushing coal projects may need to be a long-term effort. But the U.S. could immediately start shifting billions of dollars away from fossil energy if Yellen directs U.S. representatives at the World Bank and other multilateral funders to vote against coal, said Joe Thwaites, an associate with the World Resources Institute's Sustainable Finance Center.

The number of coal projects funded by those institutions has already dwindled, due in part to efforts under the Obama administration, though multilateral development banks in which the U.S. is a shareholder accounted for $69.5 billion of fossil fuel finance between 2008 and 2019, according to environmental group Oil Change International. Banks where the U.S. isn't a shareholder — including the Asian Infrastructure Investment Bank, where China is a major player — approved $53.4 billion of such finance over that same period.

"It's going to be a big job for John Kerry to try to win cooperation from China and from the Asian Investment Infrastructure Bank," said Goldwyn, the former State Department official.

Oil Change International said U.S. finance for fossil fuels at the federal government's Export-Import Bank, the Development Finance Corp. and Millennium Challenge Corp. totaled $48.3 billion between 2008 and 2019.

Treasury could reorient the funding through the Development Finance Corporation — which has a $60 billion authorization — and the Millennium Challenge Corporation toward green technology and infrastructure. And it could step in to help early stage technology deployment the private sector usually avoids, Sandalow said. The Export-Import Bank, an independent agency that assists small and medium U.S. exporters, could further pare back its fossil fuel financing in response to Biden's climate push.

Ex-Im's portfolio last year accounted for $12 billion of oil and gas projects, though it's unclear how much it could help push renewables because much of that equipment is imported and would run up against U.S. content requirements. The agency did not respond to a request for comment.

U.S. efforts to clean up global energy finance could go even further if Washington and Beijing work together to redirect some of the fossil fuel finance already flowing to China's trading partners, said Joanna Lewis, director of the Science, Technology and International Affairs program at Georgetown University.

"We should also consider constructing parallel bilateral efforts with China in these countries to leverage and redirect Chinese investments toward greener technologies," she said,

For now, the prospects for cooperation with China appear better on climate than other issues. Biden and his deputies have taken a tough rhetorical line against Beijing's trade practices and human rights abuses. But Kerry has said he's determined to separate climate negotiations from those disputes, calling it a "critical standalone issue that we have to deal on" at the executive order unveiling last month.

White House climate veterans say the two sides will need to work together if the worst consequences of global warming are to be averted. That could start with addressing the dirtiest sources of energy worldwide.

"First things first — let's get a global ban on overseas development on new coal-fired power," Podesta said. "If they can get that done in the near-term, that would be a significant achievement."

Victoria Guida and Gavin Bade contributed to this report

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EPA endorses court's small refinery exemption ruling

Pollution is so bad in this Chicago neighborhood, people are on hunger strike to stop it

https://grist.org/justice/chicago-hunger-strike-scrapyard-pollution-environmental-justice/

Oscar Sanchez's fight against a scrapyard set to be relocated to his Southeast Chicago neighborhood has taken quite the physical toll. He's lost about 20 pounds in the past month. He is increasingly unable to sleep, speak, or think clearly. Sometimes it's so bad he can't remember what he said even five minutes ago.

Sanchez knows exactly why his mind and body are deteriorating: He is one of more than 100 Chicagoans participating in a hunger strike to force the city to rethink the scrapyard's proposed location. The metal recycling plant used to be in a wealthy, mostly white neighborhood, but its newly approved site is in a lower-income, predominantly Latino area that's already carrying a higher environmental burden compared to other parts of the city.

"Think about somebody pulling into your home and wanting to kill or hurt those around you. You're gonna put yourself in line, right?" said Sanchez, an organizer with Southeast Youth Alliance, a local community organization. "We're risking our lives by just living here, of course we're going to fight."

According to the Environmental Protection Agency's EJScreen tool, which maps communities' vulnerabilities to pollution across the country, the neighborhood surrounding the new scrapyard site is in the 95th percentile for diesel emissions, 90th for hazardous waste, and 80th for air pollution. Children living in the area are hospitalized for asthma three times more frequently than those who live near the scrapyard's current location.

The group of hunger strikers, which has, at times, included local and state-level politicians, are forgoing food in order to call attention to how pollution from the project would add to the community's significant public health woes. Some protesters only participated in the strike for a day or so, but Sanchez is one of a handful of community members who haven't had a bite of food in more than three weeks. During that time, city leadership has remained silent despite the federal government opening three different investigations into the scrapyard's move and calls from former Illinois Governor Pat Quinn to block the project's permit.

On Tuesday, Chicago Mayor Lori Lightfoot finally addressed the strikers. "I have heard your demand and understand that your position, and the position of the broader environmental justice movement, is for a denial of this permit," Lightfoot said in a letter to the hunger strikers. But she added that she couldn't commit to blocking the scrapyard's permit and

would not agree to the hunger strikers' demand that the city place a moratorium on new permits until nearby neighborhoods reached 75 percent "herd immunity" COVID-19 immunity.

In response, the hunger strikers released a statement saying Lightfoot's administration "would sooner let Southeast Siders starve in our hunger strike than commit to taking any real steps to address the issues."

The city has committed to stall movement on the project until at least March 1 in order to give the federal agencies time to investigate the matter. In January, following President Joe Biden's call to emphasize environmental justice, the Environmental Protection Agency opened an additional investigation due to the "longstanding environmental justice issues faced by the surrounding community on the Southeast Side." Then, in early February, the U.S. Department of Housing and Urban Development and the Justice Department opened a joint civil rights probe into the city's role in helping the scrapyard operator obtain a permit.

Sanchez hopes Biden's national signaling for environmental justice will trickle down to "small, Black and brown communities across the nation."

"This fight for the Southeast Side is a fight for Chicago and a fight for Chicago is a fight for Illinois and the nation because no one else should suffer at the hands of pollution," he added.

Biden administration promises focus on environmental justice

https://www.tiftongazette.com/news/biden-administration-promises-focus-on-environmental-justice/article_ab868ca8-7ab3-11eb-99ff-e3e6272f504a.html

When President Joe Biden made environmental protection a key element of his campaign, he promised to overhaul the federal office that investigates complaints from people in minority communities who believe they have been unfairly harmed by industrial pollution or waste disposal.

Although the Environmental Protection Agency acknowledges that disadvantaged communities in America are disproportionately affected by pollution, hundreds of complaints sent to its civil rights office since the mid-1990s have only once resulted in a formal finding of discrimination.

The situation has provoked criticism from the U.S. Civil Rights Commission, the EPA's own Office of Inspector General and citizens who have filed complaints that sometimes languished for years — or decades.

Under Title VI of the 1964 Civil Rights Act, states, cities and other entities that receive federal funds are prohibited from discriminating because of race, color or national origin. That means citizens bearing the brunt of industrial pollution can bring a complaint if federal money is tied to the project.

In Uniontown, Alabama — a mainly Black town of 2,200 — residents complained to the EPA in 2013 about the Alabama Department of Environmental Management's oversight of a huge landfill containing 4 million tons of coal ash that residents blame for respiratory, kidney and other ailments. Five years later, the EPA dismissed the complaint, saying residents hadn't proven the landfill caused their health problems.

The U.S. Civil Rights Commission called the dismissal of the Uniontown complaint "another distressing step in the wrong direction" by the EPA office.

The outcome was typical. In three decades of fielding complaints, EPA's civil rights office has almost never found pollution was adversely affecting human health. And without such a finding, the agency won't even consider whether illegal discrimination occurred.

Marianne Engleman-Lado, who was recently appointed by the Biden administration to the EPA's office of general counsel, had helped Uniontown residents with their case. She maintains the way the EPA evaluates such complaints makes it nearly impossible to prevail because proving with scientific certainty that pollution is causing disease is a nearly insurmountable obstacle.

Ben Eaton, a Perry County Commissioner involved in the Uniontown complaint, said attorneys warned that discrimination claims usually go nowhere, but residents felt their evidence — including photos and videos — was compelling. "What's the use of having these agencies," he said, "if they're not going to do the job?"

Residents of a predominantly Black and Latino community in Oakland, California were similarly disappointed with results of their civil rights complaint over air pollution from ships and truck traffic at the busy Port of Oakland.

Margaret Gordon, a co-founder of the West Oakland Environmental Indicators Project, said her group did not have a seat at the table when EPA hammered out an informal resolution with the port. Air pollution is still a problem, she said, although port officials are now more willing to listen to community members.

Lilian Sotolongo Dorka, who heads the EPAs office of external civil rights enforcement, touted the 2019 Oakland resolution as an "extremely effective" example of the difference her office is making in people's lives.

But Richard Grow, who worked at EPA for 40 years before retiring in 2019 and was one of the agency's negotiators, agrees with Gordon's assessment.

"We put forth a number of very practical ... solutions and recommendations and they just said 'No,'" Grow said. When he reported the port's and city's position to Dorka's office, he said he was told nothing could be done.

The office had no further comment, and the port issued a statement saying it is committed to continuing a dialogue with the community.

The EPA has the power to withdraw funding from groups that discriminate, although it has never used that power. Dorka defends her office's record, saying it has eliminated a chronic backlog of complaints.

"I disagree very significantly with the conclusion that you can judge our civil rights program by the number of formal findings (of discrimination) we've made," she said, noting the office is required by regulation to seek informal resolutions wherever possible.

U.S. Sen. Cory Booker (D-New Jersey) is among those who think EPA's civil rights office should do more. During confirmation hearings this month for Michael Regan, Biden's nominee for EPA administrator, Booker spoke of meeting Alabama citizens suffering from tropical diseases they attribute to sewage pollution, children with elevated lead levels in his own state, and families in Louisiana's so-called "cancer alley" who felt abandoned by their government.

The EPA's civil rights office "has been eviscerated over the years," the African-American senator told Regan. "You're not even equipped, in my opinion, to actually begin to fight against these issues that affect millions of Americans."

Regan promised to make environmental justice a top priority, including "restructuring and reorganizing" the office of civil rights, which has 12 fulltime employees. "We will need additional resources. ..." he said.

Critics concede that Dorka, who took over the office of external civil rights under President Barak Obama, has made some progress, including producing a case resolution manual to guide investigations.

Obama's last day in office marked the only time Dorka's office issued a formal finding of discrimination — in a complaint filed 25 years earlier over the Genesee Power Plant outside Flint, Michigan. The agency dismissed allegations that the plant's emissions hurt Black residents, finding insufficient evidence of harm to their health. However, the EPA did find residents were not given a fair opportunity to participate in the permitting process.

Dorka said progress has continued under the Trump administration.

EPA spokeswoman Lindsay Hamilton said that "The new leadership team will be working closely with career colleagues ... as well as receiving input from stakeholder groups, in an effort to bolster the agency's capabilities to deliver on our environmental justice and civil rights missions."

Environmental justice advocates say the changes need to be significant.

"There are still places where people don't have access to safe drinking water, where they live in close proximity to hazardous sources," said Vernice Miller-Travis, a longtime advocate and cofounder of WE ACT for Environmental Justice. "This could be a moment of real sea change in terms of how the EPA is not just paying lip service to civil rights."

Factory Farms: New EPA Emissions Data Should Guide Biden on Agriculture and Climate

https://www.commondreams.org/views/2021/03/01/factory-farms-new-epa-emissions-data-should-guide-biden-agriculture-and-climate?cd-origin=rss

"We must listen to science—and act," reads President Joe Biden's January 27 Executive Order on climate change. For the farming sector, the latest greenhouse gas (GHG) inventory data from the Environmental Protection Agency (EPA) indicates that the U.S. needs to transition away from factory farm systems of meat and dairy production to reduce rising agriculture emissions.

The EPA's inventory tracks GHGs from all sectors in the U.S. from 1990 to 2019, and conforms to reporting guidelines set by the United Framework Convention on Climate Change (UNFCCC). Setting emissions reduction goals and reporting progress is part of the Biden administration's action to reenter the global Paris climate agreement.

Previously under the Paris Agreement, President Obama had pledged the U.S. would reduce emissions by 26-28% by 2025 from 2005 levels. The EPA inventory found that overall U.S. emissions are falling short of that pledge, declining only 12.9% from 2005 levels. The declines that have been achieved reflect "a continued shift from coal to less carbon intensive natural gas and renewables."

While overall emissions are declining, agriculture-related emissions that take up nearly 10% of total U.S. emissions continue to rise. Most of agriculture's emissions are linked to the potent GHGs methane and nitrous oxide. The EPA found that since 1990, agriculture-related methane emissions rose 17.5%, nitrous oxide emissions rose by 10.4% and carbon dioxide emissions rose 9.9%. Most of that increase can be attributed to the rapid growth over the last three decades of factory farms, particularly those raising cattle and hogs, and the immense amounts of concentrated manure they produce with associated methane and nitrous oxide emissions. These factory farms confine thousands of animals in tight quarters and produce massive manure lagoons. Ruminant animals like cattle are already a major source of agricultural methane emissions because of their unique digestive systems.

The EPA inventory likely undercounts the agriculture sector's emissions. For example, the sector's emissions linked to fuel for tractors or trucks, on-farm energy, some fertilizer production and farmland loss are all categorized within other chapters of the inventory. While the inventory does differentiate between feedlot and grazing and account for feed and geographic region, it doesn't directly account for sustainably-managed grazing systems or organic systems that we know produce fewer emissions and can sequester carbon.

The EPA inventory indicates that the shift toward mega-dairies in the U.S. over the last several decades, with concentrated manure storage often linked to water and air pollution, may actually be increasing emissions per dairy cow. The EPA reports, "While emissions generally follow trends in cattle populations, over the long term there are exceptions. For example, while dairy cattle emissions increased 9.8 percent over the entire time series (since 1990), the population has declined by 3.1 percent."

One explanation for an increase in emissions per dairy cow could be the loss of thousands of small and mid-sized dairies over the last decade due to consistent low prices. Whereas smaller and mid-sized dairies can more appropriately distribute manure on farmland, large-scale factory farms produce much more than can be applied on that farm or even in the surrounding area. Additionally, these mega-dairies, along with hog factory farms, are liquifying their manure, which the EPA associates with higher emissions.

The EPA found that methane emissions from manure management has risen 68% since 1990. The agency reports, "The majority of this increase is due to swine and dairy cow manure, where emissions increased 49 and 119 percent, respectively." The EPA goes on to explain, "The shift toward larger dairy cattle and swine facilities since 1990 has

translated into an increasing use of liquid manure management systems, which have higher potential CH4 (methane) emissions than dry systems."

The factory farm system of handling manure also results in nitrous oxide (N20) emissions, both through the storage of manure in giant lagoons and through the application of that manure as it runs off fields into waterways. The EPA found that nitrous oxide emissions from manure management have increased 40% since 1990.

Agriculture-related emissions linked to synthetic fertilizer production and application are also rising — with much of the fertilizer applied to the corn, soybeans and other feed crops for animals within the factory farm system of production. The EPA reported N20 emissions related to agriculture soils, such as fertilizer use, had risen more than 9% since 1990. Many of the direct N20 emissions from cropland came from the Midwest corn belt, "where a large portion of the land is used for growing highly fertilized corn and N-fixing soybean crop," wrote the EPA.

Emissions related to ammonia production and urea fertilization both have risen since 2005. The EPA reported that, "Carbon dioxide emissions (related to urea) have increased by 121 percent between 1990 and 2019 due to an increasing amount of urea that is applied to soils."

GHG emissions and other air pollutants linked to factory farms have thus far largely avoided regulatory oversight. And GHG accounting aside, there is rising pressure to hold the industry to account. Water pollution linked to hog and dairy factory farms has been an ongoing challenge for rural communities across the U.S. from North Carolina to Wisconsin to Iowa. The factory farm system tied to agribusiness giants like Smithfield, JBS, Tyson and Cargill has flooded the market, driving out independent pork producers and small and mid-sized dairies.

Many of these highly polluting factory farms are often located in low income and communities of color. Rural residents in largely African American counties with clusters of hog operations owned or contracted to Smithfield in North Carolina have brought a series successful lawsuits charging the company with damaging their quality of life. Mega-dairies in California are located in the largely Latino communities facing air and water pollution in the San Joaquin Valley.

Rural advocates in Iowa and Oregon are pushing for a moratorium on new or expanding factory farms. Nationally, Senator Cory Booker introduced the Farm Systems Reform Act that would place a moratorium on new large-scale concentrated animal feeding operations (CAFOs), while funding a transition for farmers toward more regenerative systems of animal and dairy production. The Midwest-based Campaign for Family Farms and the Environment (which includes IATP) has called for a stop to subsidizing new and expanding factory farms through the Environmental Quality Incentives Program and government-backed farm loans.

In April, the Biden administration is expected to announce new emission reduction goals as part of reentering the Paris climate agreement. Biden's Executive Order directs the USDA to solicit public input on how existing programs can support voluntary efforts in agriculture to protect the climate. But to reverse agriculture's rising emissions documented in the EPA's latest data, we will need to go beyond pledges and voluntary programs. We will have to appropriately regulate a factory farm industry that has thus far successfully externalized the costs of its water and air pollution to the rest of us.

Trump's EPA Pursued Few 'Forever Chemicals' Controls: GAO (1)

https://news.bloomberglaw.com/environment-and-energy/trumps-epa-pursued-few-forever-chemicals-controls-gao-says?utm_source=rss&utm_medium=NEVE&utm_campaign=00000177-ee34-dd5c-a7ff-ff351da00001

President Donald Trump's Environmental Protection Agency took just three steps to control "forever chemicals"—and Congress had to order two of those, a federal watchdog said Monday.

The limited progress means Congress must keep pressing the EPA to better protect people from per- and polyfluoroalkyl substances, or PFAS, said Sens. Gary Peters (D-Mich.), and Tom Carper (D-Del.).

The senators' comments came in a statement accompanying the Government Accountability Office report. Some PFAS are linked to weakened immune systems, higher cholesterol, and cancer. Peters chairs the Homeland Security and Governmental Affairs Committee, and Carper chairs the Environment and Public Works Committee.

The 2020 National Defense Authorization Act required two of the three actions EPA took, the report said. Those were regulating imports of certain products coated with PFAS and requiring industries to report their environmental releases of some PFAS.

Third Rule Unissued

The agency has yet to issue a third rule the law also mandated: requiring water utilities to monitor drinking water for PFAS. But the EPA announced last month that it will develop a regulation requiring monitoring for lithium and 29 PFAS.

"From establishing a national drinking water standard to securing the resources needed to clean up affected communities—I will continue working with the Biden administration to ensure we address PFAS contamination in Michigan and across the nation," Peters' statement said.

The EPA's response—included in the report and written during the Trump administration—said GAO mischaracterized the agency's extensive work on PFAS.

The EPA has taken actions such as offering affected communities technical support; cleaning up PFAS; enforcing environmental laws in 15 cases where alleged contamination or other violations occurred; and research, former EPA Administrator Andrew Wheeler said in the response.

In an emailed statement to Bloomberg Law on Monday, the agency said it agreed all Americans need healthy communities and access to safe drinking water. It plans to use the public's insights, scientific information, and "multiple environmental authorities to address the impacts of PFAS," said the agency, now part of President Joe Biden's administration.

EPA endorses court's small refinery exemption ruling

https://www.agrinews-pubs.com/business/2021/03/01/epa-endorses-courts-small-refinery-exemption-ruling/

WASHINGTON — The U.S. Environmental Protection Agency announced its support of the U.S. 10th Circuit Court of Appeals ruling earlier this year that overturned three small refinery exemptions.

This conclusion, prompted by a detailed review following the Supreme Court's order to seek judicial review of the lower court's decision, represents a change from EPA's previous position before the 10th Circuit.

The change reflects EPA's assessment that the court's reasoning better reflects Congress's intent in establishing the Renewable Fuel Standard program.

In January 2020, the 10th Circuit vacated and remanded three EPA decisions granting SRE petitions for the 2016 and 2017 RFS compliance years which were issued in calendar years 2017 and 2018, holding that a small refinery's petition can be granted only if the refinery demonstrates an existing condition or demonstrates disproportionate economic hardships caused by RFS compliance.

EPA's new leadership agrees with both the court and the biofuel litigants in the Renewable Fuels Association et al. vs. EPA case that SREs were meant to be temporary and that only pre-existing exemptions may be "extended" by the agency.

In enacting the RFS program, Congress recognized the need to allow small refineries — those with aggregate crude oil throughput less than or equal to 75,000 barrels per day — to transition into the program.

Small refineries were exempted from the RFS program in its earliest years, 2006 to 2010, after which a small refinery could petition EPA for and receive an extension of its exemption if it could demonstrate the refinery would suffer "disproportionate economic hardship" as a result of complying with its RFS obligations.

SRE Jump

EPA's website indicates what the agency granted 23 of 41 exemption petitions from 2013 to 2015.

There was a surge in small refinery petitions granted the past four years when EPA issued 85 of 95 retroactive small refinery exemption petitions for the 2016-2018 compliance years, undercutting the renewable fuels volumes by a total of 4 billion gallons, according to the Renewable Fuels Association.

The four petitioners in the 10th Circuit case — the Renewable Fuels Association, National Corn Growers Association, American Coalition for Ethanol and National Farmers Union — released the following statement: "Our nation's biofuel producers and farmers appreciate EPA's careful review of the 10th Circuit Court's decision, and we are pleased the agency's new leadership is reversing the previous administration's flawed position on small refinery exemptions.

"This announcement marks a major step forward by the Biden administration to restore the integrity of the Renewable Fuel Standard and honor the intent of Congress. We wholeheartedly agree with EPA's conclusion that the small refinery exemption was intended to be a temporary measure and we are pleased to see the agency confirming that only previously existing exemptions may be extended."

Growth Energy CEO Emily Skor said of EPA's move, "We are pleased to see the Biden EPA signal support for the 10th Circuit's ruling and repudiate the prior administration EPA's misguided attempt to distort the plain language of the RFS to serve oil industry interests at the expense of America's biofuel producers and farmers."

"Illinois Farm Bureau members across the state appreciate EPA's decision upholding the 10th Circuit Court ruling which greatly limits number of small refinery exemptions. This demonstrates the Biden administration will work to preserve the integrity of the Renewable Fuel Standard and protect the future of clean, renewable fuel and its positive impact on our farmers," said Richard Guebert Jr., Illinois Farm Bureau president.

"Illinois ethanol plants have boosted the state's rural economies and continue to provide great opportunity for sustainability. Biofuels are a win-win for America, farmers, rural economies and cleaner air. We are pleased to see the agency confirm that only previous existing small refinery exemptions may be extended."

Opposing View

Opponents of EPA's new position included the American Fuel and Petrochemical Manufacturers, noting the 10th Circuit ruling imposes and extra-textual third prerequisite for small refineries seeking relief with the annual RFS compliance costs amount to disproportionate economic harm.

"We cannot overstate how disappointed we are to start out on this foot with the Biden administration. Through the course of the RFS and up until last year, EPA never interpreted the SRE program the way the 10th Circuit recently contrived," AFPM stated.

"EPA's decision doesn't just abandon facilities that have, until this point, always been considered energy and national security assets, it will also inflate the cost of RFS compliance credits for every obligated party — making it harder for U.S. fuel manufacturers to stay in operation.

"In the past two years, seven refineries have shuttered. Without a mechanism like the SRE program that helps contain soaring RFS costs, there could be more facilities that meet the same fate — an outcome we should all be working to avoid. In addition to revising 2020 mandates down to correct for unlawful reallocation, AFPM hopes President Biden will direct his EPA to exercise other authority to protect small refineries, the broader U.S. fuel manufacturing sector, and the United States' standing as the global refining leader. And we still believe the Supreme Court will read the plain text of the legislation and agree that the statute provides no end date to the relief small refineries may seek."

Message

From: POLITICO Pro [alert@email.politicopro.com]
Sent: 2/3/2021 11:02:58 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Democrats relaunch push for national green bank

Democrats relaunch push for national green bank

By Anthony Adragna

02/03/2021 06:00 AM EST

Democratic lawmakers are launching a push to include a $100 billion national green bank as part of an upcoming Covid-19 recovery and infrastructure bill, arguing that establishing government financing will speed the roll out of clean energy projects central to President Joe Biden's climate change efforts.

The $100 billion in the bill they are introducing Wednesday, a smaller version of which Democrats passed twice in the House last Congress as part of broader packages, would be used to spur $500 billion in private investments and create four million jobs over four years, its advocates say,

"We're going to have an infrastructure bill. This should be part of the infrastructure bill," Rep. Debbie Dingell (D-Mich.), who is leading the effort in the House, told POLITICO. "Let's see if we can find some common ground and get people working together. And if we have to use other legislative tools to get some of the big bills done [that] we have to do, we will."

Democrats have said they might consider using reconciliation to enable major infrastructure and Covid legislation to move through the Senate, where their proposals are unlikely to attract enough Republican support to muster 60 votes needed for a bill to advance.

Dingell said some moderate Republicans have expressed openness to learning more about the green bank idea. Drawing upon experience from state-level green banks like the one in Michigan, Dingell said she's learned it's essential to "prioritize concrete investments in communities that are disproportionately affected by the impacts of climate change" — and include "strong labor protections."

Four Senate Democrats — Chris Van Hollen (Md.), Ed Markey (Mass.), Richard Blumenthal (Conn.) and Brian Schatz (Hawaii) — are leading the push in their chamber. Outside backers include groups like the Coalition for Green Capital and Natural Resources Defense Council.

Van Hollen, who was the original author of green bank legislation in 2009, said he was confident the idea could be incorporated into a budget reconciliation package, if the Senate decided to use that legislative tool to enact Biden's Build Back Better Agenda. Such a move would enable the passage of legislation with a simple majority vote.

"I think this will have a home in Build Back Better legislation — whether that ends up being a bipartisan effort under normal procedure or whether it becomes a reconciliation bill," Van Hollen told POLITICO. "We've gotten close before. This is the year we're gonna get it over the finish line."

Van Hollen said he would be reaching out to Republicans in hopes of garnering their support since the core idea is to "develop these public-private partnerships to generate more clean energy jobs" domestically. State and

local versions of green banks boast an "overall success rate that has been impressive," and avoided mistakes made in other countries that have tried similar initiatives, he said.

Biden's $1.9 trillion climate change platform called for "innovative financing mechanisms that leverage private sector dollars to maximize investment in the clean energy revolution," though it did not specify establishing a green bank. A National Academies of Sciences report released Wednesday endorsed a green bank initially capitalized at $30 billion to help hit a 2050 goal of achieving net-zero greenhouse gas emissions.

Under the legislation, the Clean Energy and Sustainability Accelerator would receive an initial $50 billion injection upon its founding then get $10 billion for each of the next five fiscal years. Forty percent of funding would go toward communities disproportionately impacted by environmental pollution, effects of climate change or economically reliant upon the fossil fuel industry.

Projects that could be funded by the bank include renewable energy generation, energy efficiency projects, industrial decarbonization, natural solutions aimed at curbing greenhouse gas emissions, clean transportation projects and hardening infrastructure to make it more resilient to climate change.

To view online:
https://subscriber.politicopro.com/energy/article/2021/02/national-climate-bank-gets-renewed-push-from-democrats-2032102

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Sent: 3/17/2021 9:51:47 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: CEQ asks court to remand Trump NEPA rule

CEQ asks court to remand Trump NEPA rule

By Alex Guillén

03/17/2021 05:51 PM EDT

The Council on Environmental Quality on Wednesday asked a federal judge to remand the Trump-era NEPA rule, indicating it plans to rewrite the previous administration's move to soften the permitting law that requires agencies to conduct detailed environmental reviews for major projects.

Background: The CEQ rule (Reg. 0331-AA03) updated the steps federal agencies must follow under the National Environmental Policy Act when issuing regulations, approving infrastructure projects or taking other action. Environmentalists complained that the changes downplayed the harms from greenhouse gas emissions.

Several lawsuits have been filed in different courts by environmental groups challenging the Trump changes. In the one that has advanced the furthest, in the U.S. District Court for the Western District of Virginia, a judge in September declined to block the NEPA rule and recently rejected the White House's request to stay the case.

Details: In a new court filing, the Biden administration asked that the rule be remanded for revisions without being vacated.

"CEQ has commenced a comprehensive reconsideration of the 2020 Rule to evaluate its legal basis, policy orientation, and conformance with Administration priorities, including the Administration's commitment to addressing climate change and environmental justice," said Matt Lee-Ashley, CEQ interim chief of staff and who is effectively the council's chair until nominee Brenda Mallory is confirmed, in a declaration.

It was not immediately clear if the environmental groups that brought this suit would assent to CEQ's request since it would leave in place the Trump rule until the agency completes the rulemaking process, which could take a year or more. The groups plan to file a response within seven days.

What's next: CEQ "expects to decide in the coming weeks" what to do about the Trump rule, according to Lee-Ashley.

Judge James Jones has set a hearing for April 21, but would cancel it should he grant the remand request.

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https://subscriber.politicopro.com/article/2021/03/ceq-asks-court-to-remand-trump-nepa-rule-3987645

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Sent: 2/4/2021 12:17:27 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: February 4 -- E&E Daily is ready

E&E Daily -- Congress. Legislation. Politics.

Read today's E&E Daily on the web

E&E DAILY

AN E&E NEWS PUBLICATION

E&E DAILY — Thu., February 4, 2021

READ FULL EDITION

1. EPA:
Five takeaways from the Michael Regan hearing

In just under three hours, the Senate Environment and Public Works Committee questioned President Biden's EPA administrator nominee about air, climate and water regulations; his plans to rebuild the agency; and how he will handle complex issues around biofuels and pesticides.

TOP STORIES

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Biden climate, energy agenda faces early Senate test

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4. POLITICS:
Manchin: 'Address climate change and leave no one behind'

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5. POLITICS:
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Bill would make FEMA prioritize climate change

UPCOMING HEARINGS AND MARKUPS

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Sent: 2/1/2021 9:50:11 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips: Afternoon Edition, 2/1/21

Daily News Clips: February 1, 2021 (afternoon edition)

Agency

The Hill: EPA asks court to toss 'secret science' rule
The Washington Post: Judge throws out Trump rule limiting what science EPA can use

Chemicals

MesoWatch: Asbestos Report as Inadequate
Courthouse News: Ninth Circuit Urged to Force EPA to Take New Look at Cancer-Causing Chemical

Climate

TheIslandNow: Earth Matters: Biden team targets climate crisis

Renewables

The Hill: Environmentalists should lead the charge against electric vehicles

Water

KWQC: Galesburg to monitor for PFAS in drinking water
SWS: U.S. EPA SETTLES WITH KEEHI MARINE CENTER OVER POLLUTION VIOLATIONS IN HONOLULU
News-Press: World Wetlands Day: State issues dredge and fill permits as environmental groups file lawsuit

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EPA asks court to toss 'secret science' rule

https://thehill.com/policy/energy-environment/536773-epa-asks-court-to-toss-secret-science-rule
BY RACHEL FRAZIN - 02/01/21 12:39 PM EST

The Environmental Protection Agency (EPA) is asking a court to throw out a Trump administration rule that critics say will undermine the use of public health studies in agency rule-making.

The agency asked a federal district court in Montana to vacate the rule following a prior ruling against the Trump administration's move to fast-track it, arguing that there was no legal basis left for the rule.

"In light of the Court's conclusion that the Final Rule constitutes a substantive rule, the Environmental Protection Agency lacked authorization to promulgate the rule pursuant to its housekeeping authority, which is the only source of authority identified in the Final Rule," the Biden administration said in a court filing on Sunday.

The Trump EPA classified the rule as procedural, rather than substantive, which allowed it to become effective immediately under the agency's housekeeping authority rather than having to wait for the standard 30 days after federal register publication.

Brian Morris, a federal judge in Montana appointed by President Obama, ruled against this action last week, determining that the rule was substantial rather than procedural.

That decision delayed the rule from going into effect, making the rule subject to a Biden administration freeze and review on Trump-era rules that were not yet effective.

On Monday, the rule appeared to be under White House review.

The rule in question would restrict the EPA's use of studies that don't make their underlying data publicly available.

Trump administration officials billed it as a transparency measure, and a way to combat "secret science." Opponents warned that it could hamstring the use of major health studies that keep their data under wraps for legitimate reasons like privacy.

The rule didn't eliminate the use of all studies with private data but gave preference to those with public data.

In his ruling last week Morris argued that the rule was substantive, not procedural because it "determines outcomes rather than process."

"The Final Rule's status becomes particularly clear when one examines what it is missing — any kind of procedure. EPA itself noted in its rulemaking that it would have to issue future guidance on how the rule operates procedurally," he wrote.

Judge throws out Trump rule limiting what science EPA can use
https://www.washingtonpost.com/climate-environment/2021/02/01/trump-secret-science/
By Juliet Eilperin
Feb. 1, 2021 at 1:10 p.m. PST

A federal judge on Monday vacated the Trump administration rule limiting which scientific studies the Environmental Protection Agency can use in crafting public health protections, overturning one of the last major rollbacks the agency enacted before President Biden took office.

The ruling by Judge Brian Morris, chief judge for the U.S. District Court for the District of Montana, Great Falls, marked a victory for opponents of the Trump-era policy. Just two weeks before President Biden's inauguration, EPA finalized a rule requiring researchers to disclose the raw data involved in their public health studies before the agency could rely upon their conclusions and made it effective immediately.

Last week Morris ruled the agency acted improperly by issuing the rule under the Federal Housekeeping Statute on the grounds that it was procedural, rather than substantive. In response, the Biden administration requested the judge vacate the rule and send it back to the agency.

The agency said in a statement that it was "pleased" its motion had been granted. "EPA is committed to making evidence-based decisions and developing policies and programs that are guided by the best science."

Trump officials, including former EPA administrator Andrew Wheeler, argued that the new rule would provide the public with greater insight on the scientific basis for new regulations. But many researchers argued that the change would restrict the agency from using some of the most important research on human subjects because that often includes confidential medical records and other proprietary data that cannot be released due to privacy concerns.

Monday's court decision, coming less than two weeks after the D.C. Circuit Court of Appeals for the District of Columbia struck down the 2019 rule that eased restrictions on power plants' carbon emissions, will make it easier for the new administration to unwind Trump-era environmental policies.

Environmental Defense Fund senior attorney Ben Levitan, whose group challenged both rules in court, said that the recent rulings "just reinforced the fundamental unlawfulness of Trump."

"It's a hopeful sign that our environmental laws have survived the Trump administration," he added. "There's a real opportunity to implement the laws Congress passed and protect Americans from health and environmental harms."
Asked about the decision, former EPA chief of staff Mandy Gunasekara said she hoped Biden officials would build off the Trump administration's work even if they disagreed with its methods.

"The decision is unfortunate but does not change the goal of the science transparency rule, which I would urge the new administration to support: Enhance the public trust in agency actions and improve regulatory outcomes," she said.

In one of his final interviews before stepping down, Wheeler faulted environmental groups for rushing to challenge his agency's work in court. "I have no problem with someone suing me if they take the time to read it and understand what the regulation does," he said last month. "The environmental groups have a terrible record of knee-jerk reactions."

The Biden administration's decision to move swiftly in court contributed to Monday's outcome. Trump officials made the rule effective immediately when they published it in the Federal Register on Jan. 6, rather than allowing the customary 30 days for it to take effect. The Environmental Defense Fund, Montana Environmental Information Center and Citizens for Clean Energy challenged that effective date, and once Morris ruled in the groups' favor, the new administration filed to vacate the rule without any opposition.

Asbestos Report as Inadequate
https://mesowatch.com/coalition-pushes-court-to-overturn-asbestos-report-as-inadequate/
By Cameron Ayers | Feb 1, 2021 | Featured, News

A federal appellate court should overturn an EPA report on asbestos because it doesn't go far enough in addressing the risks, according to a petition before the court.

A broad coalition of public health groups, academics, physicians and researchers asked the Ninth U.S. Circuit Court of Appeals to review a December 2020 EPA report on asbestos risks in a Jan. 26 filing.

The report in question — "Final Risk Evaluation for Asbestos, Part 1: Chrysotile Asbestos" — addresses the risks posed by chrysotile asbestos only, which the groups contend is unacceptable. Chrysotile asbestos is the only known form of asbestos still in use.

Lawsuit Imminent
Concurrent with the petition, the coalition also threatened to sue the EPA in a letter, contending that the risk evaluation fails to meet the agency's obligation to review legacy forms of asbestos. A 2016 law that updated the Toxics Substances Control Act (TSCA) — which asbestos is classified as — mandated that the agency complete a risk evaluation on all forms of asbestos last June.

"EPA failed to complete a full asbestos risk evaluation in accordance with TSCA by the June 19, 2020 deadline in the law," the letter states. "Because the asbestos evaluation was required to assess the risks to human health of the use and disposal of legacy asbestos under TSCA as construed by the Ninth Circuit, EPA is in violation of a non-discretionary duty."

Although the agency initially tried to exclude legacy forms of asbestos from consideration, the Ninth Circuit ordered the agency to include them in a November 2019 ruling, concluding that "EPA's exclusion of legacy uses and associated disposals [for asbestos] contradicts TSCA's plain language."

Part 2 Coming .... Sometime

The EPA's risk evaluation includes a notation that the agency will issue a Part 2 supplemental report reviewing the health and environmental effects of older forms of asbestos no longer in use but still found in some older buildings. However, as the coalition's letter states, the agency gives no specifics on what will be in the report or when it will be released.

Part 1 of the report found that chrysotile asbestos poses an unreasonable risk to human health in all consumer uses, such as aftermarket automotive brakes and linings, and certain gaskets. Most consumer products with chrysotile asbestos have been discontinued. Commercial use risk findings were more limited, with the agency declaring the product unsafe for use in chlor-alkali diaphragms, sheet gaskets, brake blocks, aftermarket automotive brakes and linings, other vehicle friction products, and other gaskets.

The agency concluded that chrysotile asbestos poses no unreasonable risk to the environment.

A Diverse Group
The group petitioning the court and threatening suit includes six health groups and six individuals. Among the coalition members are the Asbestos Disease Awareness Organization (ADAO) and Dr. Raja Flores, a mesothelioma surgeon. Other groups include the American Public Health Association, the Center for Environmental Health, the Environmental Information Association, Safer Chemicals Healthy Families and the Vermont Public Interest Research Group.

"Asbestos is one of the world's largest man-made disasters," ADAO President Linda Reinstein said in a release excoriating the Trump-era EPA for falling short of its mandate for a comprehensive evaluation of the dangers of asbestos. "The EPA's piecemeal and dangerously incomplete final risk evaluation for asbestos overlooks numerous sources of asbestos exposure and risk, and understates the enormous toll of disease and death for which asbestos is directly responsible," she added.

The petition names both the agency and acting Agency Administrator Jane Nishida, who was appointed to the post only six days ago, after Trump-era administrator Andrew Wheeler left. Perhaps because of this, the letter threatening suit mistakenly refers to her as "him."

Ninth Circuit Urged to Force EPA to Take New Look at Cancer-Causing Chemical
https://www.courthousenews.com/ninth-circuit-urged-to-force-epa-to-take-new-look-at-cancer-causing-chemical/
By MATTHEW RENDA
1 Feb 2021

The Trump administration may be no more, but lawsuits over its handling of the environment continue unabated.

Gerald Generette, left, and Maurice Miller look onto the Cape Fear River in Fayetteville, N.C. (AP Photo/David Goldman)

(CN) — Public health and environmental justice advocates filed a petition with the Ninth Circuit Monday challenging the EPA's failure to ban the use of 1,4-dioxane, a widely used solvent that studies show causes cancer in humans.
The seven groups including the Center for Environmental Health are active in eastern North Carolina, where 1,4 dioxane routinely shows up in drinking water samples taken from various sources in the Cape Fear River Basin.

"One in five North Carolinians get their drinking water from the Cape Fear River Basin," said Kemp Burdette of Cape Fear River Watch. "The watershed also has some of the highest levels of 1,4-dioxane in the entire country. 1,4 dioxane represents a clear and present danger to millions of residents of the Cape Fear Basin and we cannot afford to sit back and do nothing as industrial pollutants poison our loved ones."

The EPA released its final risk evaluation for 1,4-dioxane in late January after publishing a final evaluation of the chemical compound in the federal register on Jan. 8. The findings said that the solvent, widely used in various consumer products like shampoo, soap and surface cleaners, posed no threat to the general consumer. "After reviewing eight consumer uses of surface cleaners, laundry/dishwashing detergents, and paint/floor lacquer where 1,4-dioxane is present as a byproduct, the agency found no unreasonable risks," the agency said.

Public health groups say the decision is yet another by Trump's EPA that puts the profits of chemical companies above the interests of regular citizens reeling from the health impacts of pollution and contamination.

"Trump's EPA played eleventh-hour politics with our health," said Emily Donovan of Clean Cape Fear. "They ignored the cancer risk we face every day simply drinking contaminated water and caring for our families. If we can't rely on our regulators to take health and environmental threats seriously, then why do they even exist?"

The plaintiffs say the EPA's final risk assessment relied less on the merits of the science and more on technicalities, noting that the EPA used what plaintiffs regard as a legally dubious claim that ruling on the compound's threat to humans through drinking water contamination is not under the agency's scope as outlined by the Toxic Substances Control Act.

The groups also said they are confident the Biden administration will take a look at the chemical compound and make its own determination at some point, but felt a lawsuit was necessary to ensure the problem is taken seriously.

"While we hope the incoming administration upholds its commitment to environmental justice, we also have to take this challenge to the U.S. Court of Appeals because the stakes are just too high," Donovan said.

Undoing the regulations and decisions is not as easy as a stroke of a pen as is the case with executive orders. For agency decisions, incoming administrations must follow the Administrative Procedure Act, something the Trump administration learned in its first two years when many of its environmental rollbacks did not survive court challenges.

In 2017, water officials tested the water samples for residents of Greensboro, North Carolina, and found some with contamination levels as high as 705 parts per billion, one of the highest in the nation.
The EPA labels 1,4-dioxane as "likely to be carcinogenic to humans."

The American Cleaning Institute, a lobby group that represents the interest of cleaning supply manufacturers, said they agreed with the EPA's assessment that trace amounts of the solvent are not toxic to humans, but criticized the agency for not further exploring threats to the general population due to drinking water contamination.

"In light of recent concerns raised by stakeholders, including state water agencies, we recommend that EPA reconsider evaluating Genera Population risks associated with drinking water as a part of the risk evaluation," the lobbying group said in formal comments submitted to the agency on Dec. 10.

The institute said that a lack of a federal standard will prompt states to take regulatory action, creating a more patchwork regulatory field for businesses to navigate.

Earth Matters: Biden team targets climate crisis
https://theislandnow.com/opinions-100/earth-matters-biden-team-targets-climate-crisis/
By The Island Now
February 1, 2021

In times of Covid-19 the Great American Outdoors provided a safe bipartisan setting for solace, recreation and physical distancing. Wilderness isn't just there for natural relief, but it also serves as a cost-effective and powerful solution for storing atmospheric carbon. That's why it is important to preserve land. The more land we protect, the better chances we have to return carbon to where it came from and keep it in the ground.

To prevent the worst consequences of climate change we must do more than reduce greenhouse gas emissions. We must stop the reliance on fossil fuels and protect what's left of natural lands. We must support Earth's natural ability to clean the air.
The Center for American Progress reports that in the United States alone, a football-field's worth of land is lost every 30 seconds to human development. As a consequence of habitat destruction and overharvesting, over a million species are destined for extinction in the next few decades.

Replacing President Trump with President Biden is a dramatic U-turn from waging war on nature back towards life-sustaining practices. At this dramatic inflection point, the 2020 election was essentially a choice between a degenerate society or the formation of regenerative civilization. The regenerative revolution is rooted in deep respect for nature's intelligence — in striking contrast to the dominating, extractive mentality of digging, drilling, fracking and fouling at the expense of all living beings. Restoring scientific integrity to the process of decarbonizing the power grid and protecting our water and air, President Biden confidently stepped into action with a progressive climate plan.

During his first two weeks in office, President Biden with the most diverse Cabinet ever to serve the country has delivered an impressive and record-breaking number of executive orders in favor of climate justice. The Biden-Harris administration rejoined the Paris Climate Agreement on Day One and Biden created a new position at the White House, appointing former EPA Administrator Gina McCarthy as the first national climate adviser to lead the newly formed White House office of Domestic Climate Policy. He also appointed John Kerry who ushered in the 2015 Paris Agreement as secretary of state to be a top climate adviser.

The federal government can now again be seen as an ally, not the enemy, in dealing with the climate crisis. Fox News and the fossil fuel industry may see Biden's "radical agenda" as "killing the American energy sector," but the rest of us are looking ahead for sane, renewable energy solutions and new, good paying clean energy jobs with transition support for workers in the fossil fuel sector. It was no secret that the Trump administration collaborated with Big Oil. In contrast, Biden has effectively blocked new leases for oil and gas drilling on federal lands. The federal fuel leasing ban is estimated to reduce carbon emissions by 280 million tons per year– the equivalent to taking 60 million cars off the road for a year.

Biden's historic nominee for Interior Secretary, Congresswoman Deb Haaland (D-N.M.) will be the first Native American to lead The U.S. Department of the Interior in managing public land and natural resources. Well known for her leadership in conservation and tribal justice activism, Haaland exclaims she'll be "fierce for our

planet." Protected federal land could thus become part of the climate solution by supporting biodiversity and natural carbon sequestration.

Biden has already declared strong support for the global conservation effort known as "30 by 30" or "30×30" that calls for the protection of 30 percent of land and waters by 2030 to fight extinction and climate change. This translates into at least 440 million additional acres set aside for restoration of healthy terrestrial and marine ecosystems. This science-driven plan sets the stage for the United Nation Convention on Biological Diversity vision for 2050 of "Living in Harmony with Nature."

It's clear that caring for the environment is equal to caring for human health and economic prosperity. Despite this, The International Union for Conservation of Nature 2020 Protected Planet Report states that only 15 percent of Earth's land surface is protected and just 7.6 percent of the world's oceans. The Half Earth project of E. O. Wilson's Biodiversity Foundation makes the bold claim that we must protect at least 50 percent of Earth's land and sea by 2050 in order to ensure the long-term health and viability of our species.

Reversing the biodiversity crisis by declaring wildlife sanctuaries enhances ecosystem health and resilience, enabling the ground to more efficiently capture and store more carbon. Back to nature isn't just a romantic notion, but our best hope to support life as we know it.
We can all play a role in protecting life on Earth. Make sure your elected officials know about and support 30×30, with a 50×50 vision.
You can take the Half-Earth Pledge here

Environmentalists should lead the charge against electric vehicles
https://thehill.com/opinion/energy-environment/536296-environmentalists-should-lead-the-charge-against-electric-vehicles
BY DONALD VAN DER VAART, OPINION CONTRIBUTOR — 02/01/21 04:00 PM EST

If you want to protect the environment and really care about human rights and the poor, stop investing in plug-in electric vehicles (PEVs). Ironically, it was Toyota's president and CEO, Akio Toyoda, who raised the issue of the brutal realities of PEVs when he recently asked whether politicians understand where the electricity to power them actually comes from.

It's a good question and, no, apparently the politicians don't know. Neither do the pension fund and private equity managers who use environmental, social and corporate governance (ESG) criteria to justify investing in "green" PEV technology. They should know better, since their industry has made ESG a very big deal.

The answer to Mr. Toyoda's question is natural gas, which leads to an inconvenient fact. To the extent that manmade greenhouse gases (GHGs) play a role in global warming, the increase in natural gas combustion required to power PEVs will lead to more GHGs being spewed into the air.

Granted, there may be short-term financial benefits to investing in PEVs, as long as state and federal governments pour incentives into them, and as long as corporate average fuel economy (CAFE) standards continue to force consumers to supplement their costs. Publicly-owned electric utilities are short-term winners as well, benefitting from customer-mandated funding of new PEV battery-charging stations.

But what about long-term environmental and social impacts? All-electric vehicles are not more efficient than gasoline vehicles. They are natural resource-intensive, exacerbate social injustices, and make little sense unless blue-state governors stop strangling the supply of natural gas into the United States. Investing in PEVs makes zero sense under ESG "green" principles.

The misunderstanding begins with the U.S. Environmental Protection Agency (EPA). The agency was wrong when it developed an "equivalent" fuel mileage calculation that claimed PEVs were three times as efficient as gasoline engines. The misinformation campaign simply reported the efficiency of driving a vehicle with a full tank of gasoline vs. a fully charged battery. It ignored the energy losses incurred when generating electricity and charging the battery. The EPA's Scientific Advisory Board (SAB), of which I am a member, recently pointed out that "PEVs do not appear to be more fuel efficient than modern internal combustion engine vehicles that are similarly equipped."

Human rights activists should be repelled by the horrific injustices that come with battery production. The necessary lithium, cobalt and nickel are energy-intensive to mine, and the countries where these metals are harvested do not observe the same environmental restrictions as the United States. Cobalt mining in the Republic of the Congo, the country with the largest proven reserves of cobalt, has been linked to child labor deaths. Cobalt is also in short supply. Estimates indicate the worldwide reserves are woefully insufficient to meet the needs of replacing gasoline vehicles with PEVs.

Environmentalists should understand that the electricity needed to charge PEV batteries will not come from existing electricity generators. A transfer to PEVs would mean hydrocarbon use would decrease, but our electricity load would increase. Most new generation in this country is coming from natural gas — the most economical energy right now — and the energy that's better able to fill the gaps created by intermittent output from solar and wind generation. But, the SAB also recognized the increased grid load "could lead to an increase in GHG emissions rather than a reduction."

The social costs here in America also would be high. Perverse incentives created by PEV tax credits mean the rich benefit from PEVs. It's the poor who get stiffed. The poor will pay higher electricity costs thanks to "clean energy" mandates that increase electric bills. They'll miss out on high-paying jobs, thanks to the failure of blue-state governors to approve natural gas pipelines. Even if the poor could afford a PEV, range and performance limitations turn a long commute from an affordable, outlying community into a battery-charging budget buster.

There's a lot of innovation and soul-searching to do before we can honestly call PEVs a "green" investment. Environmentally-friendly battery technologies must be developed. The mileage range must improve. And the "green" coalition must accept that zero-emissions nuclear power is the best choice to limit greenhouse gas emissions.

Until then, it's just a costly dream.

Dr. Donald van der Vaart is a senior fellow at the John Locke Foundation, a member of the Environmental Protection Agency's Scientific Advisory Board, and serves on the North Carolina Environmental Management Commission. He is a former secretary of the North Carolina Department of Environmental Quality.

Galesburg to monitor for PFAS in drinking water
https://www.kwqc.com/2021/02/01/galesburg-to-monitor-for-pfas-in-drinking-water/
Published: Feb. 1, 2021 at 1:06 PM PST|Updated: 15 minutes ago

GALESBURG, Ill. (KWQC) - The City of Galesburg will be monitoring its water system after recent tests showed compounds known as Per- and Polyfluoroalkyl Substances (PFAS) as part of a statewide study of community water supplies. According to a new release, the Illinois EPA and the U.S. EPA have yet to develop enforceable drinking water standards for PFAS, but the state indicates recent samples in Galesburg exceed draft guidance.

PFAS are thousands of manmade substances that have been produced since the 1940s for a variety of applications ranging from water and stain-proofing to firefighting. Some PFAS have been phased out of production due to environmental and human health concerns, yet they persist in the environment and may contaminate surface and ground water.

According to the city, Draft Guidance Levels are not regulatory limits for drinking water. Draft Guidance Levels are benchmarks against which sampling results are compared to determine if additional investigation or other response action is necessary.

Currently, the EPA is gathering data in all the states in order to be able to determine a Maximum Contaminant Level (MCL) and treatment options. As part of that process, the City of Galesburg was notified in September 2020, that the Illinois EPA would be testing community water supplies. In November 2020, the State collected initial water samples at Galesburg's water treatment plant, with follow-up samples collected in December 2020.

The City of Galesburg was notified Wednesday, January 27, 2021, that the two water samples that were collected at the Water Treatment plant in November and December 2020, exceeded the proposed Draft Guidance Level. In response, the City is taking immediate action to inform consumers, initiate monitoring, and evaluate options to reduce exposure levels.

Citizens concerned about exposure to PFAS in drinking water can minimize the risks by utilizing bottled water that has been tested for PFAS or installing filters or treatment systems certified by the American National Standards Institute NSF International for the reduction of PFOA and PFOS. Boiling does not destroy PFAS, and research indicates there are not any hazards related to PFAS through bathing or showering, as PFAS is not easily absorbed into the skin.

This week, the city will begin quarterly testing of all raw water sources and finished water for PFAS. To generate a plan and timeline to reduce exposure to PFAS, the City has contacted a consulting firm that is familiar with treatment processes that will remove PFAS from the water. A proposal will be discussed for the consultant to provide possible water treatment options that would reduce the PFAS level and include cost estimates of each option for consideration.

PFAS in drinking water is not solely a City of Galesburg or region specific concern, as water systems nation-wide can be impacted by PFAS. More information and resources regarding PFAS and the potential impacts can be found on the EPA's website at: https://www.epa.gov/pfas.

U.S. EPA SETTLES WITH KEEHI MARINE CENTER OVER POLLUTION VIOLATIONS IN HONOLULU

https://www.estormwater.com/storm-water-management/us-epa-settles-keehi-marine-center-over-pollution-violations-honolulu

BY CRISTINA TUSER

FEB 01, 2021

The U.S. EPA has settled with Keehi Marine Center over storm water pollution violations in Honolulu, Hawaii.

The U.S. EPA today announced that Keehi Marine has agreed to pay a $127,821 penalty for the discharge of pollutants like lead, zinc and copper through storm water runoff.

Keehi Marine, a boatyard at Sand Island, has also agreed to take preventative measures to reduce the discharge of the contaminants, which are a violation of the Clean Water Act, reported the Honolulu Star-Advertiser.

Keehi failed to comply with a condition or limitation in a CWA section 402 permit. According to the EPA, Keehi Marine completed the terms of an administrative order in November.

During an Apr. 21, 2017 storm water inspection, representatives of EPA Region 9 inspected the facility to evaluate compliance with the General Permit.

The facility accumulated fine sediment and debris near the work areas and boat repair activities were being conducted outdoors without any observable overhead coverage or alternative best management practices to prevent pollutants in storm water discharges, according to the EPA.

"Boatyard facilities that conduct maintenance and repair must have adequate stormwater pollution controls," said EPA Pacific Southwest Regional Director of the Enforcement and Compliance Assurance Division Amy Miller in an EPA press release. "This order will help prevent pollution from reaching Keʻehi Lagoon and Māmala Bay, protecting fragile coastal ecosystems."

Keehi Marine has installed a storm water treatment system to remove pollutants from their storm water discharge.

The facility has done the following for mitigation of the issue: developed a storm water pollution control plan; resurfaced the 1.3-acre boatyard area to prevent discharges from work areas; implemented sample analysis policies; and conducted employee training and daily inspections.

The EPA's settlement with Keehi Marine is subject to a 30-day public comment period prior to final approval. Comments will be accepted by mail or email to r9hearingclerk@epa.gov until Mar. 1, 2021.

World Wetlands Day: State issues dredge and fill permits as environmental groups file lawsuit
https://www.news-press.com/story/news/2021/02/01/fdep-says-its-ready-take-over-large-federal-wetland-permitting-process/4337838001/
By Chad Gillis
Fort Myers News-Press
1 Feb 2021

Tuesday is World Wetlands Day, but not everyone in Florida is celebrating.

The state recently took over the permitting process for the filling of ecologically sensitive wetlands — a move many environmentalists didn't like — and is now issuing permits.

Wetland fill permits for most other states are reviewed and under the U.S. Environmental Protection Agency, which enlists agencies like the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service when reviewing permits.

Now the permits are being handled by the Florida Department of Environmental Protection, which reportedly reviewed its first permit this past week.

Florida is one of three (Michigan, New Jersey) states that have assumed wetland fill permitting authority.

Critics say losing the federal layer of review will result in more loss off wetlands.

"There are a number of concerns there," said Jason Totoiu, an attorney with the Center for Biological Diversity. "It's a much larger entity and a little more politically removed than state politics."

Often referred to as Section 404 permits, the permits are essentially an extension of the Clean Water Act, a way to offset impacts to wetlands with a "no net loss" approach.

That approach has drawn criticism for failing to protect some wetland areas in Southwest Florida and other areas, and some environmental groups worry the process and results could get worse, not better.

"There have been 30,000 acres of wetlands lost just in Lee and Collier County since 1996," said Beth Alvi, with Audubon Florida. "So you're already seeing a problem (on the state level). The state programs are already not stringent enough."

Alvi said she wants to see the federal government retain the authority over wetland permitting, but also that the state's current wetland oversight is lacking.

"This is a huge program and it's going to take time, resources, money," Alvi said. "And (the Florida Fish and Wildlife Conservation Commission) hasn't asked for additional resources. So how can DEP absorb a program of this magnitude?"

FWC is reviewing the biological impact side of the permits for the state and is work with DEP.

For 47 state, the Army Corps, under the oversight over EPA, issues the dredge and fill permit.

EPA has the authority over the permitting process and is the agency that handed over wetland dredge and fill permitting to the Florida DEP in December.

The Center for Biological Diversity, along with groups like Sierra Club, the Conservancy of Southwest Florida and the Florida Wildlife Federation, filed a lawsuit to challenge the transfer of permitting power.

Audubon is not involved with the lawsuit.

FDEP says it's ready to take on the responsibility of the program, pointing to a small group of environmental groups that supported the transfer of permitting power.

"These capable team members are already responsible for managing Florida's environmental resource permitting standards and will bring the same level of dedication to implementing the State 404 program," said FDEP spokeswoman Weesam KhouryI.

Khouryl said while some environmental groups have complained about the transfer, a few others have sided with DEP.

"I would also note that the state's assumption of the Section 404 Program garnered the support of environmental leaders including Temperince Morgan, executive director of The Nature Conservancy in Florida (and) Eric Eikenberg, chief executive officer of The Everglades Foundation," she said.

Still, Alvi said the permitting process belongs at the federal level.

"It's not the right process," Alvi said. "What we've found in New Jersey is because there is no longer a federal priority, they tend to just sign off on things without stringent review."

Reach this reporter: @ChadEugene on Twitter.

Message

From: E&E News [ealerts@eenews.net]
Sent: 2/10/2021 9:28:01 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: February 10 -- E&E News PM is ready

E&E News PM -- Late-Breaking News

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AN E&E NEWS PUBLICATION

E&E NEWS PM — Wed., February 10, 2021

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Democrats want Transportation Secretary Pete Buttigieg to reinstate an Obama-era greenhouse gas reporting program for the National Highway System.

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N.M. seeks clarity on Biden oil order

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Audit raises concerns about wildfire risks at DOE lab

UPCOMING HEARINGS AND MARKUPS

5. CALENDAR:

Activity for February 8 - February 14, 2021

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CLIMATEWIRE — Wed., March 10, 2021

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Lawyers representing states in climate lawsuits say there are similarities between past tobacco litigation and the current wave of cases against Big Oil. Both industries misled the public, they claim.

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Climatewire is written and produced by E&E News, which is staffed by a dedicated reporting team within the POLITICO newsroom. It provides comprehensive coverage of all aspects of climate change issues. From international agreements on carbon emissions to alternative energy technologies to state and federal GHG policies to corporate sustainability, Climatewire plugs readers into the information they need to stay abreast of this complex issue. Climatewire publishes daily by 7:00 a.m.

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Sent: 2/11/2021 5:15:57 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Biden promises action on infrastructure at bipartisan White House meeting

Biden promises action on infrastructure at bipartisan White House meeting

By Tanya Snyder

02/11/2021 11:43 AM EST

President Joe Biden talked infrastructure Thursday morning with senators who will be key to moving his climate and infrastructure goals through Congress, in a White House meeting that also featured Transportation Secretary Pete Buttigieg and Vice President Kamala Harris.

That includes Senate Environment and Public Works Chair Tom Carper (D-Del.) and ranking member Shelley Moore Capito (R-W.Va.), along with Sens. Ben Cardin (D-Md.) and Jim Inhofe (R-Okla.), who are expected to be the chair and ranking member on the subcommittee that oversees transportation, according to a pool report.

At the Oval Office meeting, Biden said that the EPW committee "is central to everything that's going to happen" on infrastructure and asserted that infrastructure should be nonpartisan.

"I've been around long enough ... that infrastructure wasn't a Republican or a Democratic issue," he said.

Biden cited "a number of things out there that the American people are looking for us to step up" including "a lot of bridges in West Virginia" and "a lot of dangerous spots on Route 9 in terms of Cancer Alley" in Louisiana. He and Carper "briefly reminisced about a particularly troublesome bridge in Delaware," according to the pool report.

"There's a lot we have to do," Biden said.

Biden also said that he talked to Chinese President Xi Jinping Wednesday night "for two straight hours," and cited China's "major new initiatives" on rail and their work on emerging vehicle technology.

"We don't get moving, they're going to eat our lunch," he said.

To view online:
https://subscriber.politicopro.com/transportation/whiteboard/2021/02/biden-promises-action-on-infrastructure-at-bipartisan-white-house-meeting-3986958

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: March 18 -- Greenwire is ready

Greenwire -- The Leader in Energy and Environment News

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AN E&E NEWS PUBLICATION

GREENWIRE — Thu., March 18, 2021

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If President Biden follows through on expectations that he'll broaden the scope of Clean Water Act jurisdiction, he'll likely have an environmental lawyer skilled in the nuances of water law defending his every move.

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Obama-era BLM deputy Linda Lance dies at 71

6. ADVOCACY:

Hydropower group names new government affairs lead

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Top Dems ask Biden to delay streamlined pipeline permits

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Push is on for reopening Grand Canyon's east entrance

12. INVASIVE SPECIES:

Scientists in U.S., Canada set to battle 'murder hornets'

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LAW

14. CLIMATE:

Biden admin asks court to scrap Trump's 11th-hour GHG rule

15. WILDFIRES:

Calif. AG challenges housing plans in high-risk areas

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16. PUBLIC HEALTH:

USGS: Drought can boost arsenic in private wells

17. AIR POLLUTION:

Study: Soot 'rebound' led to nearly 10K premature deaths

18. DRINKING WATER:

Boil advisory lifted for Jackson, Miss. after 1 month

19. GREAT LAKES:

Shifting sand, water again reveal shipwreck from 1880s

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20. HURRICANES:

Bye to Alpha, Eta: Greek alphabet ditched for storm names

21. EXTREME WEATHER:

Storms move eastward, leave trail of damage in Deep South

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Biden attempts to balance green energy goals with labor demands

Biden attempts to balance green energy goals with labor demands

By Eric Wolff, Rebecca Rainey

02/16/2021 06:33 PM EST

Joe Biden ran for president promising to be both the greenest and the most pro-union president in history. The renewable energy companies that will spearhead his plans to dramatically reduce carbon emissions say he can't have it all.

That's setting up a clash in Congress, where Democrats are cranking out bills filled with carrots for developers of zero-emission infrastructure, but with pro-labor strings attached, including prevailing wage, job certification and Buy American provisions. Labor groups skeptical of whether green jobs can adequately replace high-paying union jobs in the fossil industry see these provisions as the bare minimum, while solar and wind producers want to see those labor demands dialed down.

"We don't want to burden the smaller contractors doing great residential work in their communities and that are family-owned and employee-owned businesses," said George Hershman, chair of the board for the Solar Energy Industries Association and president of Swinerton Renewable Energy, a solar company based in San Diego. "We don't want to hurt them by doing this. We need to make sure we set some reasonable thresholds of where this makes sense."

But unions insist that the renewables industry is well out of its infancy and must now come to the table and engage in collective bargaining like other mature industries.

The wind energy workforce is 6 percent unionized, compared to solar's 4 percent, according to the 2020 United States Energy and Employment Report. But that pales in comparison to the overall electric power unionization rate of 10 percent.

Across the board, government data indicates that being covered by a union pays more. Looking at workers directly in the middle, non-unionized employees made nearly 20 percent less each week in 2020 than unionized workers, according to the Bureau of Labor Statistics.

And salaries in the energy sector reflect that trend: the median pay for wind technicians is $53,000 a year, and for solar installers, $45,000 a year, according to the Bureau of Labor Statistics. The median power plant operator on the other hand, makes $86,000 yearly.

While these jobs do not require the same skill sets — residential solar installers require less training and expertise than running a coal power plant — part of Biden's pitch is that fossil fuel workers can be retrained to take these green jobs. But some labor leaders say that transitioning into a lower-paid, non-unionized workforce is unacceptable.

"It's pie in the sky bullshit about these green jobs being good middle-class jobs, because they're not," said Terry O'Sullivan, General President of the Laborers' International Union of North America. "I'm concerned about union members and union families being left behind... and I think they've already been left behind."

"If we're transitioning into a new energy economy, as we do, are those going to be as good as the jobs that my members are losing?" he added, "And if it's not, well there's going to be hell to pay for it. We lost almost 1,000 laborers on Keystone, where'd they go?"

Biden rode to office on the back of a coalition that included support from unions as well as green groups, both of whom saw significant policy setbacks during the Trump administration. The new president got out of the gate quickly with a string of executive orders that constituted wins for climate hawks, including a climate directive that called for rejoining the Paris Climate Accord, increasing renewable energy and canceling the permit for the controversial Keystone pipeline.

But every order that advanced the decarbonization of the economy included language promising "the creation of the well-paying union jobs necessary to deliver on these goals."

Despite those labor clauses, the added pressure from Washington to transition to a green energy economy presents several threats for labor unions. There's less work and fewer job hours available for their members on renewable energy products, LIUNA says. And the shift would require organizing workers in the non-unionized renewables sector amid an economy that's largely hostile to collective bargaining.

The share of workers represented by a union in the U.S. has dropped by nearly half since the Bureau of Labor Statistics started collecting the data in 1983, sitting at 10.8 percent in 2020.

Democrats and unions say one way to ensure high-paying jobs as the renewables sector grows is to expand workers' ability to form unions by passing the Protecting the Right to Organize Act, (H.R. 842 (117)), a broad labor rights overhaul backed by Biden. But the bill is unlikely to gain the GOP support needed to pass the Senate.

Democrats also have been tucking pro-labor provisions into legislation meant to aid the renewables industry.

House Ways and Means Committee Democrats introduced a bill earlier this month that would extend the investment tax credit, which boosts solar and energy storage, and the production tax credit, which subsidizes wind power. Sen. Jeff Merkley (D-Ore.) is expected to reintroduce a bill promoting renewables, and Rep. Andy Levin (D-Mich.) introduced a bill that would extend the incentive for creating charging infrastructure for electric vehicles.

But these bills also require companies taking the tax credits to ensure a variety of labor protections, from paying the prevailing wage set by the Department of Labor, which is typically the union-rate in that area, to requiring key certifications. They also include Buy American provisions.

"Investing in renewable energy technologies and creating programs to reduce our carbon footprint will help us add good, green jobs to the American workforce as we combat the climate crisis and dig our economy out of the COVID-19 downturn," House Ways and Means Chair Richard Neal (D-Mass.) said in a statement at the unveiling of the committee's bill, dubbed the Green Act. "I remain committed to working with all stakeholders—labor and environmental groups—to help us meet both our climate goals and our vision of creating good-paying jobs."

The solar industry wants to avoid applying all of the labor-related rules equally to all companies. Residential solar installers operate on thinner margins and may not have the resources to comply with labor certification provisions or to pay prevailing wages in every part of the company, and solar developers operating in less

union-friendly parts of the country may struggle to find local workers with the right kinds of certification, SEIA's Hershman said.

"California doesn't look like West Texas and doesn't look like Alabama," he said. "We need to make sure we have a structure in place that allows us to continue to build the projects that we all want, hire and train the people we want to hire and do it under a structure that in my opinion already exists. The Davis-Bacon Act has been in place for a long time... Some of the challenge is that there is a lot of labor stipulations in the Green Act that are going to become challenging because of the risks associated with them."

Wind power advocates know they employ fewer union workers than other industries, but they see a promising future in which the industry's growth means more jobs for everyone — particularly in offshore wind, where the kinds of high-skill employees unions can provide will be critical. Dutch offshore wind developer Ørsted signed a project labor agreement with the North America's Building Trades Unions to train union workers for Biden's planned expansion of offshore wind.

"There are great opportunities to work with labor — this upcoming infrastructure package is a perfect opportunity where we can think creatively what incentives we can co-develop to get a true agenda that I think our industry and labor can get behind," said Heather Zichal, CEO of the American Clean Power Association, which represents the wind industry and some utilities. "I think this rapid growth obviously includes major room for expansion of union workers as well as non-union workers where appropriate."

With worker-intensive coal plants closing and the construction of new natural gas plants slowing, congressional Democrats and unions want to see renewables step into the gap and believe they have leverage on labor issues.

"The way I look at it is, if some of these [renewables] companies are saying we don't want prevailing wage — sorry," Rep. Levin told POLITICO.

Backers of renewable incentives bills generally expect the legislation will get rolled into one mammoth green stimulus bill that will almost certainly have to pass without Republican support. Sen. John Barrasso (R-Wyo.), the top Energy Committee Republican, and Rep. David McKinley (R-W. Va.), the ranking member of the Environment subcommittee of the Energy and Commerce Committee, think Biden's plans would ruin communities in their home states.

“President Biden’s climate agenda would make the people of fossil fuel communities in West Virginia, Wyoming, and elsewhere collateral damage," McKinley said in a statement. "They don’t have realistic alternatives that will allow impacted workers to support their families with a decent wage and preserve the communities where they live.”

Such GOP resistance means using the budget reconciliation process in the Senate, which in turn means winning the votes of all 50 Senate Democrats.

The only way to do that is to build a coalition of organized labor, environmental groups and the renewables industry.

“If done correctly, and by that I mean labor is truly a partner at the table both with the Biden administration and with Congress as these things are being developed from the ground up, then workers will not be left behind,” said Roxanne Brown, the United Steelworkers International Vice President at Large.

Brown said that another piece of the transition is changing the narrative between the industry and unions and getting energy companies to “understand that labor is a partner not a detriment to their business models.”

"Unions are a powerful voice in the policy space, and we could be a great partner to some of these companies who are growing in this country. But again, you know, they need to understand the value that unions bring to the table."

Certainly, labor can count on champions like Energy Chair Joe Manchin (D-W.Va.) and Sen. Sherrod Brown (D-Ohio) to insist on new protections to ensure the jobs are high paying. But the bill will also need the backing of the four Democratic Senators from Nevada and Arizona, states that see the renewables industry as the future of their economies and who could object if high labor standards put those industries in jeopardy.

Union officials and renewable industries seem ready to come to the table for discussions to push a bill through Congress that can help them both. An SEIA official said she'd met with the BlueGreen Alliance, a coalition of some unions and environmental groups, and conversations with the committees are ongoing.

Both Zichal and Sherman said that Biden's pro-union message has been heard.

"We are all being pushed by the administration," Zichal said.

To view online:
https://subscriber.politicopro.com/energy/article/2021/02/biden-attempts-to-balance-green-energy-goals-with-labor-demands-2035531

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Sent: 2/18/2021 10:04:30 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: POLITICO Pro Q&A: Senate Environment and Public Works Chair Tom Carper

POLITICO Pro Q&A: Senate Environment and Public Works Chair Tom Carper

By Anthony Adragna, Alex Guillén

02/18/2021 05:00 AM EST

The Biden administration is preparing to strengthen federal climate regulations, but no matter what the specific requirements are, the utility and auto industries are already moving rapidly in that direction thanks to market forces, Senate Environment and Public Works Chair Tom Carper (D-Del.) told POLITICO this week.

The two biggest emitting sectors — electricity and transportation — have made major strides in the past decade, Carper said. Even without a federal rule, utilities have significantly decreased their use of coal while electric vehicles have made technological jumps putting them in the race with gasoline-powered cars. So even if the eventual Biden rules fall short of environmentalists' demands, other factors will enhance the move toward cleaner energy sources, Carper said.

"I think eventually market forces are taking charge here and that's a good thing," he said.

Carper also said President Joe Biden is "fully engaged" on climate change issues and envisions a "variety of different policies to be considered" as Congress gets to work on its infrastructure package, including carbon pricing schemes and a clean energy standard. And Carper said it's critical that Biden make progress against the Covid-19 pandemic to create political capital that will help him go big on infrastructure legislation with a major climate change component.

This interview has been edited for length and clarity.

Over the last few years, EPA has shed quite a few employees, including a lot of scientific experts, and its budget is well below peak levels over a decade ago. As EPW chair, what are the big management problems that you want to work on addressing there over the next couple of years?

It starts with leadership; it's all about leadership. The president has found somebody [Michael Regan] in North Carolina who can actually work with folks on both sides of the aisle, with environmentalists. You look at the folks who endorsed him from every environmental group I can think of, to about 23 ag[ricultural] groups. And you had the Republican senators from the states on either side of Michael Regan [introducing him] at his hearing. That's a pretty amazing kind of endorsement. We're going to get him confirmed, not in months, but God willing, literally within a couple weeks of his confirmation hearing.

A number of people have talked to me about how they would like to serve as the administrator or the deputy administrator or the administrator for air or water or whatever. There's a ton of people that want to serve in this administration. People that have worked at the state level, run state agencies. People that worked at EPA in the past but they walked away from it because of the leadership of people like Scott Pruitt and others who came in and just tore the agency down and tore down the morale, eliminated the reliance on science. That's all going to change now.

Can you tell us a bit about your relationship with President Biden on climate environmental issues? Do you speak often about those issues? Do you text, talk on the phone?

We were just over there [at the White House] a week ago and we talked about these issues.

This was his idea. He asked me, oh gosh, a week or maybe two weeks ago, about the idea of bringing over some folks just to talk about transportation infrastructure with an eye on climate change, and the connection between the two. I told him I thought it might make sense to invite the chairs and ranking members from four committees that have shared jurisdiction over roads, highways, bridges, surface transportation. That would be our committee. That would be Commerce, which handles rail and safety. It would include Banking which handles, among other things, transit. And it also covers Finance, which has to pay for this stuff. So I suggested to him that if you wanted to just have a meeting with us, maybe eight people coming over.

In the end, he and staff decided that it would just stick with EPW. We had a great conversation — just a great conversation. And we have a committee with a remarkable history of working together, despite our differences. So we had a terrific meeting and coming out of that, [EPW ranking member] Shelley Moore Capito and I have advocated that we want to host a hearing before the end of this month. It focuses on surface transportation and to begin gathering input from all 50 states — from 100 senators — on what they think the priority should be in their respective states. So we talked about more than you might imagine.

The other thing is he and Jill have a house in Rehoboth, [Del.]. And he mentioned this in our meeting with my EPW colleagues. He reminded them that ... Rehoboth Beach, like the rest of Delaware is sinking. Waters around us are rising. This is something that's personal for the people of Delaware and that's one of the reasons why we're so anxious to do something about it.

One thing he talked about at the meeting that the president hosted was a 50-state deal on mobile sources that builds on the agreement between five car companies in California and a bunch of other states, including Delaware. He's fully engaged.

Automakers recently said they'd like to see a plan that increases annual vehicle mileage requirements in the 3.5 percent range, something sort of similar to California's deal. But environmentalists are saying the standard needs to be increased as high as 7 percent. Do you agree with that at all? Also, you pride yourself on having personal relationships with many of the big auto CEOs. Can you convince them to support something higher?

When Mary Barra announced at GM a week or so ago that by 2035 they're not going to be making any more diesel-powered or gasoline-powered vehicles, they're going to all hydrogen or all electric — what I think the auto industry is interested in is a beginning that looks a lot like the deal [the California Air Resources Board] negotiated with the five companies. That is a place to start from. But after that, they're going to be building a lot more cars, truck and vans that are electric-powered and hydrogen-powered than not.

You mentioned you want to negotiate a 50-state deal. That's what the Obama administration did. But then of course four years ago, the auto industry asked President Trump to overturn those rules. Are you concerned the industry might do that again if a Republican is elected president in the future?

[Former Assistant Secretary for Fish and Wildlife and Parks] Rob Wallace, at his confirmation hearing , said, "Bipartisan solutions are lasting solutions." My hope is we can enter an agreement that includes the 50 states, U.S. DOT, EPA, and all the major car companies, about a dozen or more. That provides the industry with predictability and some flexibility.

I'll never forget a meeting that Lamar Alexander and I hosted once while pushing Clear Skies legislation ... We had a bunch of utility CEOs in to see us from all over the country. At the end of the hour-long meeting, this one

CEO from someplace down south — crusty old guy, kind of a curmudgeon — said to Lamar and me, 'You know, here's what you fellows should do. Tell us what the rules are going to be, give us a little bit of flexibility, a reasonable amount of time and get out of the way.' I thought that was pretty good advice, and I think the same probably applies here.

How do you avoid the situation that occurred like with Obamacare where Republicans negotiate but then kind of walk away months down the line? And what specifically climate-wise would you like to have in the bill this year that you weren't able to include when former EPW Chair Sen. John Barrasso was leading the committee?

I've been talking a lot with the president — both before he was elected and since — about the main thing is to keep the main thing, the main thing. Right now, for him, the main thing is to get as many people vaccinated as fast as possible and to put Covid in our rearview mirror. For this administration to have the ability to get a lot of other things done, including climate, including Build Back Better, we need to do a great job on the main thing.

We need to be able to vaccinate as many people as fast as we can. [If] we do that, this administration will be able to say: 'look, we did a good job in the vaccination [process], we think we can do a good job on climate change, on surface transportation, on broadband, on all kinds of stuff.' It'll sort of just flow. But, right now, one of the things we need to do is do a great job on vaccinations.

In terms of paying for your bill, there's been a lot of talk about doing things like carbon pricing or a clean energy standard. What do you think of those approaches, and should they be part of the conversation about paying for the transportation bill?

The principle we need to agree to here is that, one, we need desperately to work on our roads, highways, bridges. Two, we need to pay for that, and in the past those who have used roads, highways, bridges, have paid for them, so that's sort of like a user-fee approach. And it's not just trucks. It's not just cars, and so forth. But those who use the roads have certainly paid for them. Those are kind of the principles.

It can be a variety of different policies. Ten years from now, people will be paying for the roads, highways, bridges that they use through something like vehicle miles traveled. And we have had about 10 states under our last reauthorization bill done that have a pilot for vehicle miles traveled, and the bill we reported out a committee about 18 months ago called for a 50-state pilot on vehicle miles traveled, and we'll do that again in the bill that we report out and take up later this year. That's the future, that's where we're going: vehicle miles traveled.

So if you're driving hydrogen-powered, natural-gas powered, gasoline-powered, diesel-powered, whatever it is, you're going to pay for the miles that you put on the road. And that's where we're going. The [issue] is we need a bridge to the future. There will be a menu of policy options. And in the end, it'll probably be a combination of those, and I'm not smart enough to prejudge what that combination is going to be. But eventually, sooner rather than later, vehicle miles traveled, that's the future and we need a bridge to the future. And we'll debate that in the Finance Committee.

But of those policy options, is there one that sticks out to you as personally as a good option?

Again, there's going to be a variety of options. We talked to some economists about whether or not it makes sense to raise the traditional fees that we use: gas and diesel taxes. ... They say you don't want to raise a user fee in the middle of a recession, and I don't think we'd want to do anything this year, but I think eventually one of the elements that we may want to consider — not the only one but one of the elements we may want to consider — as we prepare to go to vehicle miles traveled approach would be a very slow, gradual increase in user fees. And it could be something like a penny, a quarter starting in 2022. And maybe can repeat that the following

year to at least get started. I think of it, not like a light switch but sort of like a dimmer switch and to very slowly increase.

Some states have put in place an annual charge that the vehicles that don't buy gas or diesel, they pay the annual charge through their DMV and that way they pay their fair share. So, again, there's a variety of policies and in the end it's going to be a combination of policies that will provide the pay for. The truck industry, they're big players in this and I'm sure they'll have a lot to say — and should.

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Sent: 2/4/2021 12:04:18 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: February 4 -- Climatewire is ready

Climatewire -- Policy. Science. Business.

Read today's Climatewire on the web

CLIMATEWIRE

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Thu., February 4, 2021

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Testing. Republicans practice Biden climate attacks

Republicans used the confirmation hearing for EPA nominee Michael Regan to repudiate the president's climate policies. Some of the attacks span generations.

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In Regan's hearing, Gina McCarthy was the target

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Sent: 2/22/2021 5:00:20 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips: Morning Edition, 2/22/21

Daily Media Clips: February 22, 2021 (morning edition)
Biofuels
AGWired: Biofuels Caucus Introduces RFS Integrity Act
Emissions
EDITORIAL: Biden's plan to reduce methane emissions

Biofuels Caucus Introduces RFS Integrity Act
http://energy.agwired.com/2021/02/22/biofuels-caucus-introduces-rfs-integrity-act/
CINDY ZIMMERMAN FEBRUARY 22, 2021

U.S. Representatives Angie Craig (D-MN) and Dusty Johnson (R-SD) led the Congressional Biofuels Caucus in introducing bipartisan legislation last week to ensure transparency and predictability to the Environmental Protection Agency's small refinery exemption (SRE) process.

The Renewable Fuel Standard Integrity Act would require small refineries to submit a petition for a Renewable Fuel Standard (RFS) hardship exemption by June 1st of each year, allowing EPA to properly account for exempted gallons in the annual Renewable Volume Obligations set each November. The bill would also increase transparency by mandating the public disclosure of data surrounding SREs – a process that has previously been carried out behind closed doors with little to no congressional oversight.

American Coalition for Ethanol (ACE) CEO Brian Jennings thanked Reps. Johnson and Craig for reintroducing this bipartisan legislation. "This legislation is necessary because under President Trump, EPA brazenly granted nearly 90 waivers for small refineries, erasing over 4 billion gallons from the RFS volumes established by Congress. As of today, 66 additional refinery waivers are pending," said Jennings.

Craig and Johnson were joined in introducing the RFS Integrity Act by Reps. Cindy Axne (D-IA), Rodney Davis (R-IL), Mark Pocan (D-WI) and Adrian Smith (R-NE). Rep. Craig's recent appointment to the House Committee on Energy and Commerce will allow her to play a key role in fighting for its passage this year.

EDITORIAL: Biden's plan to reduce methane emissions
https://news.yahoo.com/editorial-bidens-plan-reduce-methane-131500582.html
The Citizens' Voice, Wilkes-Barre, Pa.
Mon, February 22, 2021, 8:15 AM

Feb. 22—Given the International Energy Agency's recent report finding methane to be the second-largest contributor to destructive climate change, the Biden administration's movement toward a comprehensive methane rule squarely is on the mark.

The current Environmental Protection Agency rule on controlling methane leaks, as well as Pennsylvania's rule, exempts small producers and wells that existed before the onset of the shale gas boom. In their never-ending quests to serve narrow interests, the Trump administration and Pennsylvania lawmakers wanted spare small

producers the costs of controlling pollution, even though methane produced from their wells is no less harmful than that leaking from high-volume Marcellus Shale deep wells.

Pennsylvania has thousands of old wells releasing large amounts of methane. Nationally, the problem is particularly acute regarding oil wells, from which methane is considered more of a waste product than the primary product, which is the case in gas production.

According to the University of Cincinnati's Dr. Amy Townsend-Small, many wells that produce less than a barrel of oil per day leak into the atmosphere more than 100% of their reported gas production.

President Joe Biden has issued an executive order directing the EPA to develop a comprehensive rule on methane leaks. The agency should ensure that the rule covers all oil and gas wells, basing it on the danger of the leaked methane rather on the size of the producer.

Message

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Biden names Lefton BOEM chief

Biden names Lefton BOEM chief

By Eric Wolff

02/01/2021 04:36 PM EST

Amanda Lefton, the first assistant secretary for energy and environment under New York Gov. Andrew Cuomo, will become the next director of the Bureau of Ocean Energy Management, BOEM and Interior spokespeople said on Monday.

The details: Lefton spent two years working for Cuomo, including a brief stretch for Ali Zaidi, who is now President Joe Biden's deputy new national climate adviser. As head of BOEM, she will oversee Biden's push to expand offshore wind energy and will have the opportunity to reinstate oil drilling rig safety requirements unwound by the Trump administration.

POLITICO reported she was likely to get the nod last week.

Lefton previously spent seven years as a policy expert at The Nature Conservancy in New York.

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Sent: 3/4/2021 11:26:47 PM
To: Kim, Eun [Kim.Eun@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: RE: READING: Materials for Friday, March 5, 2021

Thanks Eunjung. Those are actually in there; the program sent them with the light duty weekly materials. They are titled Talking Points for OAR Leadership for March Auto Meetings. So, you got 'em!

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Kim, Eun <Kim.Eun@epa.gov>
Sent: Thursday, March 4, 2021 6:24 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Campbell, Ann <Campbell.Ann@epa.gov>
Subject: READING: Materials for Friday, March 5, 2021

Hoping to get materials on Honda and Ford meetings later on. I will bump those, once I see them

Goffman, Joseph Calendar
Goffman.Joseph@epa.gov
On Friday, March 5, 2021
Time zone: (UTC-05:00) Eastern Time (US & Canada)
(Adjusted for Daylight Saving Time)

March 2021

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28	29	30	31			

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Out of Office | Working Elsewhere | Outside of Working Hours

March 2021

Fri, Mar 5

	Before 8:00 AM	**Free**
	8:00 AM – 8:30 AM	**Free**

■	8:30 AM – 9:00 AM	Check-In
□	**9:00 AM – 9:15 AM**	**Free**
■	9:15 AM – 10:00 AM	Air Issues Meeting
■	10:00 AM – 10:30 AM	Management Roundtable
□	**10:30 AM – 11:00 AM**	**Free**
■	11:00 AM – 11:45 AM	Light-Duty Vehicles Update (materials attached, 2 docs)
□	**11:45 AM – 12:00 PM**	**Free**
■	12:00 PM – 1:00 PM	Lunch/Management time
■	1:00 PM – 1:45 PM	Municipal Solid Waste (MSW) Landfills Sector Informational Briefing (materials attached, 1 doc)
□	**1:45 PM – 2:00 PM**	**Free**
■	2:00 PM – 2:30 PM	One-on-One with Sarah Dunham
■	2:30 PM – 3:00 PM	Briefing: Bilateral Climate Priorities and POTUS Leaders Summit (materials attached, 2 docs & 1 spreadsheet)
■	3:00 PM – 3:30 PM	EPA meet and greet with Honda
■	3:30 PM – 4:00 PM	Meet and Greet with Ford Motor Company
■	4:00 PM – 5:00 PM	Meet with Anne Kelley of Ceres (materials attached, 1 doc & 1 pdf)
■	5:00 PM – 5:30 PM	Management Time
□	**5:30 PM – 6:00 PM**	**Free**
■	6:00 PM – 7:00 PM	Climate Cluster Happy Hour with Secretary of Energy Jennifer Granholm
□	**After 7:00 PM**	**Free**

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From: POLITICO Pro [alert@email.politicopro.com]
Sent: 2/2/2021 2:45:53 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Automakers drop out of California emissions litigation

Automakers drop out of California emissions litigation

By Alex Guillén

02/02/2021 09:45 AM EST

The automakers that had been defending the Trump administration's revocation of California's Clean Air Act waiver — including Fiat Chrysler and Toyota — dropped out of the litigation on Tuesday, pledging instead to work with the Biden administration to create a single national standard for vehicles.

Background: EPA and the National Highway Traffic Safety Administration revoked an Obama-era waiver in 2019 that allowed California to regulate greenhouse gas standards for passenger vehicles (Reg. 2060-AU09), prompting the state to sue the Trump administration. Many automakers intervened in California's challenge on behalf of the administration in an effort to help maintain a single national standard by preventing the state from imposing more stringent rules than the federal government.

In the weeks after the November election, General Motors and Nissan withdrew from the litigation.

Details: The remaining automakers involved in the legal fight — FCA, Toyota, Mazda, Mitsubishi, Hyundai, Kia and Subaru — filed a motion to withdraw from the lawsuit on Tuesday morning.

In a statement, the automakers, under the banner of the Coalition for Sustainable Automotive Regulation, said their interest in maintaining a single national standard is best served now by working with the Biden administration.

"We are aligned with the Biden Administration's goals to achieve year-over-year improvements in fuel economy standards that provide meaningful climate and national energy security benefits, reduce GHG emissions and promote advanced technologies," the group said. "In a gesture of good faith and to find a constructive path forward, the CSAR has decided to withdraw from this lawsuit in order to unify the auto industry behind a single national program, with ambitious, achievable standards."

In a separate statement, the Alliance for Automotive Innovation — which counts all the major automakers as members, including Ford and the others that struck a voluntary emissions deal with California in 2019 — called on the Biden administration to settle on future tailpipe emissions rules "roughly midway between" the Obama standards, which had called for 5 percent annual improvements, and the Trump standards, which required just 1.5 percent gains.

"Our goal is to work collaboratively with the administration to achieve greater environmental improvements than current requirements, sooner, while providing benefits for consumers, creating opportunities for job creation, and strengthening our nation's economy," said Alliance President and CEO John Bozzella.

Context: The revocation of California's waiver — and the subsequent rule rolling back the federal emissions standards — are among the high-profile rules President Joe Biden has ordered agencies to reconsider.

EPA and NHTSA are reportedly working on interim standards based on the California deal with Ford and the other automakers, which required gains of about 3.7 percent per year, a steeper path than Trump's standards.

"After four years of putting us in reverse, it is time to restart and build a sustainable future, grow domestic manufacturing, and deliver clean cars for America. We need to move forward – and fast," National Climate Adviser Gina McCarthy said in a statement.

That action is expected by April 1, E&E News reported on Monday. That date aligns with a statutory deadline governing NHTSA's Corporate Average Fuel Economy standards, which must provide at least 18 months' lead time before strengthening fuel economy standards. That likely means any new Biden standards will not take effect until model year 2023.

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Agri-Pulse Daily Harvest 2/4/2021

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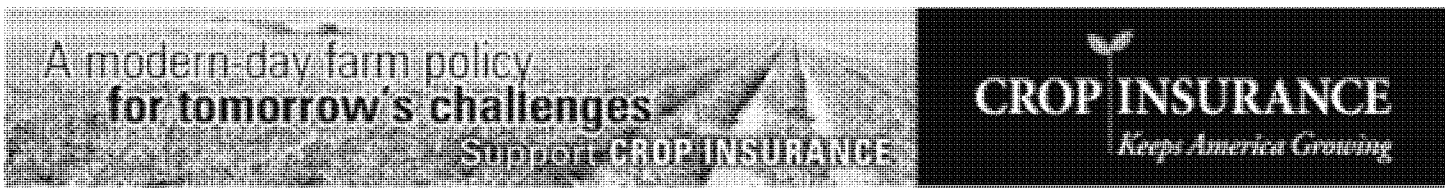


FARM & RURAL POLICY

Agri-Pulse: Daybreak for February 4, 2021

Link - (Audio) Industry critic gets Senate Ag seat; Vilsack advances; Survey shows active interest in carbon payments.

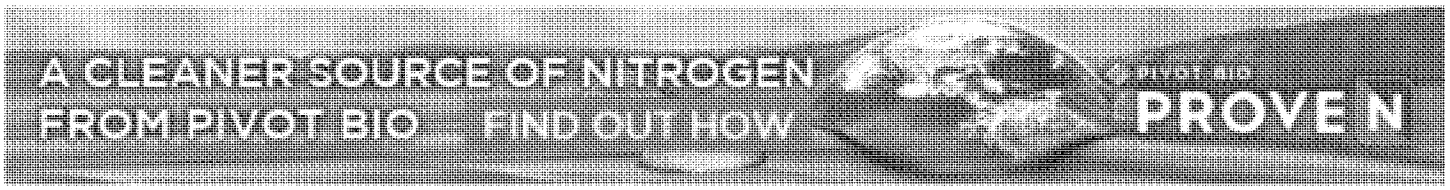
Agri-Pulse: DriveTime: February 3, 2021

Link - (Audio) Michael Regan discussed his plans as the potential leader of the Environmental Protection Agency and a long-running legal dispute got another degree of resolution.

Agri-Pulse: EPA nominee Regan offers water, biofuels pledges at confirmation hearing
Link - Michael Regan, the Biden administration's nominee for administrator of the Environmental Protection Agency, committed Wednesday to work with the agriculture community as he tackles thorny issues involving the Renewable Fuel Standard and implementation of the Clean Water Act.

The Hutchinson News: Kansas ag secretary says agriculture is the state's largest industry and economic driver
Link - When speaking in front of the Kansas House Appropriations Committee, Mike Beam, Kansas' secretary of agriculture, said Kansas ranks fifth in the nation for the total value of agricultural production.

The Gazette: Iowa farm bankruptcies up 26 percent in 2020
Link - Small nationwide decline in farm bankruptcies likely due to federal aid for trade dispute, coronavirus.



ENERGY

Lincoln Journal Star: Bill would force ethanol plant near Mead to stop using pesticide treated seed corn
Link - State lawmakers were urged Wednesday to quickly advance and pass a bill that would force an ethanol plant near Mead to stop using pesticide-treated seed corn to produce fuel.

Reuters: Biden administration to restart permitting for major U.S. offshore wind project
Link - The Biden administration said on Wednesday it would restart permitting for the first major U.S. offshore wind farm, reversing a Trump administration decision that canceled the process late last year.

Washington Post: The Empire State Building and its related buildings are now powered by wind

Link - Empire State Realty Trust will announce a major purchase of wind power from Green Mountain Energy and Direct Energy, making it the nation's biggest real estate user of entirely renewable energy.

New York Daily News: Solar power grows in NYC despite pandemic, Con Ed says

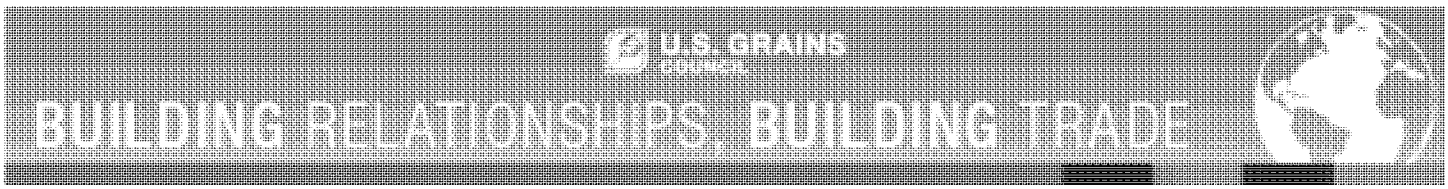
Link - Solar electricity has grown enough in the New York area to power the TVs Con Ed customers will use to watch the big game this Super Bowl Sunday.

Wyoming Tribune: Legislators eye solar tax

Link - A bill introduced by Wyoming's Legislature on Tuesday proposes to exact an additional tax on utility-scale solar power facilities.

Capital Press: How Biden's push for electric vehicles could impact corn producers

Link - The oil industry is asking biofuel groups to help lobby against Biden's push for electric vehicles, but so far, they have met with a cool reception from biofuel leaders.



FOOD & NUTRITION

Agri-Pulse: COVID-19 regulation would disrupt the food supply chain, argue attorneys

Link - Two lawsuits are challenging the legal authority of new COVID-19 worker safety requirements.

Eater: Amazon Pocketed $62 Million in Delivery Drivers' Tips, FTC Alleges

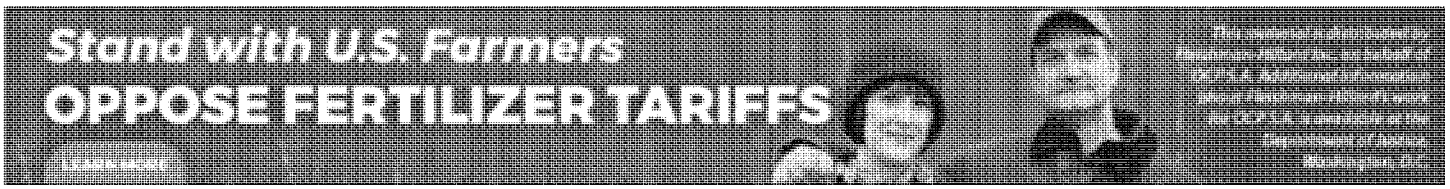
Link - A $61.7 million settlement will compensate gig workers whose tips were used to subsidize their hourly wages.

Business Insider: Sec. of Agriculture nominee will prioritize food security and climate change
Link - Sec. of Agriculture nominee Tom Vilsack said he will prioritize climate change and food security as head of the USDA.

FoxNews: Restaurants beginning to offer discounts for vaccinated customers to honor essential workers, encourage others
Link - Fine dining in Detroit just got more affordable — if you're vaccinated.

WHSV: Sen. Warner introduces bill to help eliminate food deserts
Link - On Wednesday, Senator Mark Warner joined several other senators in introducing the Healthy Food Access for All Americans (HFAAA) Act.

KTLA: Long Beach workers rally over planned closure of Food 4 Less, Ralphs blamed on city's hazard pay mandate
Link - Tensions rose over hazard pay in Long Beach Wednesday as grocery store workers rallied outside a Food 4 Less that its parent company, blaming a city mandate to raise the front-liners' hourly wage by $4, planned to close in April.



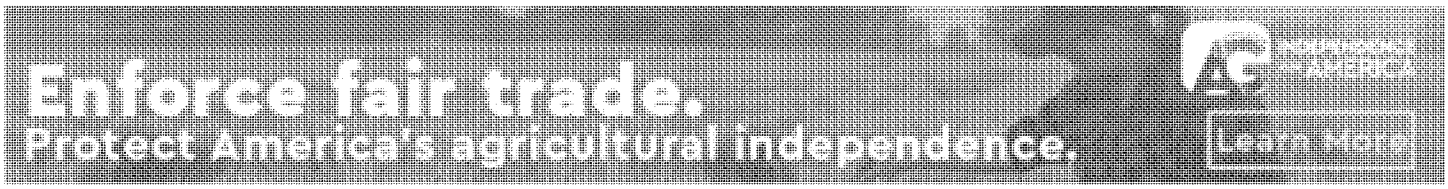
TRADE & INTERNATIONAL

Daily Sabah: Indian farmers fear ruin from Modi's agriculture reforms
Link - Scores of protesting farmers in India have died due to the cold weather since pitching their tents in the thousands on the outskirts of Delhi in November after police prevented them from entering the capital city to hold a demonstration against the federal government's three new agricultural laws.

Vox: India is mad at Rihanna and Greta Thunberg over farmers protest tweets

Link - International pop star Rihanna and teenage climate activist Greta Thunberg have seriously angered the Indian government and awakened right-wing trolls in India after voicing support for the thousands of farmers who have been protesting for months against agricultural reforms passed by India's government last fall.

Africa Oil & Power: Sowing the Seeds of Industrial Farming in Mozambique
Link - With fertile river valleys, expansive coastal lowlands and the prolific Zambezi River as a source of irrigation, Mozambique is considered a mecca for crop cultivation, with climatic conditions catering to a diverse range of agricultural products.



LABOR & IMMIGRATION

Radio Iowa: Study finds high potential for developing dementia for agricultural workers
Link - A University of Iowa study finds people who work long-term in the agricultural industry have 46% greater odds of developing dementia than those in other fields.

Fresno Bee: California farmworkers say they're treated like 'useless trash' during COVID pandemic
Link - The report highlights "precarious conditions" facing farmworkers during the pandemic. Researchers surveyed more than 900 California workers.

NBC Bay Area: Half Moon Bay Cannabis Company Under Investigation for Farmworker Wage Allegations
Link - A once-thriving cannabis and hemp company in Half Moon Bay is now being investigated by state and local authorities for possibly cheating it's farmworker labor force out of two months of pay.

The Philadelphia Inquirer: National Labor Relations Board vetoes unionization of workers at a

Chester marijuana grower

Link - Agricultural and farm workers are usually considered to be federally exempt from federal labor law.

KSBW: First mass vaccinations for Santa Cruz County ag workers begins

Link - On Wednesday, mass vaccinations for 1,000 agriculture workers began in Santa Cruz County.

CONSERVATION & WILDLIFE

Agri-Pulse: California NRCS accepting applications for popular conservation program

Link - Producers interested in applying for the Environmental Quality Incentives Program, a competitive USDA conservation program, should sign up by March 3.

Agri-Pulse: Bayer announces agreement on dealing with future Roundup cases

Link - Bayer has agreed with plaintiffs' counsel on a plan the company said is "designed to manage and resolve future Roundup cases," a key component of settling thousands of claims against the company over exposure to the widely used herbicide.

Agri-Pulse: Will CME's water futures market help as a risk management tool?

Link - Water is now being traded on the CME Group's new index, but some California water managers and market observers are less confident the futures contract will offer much benefit.

Agri-Pulse: Is water infrastructure or green technology better for stimulating California's economy?

Link - Analysts and economists say both stimulus approaches would have long-term benefits, but may not help with immediate recovery.

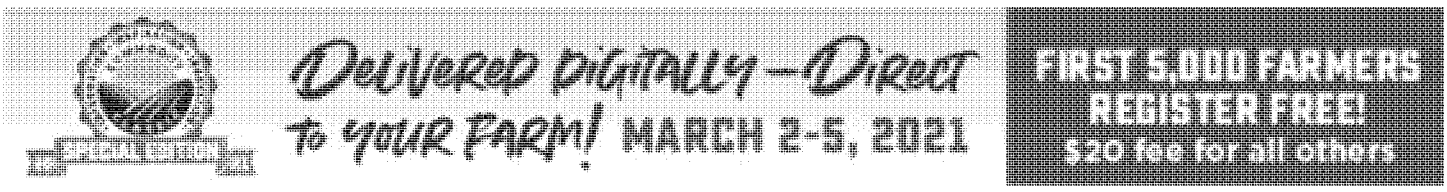
Reuters: Biden's EPA pick assures lawmakers he will listen to states in climate fight
Link - U.S. President Joe Biden's choice to lead the Environmental Protection Agency told lawmakers on Wednesday he will consult with states and other stakeholders as the agency determines how to deliver on the administration's sweeping plans to tackle climate change and clean up pollution hotspots.

E&E News: Michael Regan's coal ash cleanups set template for EPA regs
Link - Regan could use the Tar Heel State coal ash standards as a template for federal regulations, activists say.

The Hill: Environmental groups sue over federal permit for Virgin Islands refinery
Link - Four environmental groups launched a legal challenge this week calling for the review of a federal permit for a long-closed oil refinery in the U.S. Virgin Islands.

National Geographic: Oil drilling on sensitive New Mexico public lands puts drinking water, rare caves at risk
Link - A National Geographic investigation has found that Permian Basin energy exploration could taint residential aquifers with pollutants—as well as Carlsbad Caverns and other cave systems.

Associated Press: Michigan task force set to make dam safety recommendations
Link - A group responsible for offering new safety measures after two Michigan dams failed last summer destroying 150 houses and causing over $200 million damage delayed sending the governor its final recommendations, which include increased monitoring of dams and other risk reduction measures.



MISCELLANEOUS

WTAJ: Veteran owned CBD Oil farm aiming to serve local community, veterans

Link - CBD oil sales are expanding around the country. In Pennsylvania, the sale of CBD Oil is legal if the hemp is grown from the seed or stalk.

The Daily Yonder: Rural Residents Appear to Be More Vulnerable to Serious Infection or Death From Covid-19

Link - Health experts identified older age, underlying medical conditions and overall difficulty in accessing medical care as the main factors contributing to worse health outcomes among rural populations.

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Sent: 3/4/2021 11:24:22 PM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]
Subject: READING: Materials for Friday, March 5, 2021
Attachments: Agenda_OAR LDV Weekly_March_5_2021.docx; Talking Points for OAR Leadership March 2021 Auto Meetings, 3.4.2021, DRAFT.docx; MSW Landfills_Info Briefing_OAR_FINAL.docx; Background for Ceres Meeting on 03 05 2021.docx; CERES - Topics for EPA discussion.pdf; CanadaIPCMatrix_EPAComments_2.4.2021EPAFinal.docx; Climate Leaders Summit - prep for Internal EPA Administrator Meeting Rev HDF.docx; Leaders' Summit Deliverables- All OAR - Revised TC-AN.xlsx

Hoping to get materials on Honda and Ford meetings later on. I will bump those, once I see them

Goffman, Joseph Calendar
Goffman.Joseph@epa.gov
On Friday, March 5, 2021
Time zone: (UTC-05:00) Eastern Time (US & Canada)
(Adjusted for Daylight Saving Time)

March 2021

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Busy — Tentative — Free
Out of Office — Working Elsewhere — Outside of Working Hours

March 2021

Fri, Mar 5

	Before 8:00 AM	**Free**
	8:00 AM – 8:30 AM	**Free**
	8:30 AM – 9:00 AM	Check-In
	9:00 AM – 9:15 AM	**Free**
	9:15 AM – 10:00 AM	Air Issues Meeting
	10:00 AM – 10:30 AM	Management Roundtable
	10:30 AM – 11:00 AM	**Free**
	11:00 AM – 11:45 AM	Light-Duty Vehicles Update (materials attached, 2 docs)
	11:45 AM – 12:00 PM	**Free**

■	12:00 PM – 1:00 PM	Lunch/Management time
■	1:00 PM – 1:45 PM	Municipal Solid Waste (MSW) Landfills Sector Informational Briefing (materials attached, 1 doc)
□	**1:45 PM – 2:00 PM**	**Free**
■	2:00 PM – 2:30 PM	One-on-One with Sarah Dunham
■	2:30 PM – 3:00 PM	Briefing: Bilateral Climate Priorities and POTUS Leaders Summit (materials attached, 2 docs & 1 spreadsheet)
■	3:00 PM – 3:30 PM	EPA meet and greet with Honda
■	3:30 PM – 4:00 PM	Meet and Greet with Ford Motor Company
■	4:00 PM – 5:00 PM	Meet with Anne Kelley of Ceres (materials attached, 1 doc & 1 pdf)
■	5:00 PM – 5:30 PM	Management Time
□	**5:30 PM – 6:00 PM**	**Free**
■	6:00 PM – 7:00 PM	Climate Cluster Happy Hour with Secretary of Energy Jennifer Granholm
□	**After 7:00 PM**	**Free**

Eunjung Kim
Special Assistant
Office of Air and Radiation
(202) 815-7252

Message

From: POLITICO Pro Energy [alert@email.politicopro.com]
Sent: 3/10/2021 10:04:37 AM
To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Heinrich nudges Biden on jobs focus in energy transition plans

Heinrich nudges Biden on jobs focus in energy transition plans

By Anthony Adragna

03/10/2021 05:01 AM EST

Sen. Martin Heinrich (D-N.M.) is aiming to help shape the Biden administration's climate change agenda, and he's pressing the White House to live up to its promise to not leave fossil fuel producing communities behind as it rolls out its clean energy plans.

Heinrich teamed up with fellow New Mexican Sen. Ben Ray Luján in a letter to National Climate Advisor Gina McCarthy urging the administration not to make its January pause on new lease sales for oil and gas drilling on public lands indefinite. That pause has angered Republicans, but the oil sector has taken a wait-and-see approach, since many still have years' worth of permits in hand to continue operations.

And in a separate letter, the two lawmakers asked the Interior Department not to extend an early memorandum centralizing approval for permitting actions to a top tier of political appointees beyond its current March 20 expiration date.

Heinrich, a senior member of the Energy and Natural Resources Committee, is an unabashed backer of rapidly moving the country to clean energy, even while representing a state that gets nearly 40 percent of its budget from oil and gas revenues.

“The energy transition is coming,” he told POLITICO in an interview Tuesday. “We need to make a federal effort to smooth the economic impact that that is going to have for states like New Mexico or Wyoming or others.”

In the letter to McCarthy, Heinrich and Luján said while a short-term pause in new leasing is "fully appropriate" for the Biden administration to re-assess the program, "an extended and indefinite suspension would have significant impacts on our workforce and state funding for education and creates unnecessary uncertainty for New Mexico’s state and local tax revenues.”

Heinrich has spoken with McCarthy, Energy Secretary Jennifer Granholm and Interior Secretary-designee Deb Haaland about the needs to help communities affected by the energy transition. And he said he plans to introduce legislation to “deal with the revenue shortfall issue, in particular,” given the reliance on the funding for states like his.

He acknowledges there's skepticism around administration promises that good-paying, clean energy jobs will replace the fossil fuel ones. But he argues the administration and Congress should invest in pilot projects, particularly in the nascent hydrogen industry.

"The potential pivot for upstream oil and gas is really the hydrogen sector," he said. "The overlap there with hydrogen is substantial. So if we could really invest and create a hydrogen hub somewhere that really kicked off that piece of our energy transition, I think that would go a long way towards building some of that trust."

Both Heinrich and Sen. Joe Manchin (D-W.Va.), chair of the Energy Committee, have been among the most vocal Democrats in calling for including fossil fuel workers in energy transition plans, and the two lawmakers will be critical players in shaping how the party addresses the issue.

Advocates in Washington say Heinrich's pragmatism — he voted for both of former President Donald Trump's Interior secretaries and played a key role in getting lands packages, like the Great American Outdoors Act, across the finish line last Congress — will be crucial as Democrats seek to build consensus and coalitions for ambitious climate legislation.

"He's the bridge between a clean energy future and a fossil fuel-heavy present," said Collin O'Mara, president of the National Wildlife Federation who considers Heinrich a friend. "He's perfectly situated. ... There aren't a lot of people who can move between most progressive groups to Republicans to conservation groups."

Following passage of the massive Covid-19 relief package, Heinrich expects the Democratic conference will assemble "one big package" on climate and infrastructure before August. He thinks budget reconciliation, which only requires a simple majority passage, will most likely be the means to move it and he doesn't want to take any policy mechanisms off the table.

"We need to really start thinking about investing in more of an industrial policy strategy," he said. "As much as I am a strong supporter of a clean energy standard, that doesn't get to a lot of the other sectors. It deals with the electric generation issue but we still have to decarbonize industrial processes like cement and steel and glass. And I don't think we should be taking a carbon tax off the table for those places that you can't get to with a clean energy standard."

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Interior revokes Trump administration changes to LWCF program

Interior revokes Trump administration changes to LWCF program

By Anthony Adragna

02/11/2021 11:51 AM EST

The Biden administration on Thursday revoked a November order from the Trump Interior Department that placed new restrictions on how funds under the Land and Water Conservation Fund can be doled out.

In a secretarial order, Acting Interior Secretary Scott de la Vega said the prior order "needlessly inhibits availability of LWCF funds to State assistance programs and Federal land acquisitions" and asked for a review of guidance documents to see if it should be changed.

Background: Former Interior Secretary David Bernhardt made a number of significant changes to the LCWF program with his order released days after the election. Among the most controversial was a provision allowing state and local jurisdictions to effectively veto federal land acquisitions by requiring a "written expression of support" for projects.

Democrats and conservation groups blasted the move as an effort to hamstring the program mere months after Congress passed the Great American Outdoors Act, which guarantees $900 million annually for it. The program is funded through royalty payments from offshore oil and gas drilling in federal waters.

Praise for revocation: Environmental groups that played a key role in passing the Great American Outdoors Act hailed the Biden administration's move as crucial to enabling the program to fully function.

"LWCF is a critical tool for making access to nature more equitable, fighting climate change, and reaching our national goal of protecting 30% of America's lands and waters by 2030," said Alex Taurel, director of the League of Conservation Voters' conservation program. "We're thrilled that this program can get back to work as intended to help achieve this administration's bold and inclusive nature conservation agenda."

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https://subscriber.politicopro.com/energy/whiteboard/2021/02/interior-revokes-trump-administration-changes-to-lwcf-program-3986959

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: Senate confirms Haaland as first ever Native American Cabinet member

Senate confirms Haaland as first ever Native American Cabinet member

By Ben Lefebvre, Anthony Adragna

03/15/2021 06:28 PM EDT

Deb Haaland won confirmation in the Senate to lead the Interior Department on Monday, making the Congresswoman from New Mexico the first Native American ever to serve in a presidential Cabinet.

Haaland's rise from poverty to Congress and now to President Joe Biden's cabinet ushers in a new chapter for the agency that once sought to extinguish the cultural identity of Native American who were driven onto reservations to open up vast areas of the country for settlers. As head of the Interior Department, she will oversee the agency that not only guides the federal government's relations with tribes, but manages 20 percent of the U.S. land and nearly a quarter of the nation's oil and gas production.

That fossil fuel production was the central issue in her contentious nomination process, since Haaland, one of the most progressive members of the House, had advocated a "keep it in the ground" approach for oil and gas production and participated in a protest against a pipeline in North Dakota. Those views drew sharp criticisms from Republicans, particularly those from western states whose economies depend on oil, gas and coal output, often from the federal acreage Haaland will now oversee.

In the final vote, only four Republicans joined all Senate Democrats present in the 51-40 tally that will install her as Interior secretary. Those votes came from Alaska's Lisa Murkowski, who said she "struggled" with her support, Susan Collins of Maine, Lindsey Graham of South Carolina and Dan Sullivan of Alaska.

To win those votes, Haaland, a member of the Laguna Pueblo, softened her opposition to fossil fuel production at her hearing, saying the responsibilities of Interior secretary were different than those of a member of the House, and she pledged to work with states on the access to federal lands for energy development.

Democrats and Native Americans hailed her nomination a historic moment for the Indigenous people who had long suffered from the federal government.

"Given the long and troubled relationship between the federal government and tribal nations, the ascension of Rep. Haaland to the top of the Interior Department is a profoundly important moment for America," Senate Majority Leader Chuck Schumer (D-N.Y.) said on the floor. "For too long tribal nations have been denied a seat at the table where decisions were made that affected their lives and their land."

Julia Bernal, director of the Pueblo Action Alliance in New Mexico, said she had been hearing from leaders of pueblos in New Mexico who hoped that Haaland winning the position would mean they would have louder voices in Interior decisions on the land and water issues affecting them, including reconsidering the Trump administration's decision to open up lands near Chaco Canyon — a site held sacred by tribes — to new energy production.

"There's a lot of hope coming out of pueblo leadership," Bernal said. "The opinion is that an indigenous person needs to be in that position, and much better that it's an indigenous woman. I really believe a shift in perspective can really come up with solutions to problems like climate change and drought."

At Interior, Haaland will play a major roll in implementing Biden's aggressive climate goals, including regulations that may weigh on oil, gas and coal production, as well as increasing the share of wind and solar power produced on federal acres. The agency could also ease the way for new high-voltage electric transmission lines connecting solar and wind farms to population centers, and address push to expand mining of critical minerals needed to feed the supply chains to build Biden's clean energy economy.

Haaland also begins her new role staring down a series of deadlines outlined under Biden's initial climate change executive order for priorities like the Civilian Conservation Corps and push to conserve 30 percent of the planet's lands and waters by 2030. She's expected to begin listening sessions to gather input from groups as varied as the nation's sportsmen, oil and gas producers and Native American tribes.

"I've never seen someone with the level of empathy and understanding of what people are going through," said Collin O'Mara, president of National Wildlife Federation who helped prepare Haaland for the confirmation hearings. "She's lived the good and the bad — the betrayals but also the economic engine that can come from healthy public lands. She's the perfect crucible of everyone's experience of public lands all wrapped into one."

Notably, Haaland was introduced to her confirmation hearing by Alaska Rep. Don Young, a conservative Republican who said he's struck up a productive collaborative partnership with her at the House Natural Resources Committee. And O'Mara said Republicans ruling out working with her or dismissing her commitment to outreach are making a mistake: "The Republicans who know her best, like her."

In remarks on the Senate floor on Monday, Sen. Tina Smith (D-Minn.) blasted the Republicans she said had held a woman of color to "a different standard" than they would have for a white man, echoing criticisms made by tribal voices throughout the confirmation process.

"We need to be honest with ourselves about what is going on here," Smith said. "We have got to come to grips with the reality that time after time, strong women — and especially women of color — are attacked when white men with the same views are welcomed to walk right through the door, unopposed."

Sen. Steve Daines of Montana embodied many of the attacks from conservatives by calling Haaland a "far left idealogue" and attempted to block Haaland's nomination from going to the full senate even after it had cleared committee. He railed against her nomination on the floor, saying her views are outside of the mainstream in areas like fossil fuel development, wildlife management and access to public lands for recreation.

"I'm not opposed to Representative Haaland's confirmation because she's a Democrat, because she was nominated by President Biden — in fact, I've supported many of the President's nominees. This is about her record, her very far-left, divisive positions that will fail to represent the West," he said last week.

Halaand will also have to deal with oil and gas companies that are looking nervously at the Biden administration's pause on new oil and gas leases on federal land. The fossil fuel industry, which had become accustomed to riding shotgun when the Trump administration was making policies over federal lands is now preparing for a time when it will be regulated to the back seat.

"She has done little to dispel the industry's trepidation over what her tenure at DOI is likely to mean for fossil fuels as her bias keeps showing," said Stephen Brown, a long-time energy lobbyist. "Bottom line — the industry is in for a rough four year ride, but that was already pretty much a given once Biden was elected."

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To: Goffman, Joseph [Goffman.Joseph@epa.gov]
Subject: FERC ready to take action on Texas power crisis

FERC ready to take action on Texas power crisis

By Eric Wolff

03/03/2021 05:30 AM EST

Texas' second major power failures in a decade could spur FERC to take the rare step of ordering new reliability standards, experts say.

Despite FERC's limited authority in Texas, federal regulators could direct the North American Electric Reliability Corp. to develop those standards to force the state to mitigate the risks caused by extreme winter weather. And the commissioners could rely on their convening power to draw attention to the shortcomings in Texas to push state regulators to take stronger measures to protect the grid after the February freeze that left 4.4 million Texans without power for days and triggering comparisons to the 2011 cold snap that also caused massive generation failures.

FERC and NERC issued a report on the need for new winterization standards after the 2011 problems, but neither the state nor the federal government imposed new requirements. This time around, FERC Chair Rich Glick vowed the commission will take action even though it can't regulate the power market managed by the Electric Reliability Council of Texas.

But there is plenty of room for the federal government to act, experts agree.

"Chairman Glick is signalling that he's open to ordering NERC to develop a standard on generators' winterization," said Jeff Dennis, general counsel for Advanced Energy Economics, a clean energy advocate and a former adviser to FERC during the 2011 crisis. "That was shown a gap in the reliability standards in the 2011 report. No state has standards. There are no regional standards. He's been signaling early on, he's been looking at that gap."

FERC and NERC promised an investigation last month even before the lights in Texas were back on. Although the Federal Power Act prevents the commission from touching Texas' isolated market for power sales, it does give FERC the authority to order NERC — which is run by the power industry to develop standards — to make new reliability rules mandatory, rather than voluntary as the 2011 report was.

"The 2011 event was a sentinel signal, and we didn't heed it," said Becky Klein, a former ERCOT board member and former chair of the Public Utility Commission of Texas. "I think that one aspect was this was a low probability event to occur again, even though it was high risk. The other reason was that there was some speculation that the market would take care of itself."

Texas does not operate a capacity market like the ones in PJM Interconnection or ISO-New England, which pay generators to make power plants available years into the future. Instead it relies on an energy-only market that allows power prices to skyrocket up to a $9,000 per megawatt-hour cap to motivate generators to be ready for spikes in power demand, which in Texas typically happen in the summer. During the deep freeze, the market hit

the cap for days, but no amount of profit motive could restore critical generation that was unprepared for the cold.

In February, Glick discussed potential actions by the commission and the importance of ensuring that "the results of the inquiries don't just sit on the shelf gathering dust."

"I am prepared, if necessary, to support the imposition of new mandatory standards to make sure that electric generators and others are better prepared when weather strikes the next time," he said during an open meeting that month.

FERC cannot investigate what happened to power prices in Texas, but it promised an investigation into market manipulation across the Midwest and South, both of which had their own, more moderate, power problems that same week. And it can probe how shipments of natural gas from Texas were disrupted by winter freeze.

"Under Natural Gas Act authority, to the extent anything was happening in the interstate natural gas markets, FERC would have authority to look into that in Texas," said Ari Peskoe, director of the Harvard University Electricity Law initiative.

Peskoe added that FERC also has a certain amount of soft power to push Texas to do more to protect its grid.

"FERC has its convening power as well. Even though it doesn't have jurisdiction over market rules or planning, it could hold technical conferences to shed more light, once it has more information," he said.

Other federal agencies may also get involved. The Commodity Futures Trading Commission and FERC worked out how to resolve overlapping jurisdiction in a 2014 Memorandum of Understanding that allows the CFTC to dig into any potential problems in futures and swaps trading that happened during the power crisis.

"We are monitoring irregularities in the Texas energy markets following last week's freeze, specifically where there is a federal nexus with CFTC regulated markets and listed products," acting Chair Rostin Behnam said at the commission's meeting last week. "We remain prepared to do whatever is necessary to protect the integrity of our markets."

And Congress plans to get involved. Rep. Ro Khanna (D-Calif.), who chairs the environment subcommittee of the House Oversight Committee, and Sen. Joe Manchin (D-W.Va.), chair of the Energy Committee, both promised hearings into the crisis.

Congress can also provide more long-term solutions. President Joe Biden's much-anticipated infrastructure bill is expected to include funding to promote transmission construction that could help relieve bottlenecks in Texas. And Sen. John Cornyn (R-Texas) plans to introduce a bill this month that would require federal funds be available to help southern states, which are typically ill-prepared for snow and cold weather, to winterize their power infrastructure.

"What we intend to do is to introduce legislation here in Washington that will create a program within the Department of Energy that will provide grant funding to states like Texas for preparing their grid for extreme weather situations through formula grants," he told Texas reporters last month. "This legislation that I'm now talking about introducing will create a separate grant program designed specifically so states like Texas, including Texas, won't be caught flat-footed by another storm like this."

Klein and others from Texas have no objection to a federal infusion of cash but bristle at the idea of new rules from FERC or another federal body, or calls like those from Energy Secretary Jennifer Granholm suggesting Texas should interconnect with the rest of the U.S. grid to improve its reliability.

"There are other parts of the country under FERC jurisdiction that have had problems with reliability," said former FERC commissioner Bernard McNamee, who was raised in Texas.

To view online:
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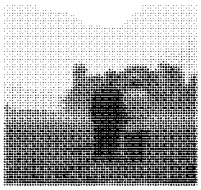

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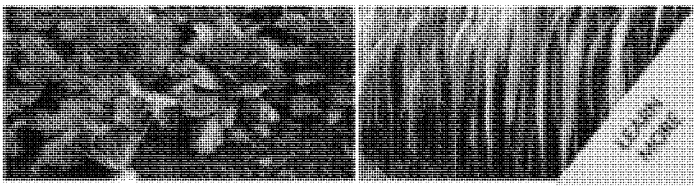


FARM & RURAL POLICY

Agri-Pulse: Daybreak for March 1, 2021

Link - (Audio) Vilsack speaks to NFU today; Meat Institute asks SCOTUS for Prop 12 review; UK commits to E10 ethanol blend.

Agri-Pulse: DriveTime: February 26, 2021

Link - (Audio) Students across the country are celebrating FFA week today. More on that and a look at a key ag group's 2021 priorities.

Agri-Pulse: Open Mic: National Pork Board CEO Bill Even

Link - (Audio) This week's Open Mic guest is Bill Even, CEO of the National Pork Board. Last year proved challenging for the nation's swine producers and the pork industry despite a record-setting pace for global pork sales. While the new year offers challenges from higher feed costs, Even suggests the packing industry is processing animals at near capacity and demand for pork remains robust from both domestic and global markets.

Agri-Pulse: Washington Week Ahead: Senate tackles stimulus, Vilsack faces farmers

Link - Democrats look to move President Joe Biden's $1.9 trillion stimulus package through the Senate while Agriculture Secretary Tom Vilsack makes his case for the new administration's priorities to farm groups this week for the first time in his return to his old job.

Agri-Pulse: House passes $1.9T stimulus package with aid for food system, minority farmers

Link - Democrats pushed President Joe Biden's $1.9 trillion economic stimulus package through the House early Saturday despite progressives' fears about the future of a minimum-wage increase that's included in the measure.

ENERGY

Grand Forks Herald: Agribusiness announces $2 billion project to store captured carbon from ethanol in North Dakota

Link - An Iowa agribusiness company announced plans to build a $2 billion pipeline network that will carry liquefied carbon dioxide from ethanol plants in four states to underground storage in North Dakota.

KHOU: Astronomical electric bills causing domino effect across Texas energy market

Link - Some experts say a government bail out is imminent.

The Wall Street Journal: Biden's New Energy Secretary Eyes Big Investment to Boost Clean Technologies, Harden Electric Grid
Link - Jennifer Granholm looks to reinvigorate a $40 billion energy loan program left untouched under the Trump administration.

CBS News: Astronauts begin solar power system upgrades
Link - On Sunday, two NASA astronauts stepped into space, working outside the International Space Station for six hours installing new upgrades to the station's 20-year-old solar power system.

FOOD & NUTRITION

Food Network: All the Healthy Foods You Can Buy with SNAP Benefits
Link - Those who are eligible for SNAP can use these monthly dispersed funds to purchase fresh and healthy staples.

CNN: McDonald's and other chains are giving their drive-thrus the Jetsons treatment
Link - Drive-thrus are a lead generator of fast-food sales during the pandemic, and many chains, like McDonald's are trying to speed up the process.

Bloomberg: Inflation 2021: Malnutrition and Hunger Fears Rise as Food Prices Soar Globally
Link - As the Covid-19 pandemic wreaks havoc on economic growth, concerns about hunger and malnutrition are rising around the world.

TechCrunch: Has a startup finally found one of food science's holy grails with its healthy sugar substitute?
Link - Y Combinator graduate Supplant has raised $24 million for its sugar replacement.

Food Safety News: U.S falls eight places in annual food security index
Link - The main challenges to food security are the COVID-19 pandemic, rising inequality and climate

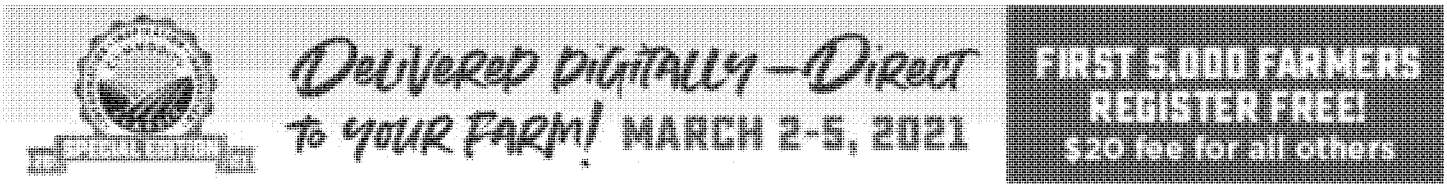
change risks.

CBS News: New Jersey girl facing food insecurity highlights growing problem
Link - One New Jersey third-grader burst into tears in the middle of her virtual class, confessing to teachers and fellow students that she was starving.

TRADE & INTERNATIONAL

The Independent: Fishers and farmers struggle as climate change in Kenya's Tana Delta
Link - GEF and UN Environment act to protect key nature site that faces catastrophe from even limited sea level rises.

Reuters: Japanese companies go high-tech in the battle against food waste
Link - Japanese companies are ramping up the use of artificial intelligence and other advanced technology to reduce waste and cut costs in the pandemic, and looking to score some sustainability points along the way.



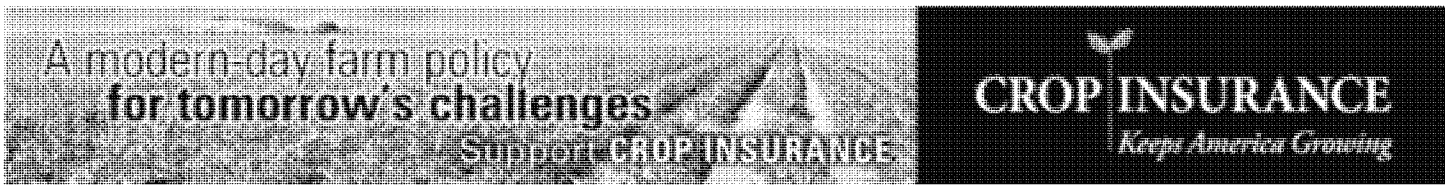
LABOR & IMMIGRATION

CNN: Democratic lawmakers wrestle with how to proceed on immigration
Link - Democratic lawmakers are wrestling with how to move forward with a series of immigration bills that would legalize undocumented immigrants, with some pushing for sweeping immigration revisions

out of the gate and others urging caution.

The New York Times: Thousands of Migrant Children Detained in Resumption of Trump-Era Policies
Link - President Biden vowed to create a humane approach to immigration. But thousands of children who crossed the border alone are being confined in government shelters.

KXTV: The push for farmworkers to get COVID-19 vaccinations in California
Link - Farm labor advocates say getting shots in the arms of workers may be more efficient with the vaccines coming directly to the fields.



CONSERVATION & WILDLIFE

Associated Press: Biden administration promises focus on environmental justice
Link - When President Joe Biden made environmental protection a key element of his campaign, he promised to overhaul the federal office that investigates complaints from people in minority communities who believe they have been unfairly harmed by industrial pollution or waste disposal.

Times Union: Lake George commission adopts water-protection rules
Link - The Lake George Park Commission unanimously adopted stormwater management and stream corridor regulations last week to protect the water quality of Lake George.

CBS News: Biden raises social cost of carbon, restoring key climate policy tool slashed by Trump
Link - President Biden on Friday raised the social cost of carbon, a little-known but important number that informs a wide range of policies regulating industry and energy production. Mr. Biden's action restores the number to its Obama-era price-tag, and reestablishes a working group that calculates the

economic impact of pollution.

Austin American Statesman: 'No effect': Even record freeze couldn't eradicate Texas' toughest invasive species, experts say
Link - Not even a historic week of freezing temperatures and record-setting snowfall last month could mitigate some of the toughest and most threatening invasive species known to Central Texas, biologists from the Texas Parks and Wildlife Department say.

USA Today: Florida manatees are dying in droves this year. Experts blame poor water quality, starvation
Link - More sea cows deaths have been documented through the first two months of the year than were recorded during those same two months in 2019 and 2020 combined, according to Florida Fish and Wildlife Conservation Commission records.

MISCELLANEOUS

WCAX: Vermont creates new agriculture commission
Link - A new Vermont commission is being set up to help grow the state's agriculture sector.

Honolulu Star-Advertiser: Farm development agency may be plowed under by Hawaii lawmakers
Link - A state agency with special powers to expand diversified agriculture could be nearing a brink of perhaps its biggest accomplishment in 27 years, or disbandment.

Enid News & Eagle: Black history key to understanding agriculture's present, future
Link - Oklahoma State University teaching associate Courtney Brown wants to ensure the next generation of Black agriculturalists grows with pride rather than shrink from disinterest.

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Your Agri-Pulse Daybreak for March 1, 2021

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Vilsack makes case to NFU

Ag Secretary Tom Vilsack meets virtually today with the National Farmers Union as he makes his first appearance before a farm group since taking office last week.

NFU, which broke from other ag groups to support the Obama-era cap-and-trade plan and has continued to push Congress to act on climate change, will be a ready ally in Vilsack's effort to enlist farmers in reducing greenhouse gas emissions. NFU also has endorsed the assistance to minority farmers contained in the $1.9 trillion stimulus package that passed the House early Saturday.

NFU also will be hearing today from leaders of the House and Senate Ag committees.

On Friday, Vilsack will talk to online participants in Commodity Classic, the annual combined convention of groups representing corn, soybean, wheat and sorghum producers as well as the Association of Equipment Manufacturers.

For more, read our Washington Week Ahead.

Meat Institute seeks review of California's animal confinement law

The North American Meat Institute is asking the Supreme Court to review a 9th Circuit decision that let California's Proposition 12 stay in place.

The state's law bans the sale of pork, veal and eggs from animals raised below minimum square-feet requirements, which NAMI says would disadvantage out-of-state producers. Prop 12 "unfairly

punishes livestock producers outside of California by forcing them to spend millions just to access California markets," Meat Institute President and CEO Julie Anna Potts said. "If this unconstitutional law is allowed to stand, California will dictate farming practices across the nation."

The Supreme Court petition can be accessed here.

UK commits to E10 ethanol blend

The UK is committing to increase its ethanol blend standard to 10% nationwide by September, prompting praise from the U.S. groups representing corn and ethanol producers.

Gasoline – or petrol, as the British commonly call it – now contains no more than a 5% ethanol blend in the UK. The U.S. exported 27 million gallons of corn-based ethanol to the UK in 2020, according to data from the U.S. Grains Council.

The Grains Council, Growth Energy and the Renewable Fuels Association said in a joint statement that the British move to E10 "comes amid a global push to decarbonize the transportation sector and reduce greenhouse gas emissions. This is a welcome announcement that will benefit the health of U.K. residents, create more jobs, and accelerate the country's goal of a zero-emissions future."

Earmarks are back

House Democrats are bringing back spending earmarks for the first time in a decade. However, there will be some new transparency requirements, including a requirement that all requests for funding local projects be posted online, according to rules posted by the House Appropriations Committee.

House members will be allowed to request designated funding for up to 10 projects a year and there will be a cap on the annual amount of earmarked spending.

Advocates say that earmarks also will be critical to getting bipartisan support for infrastructure legislation.

US ag exports to Ecuador, Dominican Republic reached record highs in 2020

The impact of the COVID-19 pandemic was severe on much of the U.S. ag sector and transportation, but U.S. ag exports to Ecuador and the Dominican Republic still reached record highs in 2020, according to reports released by USDA's Foreign Agricultural Service.

The U.S. shipped $527 million worth of farm commodities – mostly wheat, soymeal and distillers grains – to Ecuador last year, a 9% increase from 2019, according to FAS. Ecuador also imports U.S. cotton, but that trade dropped sharply. The U.S. exported a record $94.8 million worth of wheat to Ecuador in 2020.

The U.S. shipped $1.3 billion worth of corn, pulses, rice and other ag goods to the Dominican Republic last year, a new record level and 6% increase from 2019, according to a separate FAS report.

Trump administration stripped agency websites of critical info, report finds

The Trump administration made it difficult to find information about key environmental regulations while it was replacing them, a new report from the Environmental Data and Governance Initiative has found.

Among the examples: The Environmental Protection Agency took down background on the Obama administration's 2015 "waters of the U.S." rule throughout the process of repealing and replacing the rule. "There was no information on the website that pointed to a scientific reasoning for the review or its revision or repeal," the report said.

Resources should be archived and easily accessed, the report said, noting that "EPA hosts a large online archive, but many other agencies do not, and EPA's archive is not easily discovered or searched."

ARS project to engage high school students in science

USDA's Agricultural Research Service has launched a program to

help urban high school students explore careers in agricultural science and STEM (science, technology, engineering and mathematics) fields.

The Three Sisters Project "will engage its scientists and national program staff in fostering opportunities for urban high school students across the country to explore careers in agricultural science and STEM (science, technology, engineering and mathematics) fields overall.

ARS said it will begin a pilot phase of the project with the Chicago High School for Agricultural Science, whose students will work with scientists from laboratories in the agency's Midwest Area and with Office of National Program leaders headquartered in Beltsville, Md.

He said it: "Nobody has earned the right to be able to have this discrimination removed as (much as) Black farmers. We were the pioneer farmers, and not only that, we did it for free under the whip of the slavemaster." House Ag Chairman David Scott to the Rules Committee Friday, discussing the minority debt relief provision in the COVID relief bill.

Steve Davies and Bill Tomson contributed to this report.

Questions? Tips? Contact Philip Brasher at philip@agri-pulse.com

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Agri-Pulse Newsletter

Greetings,

Tom Vilsack's nomination to be Secretary of Agriculture easily cleared the Senate by a 92-7 vote yesterday and he's expected to be sworn in later today by Vice President Kamala Harris. Farm groups overwhelmingly support his return, as Spencer Chase reports in today's issue.

One of the top challenges for Vilsack will be dealing with several different aspects of climate change. As Philip Brasher reports in our lead story, Congress is already looking ahead to legislation that could be used to fund agricultural climate initiatives: an infrastructure package that could be in the range of $3 trillion.

ICYMI: You can learn about many different aspects of the climate policy debate at our upcoming Ag & Food Policy Summit. We will have a wide-ranging discussion with leaders from Congress, industry and academia. See the all-star lineup of speakers and register here.

Other stories in this issue focus on the debate over payments to minority farmers in the stimulus package, more trade with China, mounting losses across the South from winter storms, and a look at some of the ag-related policy ideas coming out of California. For those of you who don't subscribe to our Western edition, you can still read all of the articles on the "West" tab at the top of our web site.

Please let me know if you have any questions or comments. I hope that you will also follow us on Twitter @AgriPulse and on Facebook.

Best regards,

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Ag climate policy faces uncertain future amid partisanship, funding questions

Even as congressional Democrats push through a $1.9 trillion economic stimulus package, attention is turning to legislation that could potentially be used to fund agricultural climate initiatives: an infrastructure package that could be in the range of $3 trillion.

Minority advocates say debt relief provisions have legal backing

Advocates for minority farmers say historical discrimination justifies providing payments totaling 120% of debt held by "socially disadvantaged" farmers, as approved by the House Agriculture Committee in its $16.1 billion COVID relief package, part of a larger $1.9 trillion relief bill to be considered by the full House of Representatives.

Farm groups welcome Vilsack confirmation

The nation's food and agriculture groups are glad to have a familiar face back at the helm of the Department of Agriculture.

Chinese demand for ag imports to remain strong for years to come

China is determined to grow more self-sufficient, but the country is also widely expected to remain a growing importer of meat and grains for years to come as the Chinese economy and demand grows, outstripping production capacity, according to economists and new government forecasts.

Devastating winter storm leaves lasting impact on some producers

The citrus industry in Texas is expected to lose hundreds of millions of dollars due to last week's winter storm, but other sectors say it may take weeks before economic impacts are fully known.

Farmworkers, climate and wildfires are the focus of new legislation in California

The Legislature is planning an active session this year to make up for lost time in 2020.

Soybean checkoff begins project review process

The nation's soybean farmers have started sorting through projects that might receive checkoff funding.

Bill would give USDA permanent haying and grazing flexibility

Legislation reintroduced Tuesday would give the Department of Agriculture legal certainty to adjust haying and grazing dates of cover crops.

NASS circulating tests ahead of next Census of Ag

Have you received a new mailer from USDA, asking for help on the next census?

Farm Hands on the Potomac: Senate confirms Vilsack to lead USDA

The Senate has confirmed the nomination of Tom Vilsack as Secretary of Agriculture, and Brian Sikes has been named chief operating officer of Cargill.

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FARM & RURAL POLICY

Agri-Pulse: Daybreak for February 26, 2021

Link - (Audio) Vilsack's end game on climate; Tai makes case for WTO reform; FDA goes to school on ag biotech.

Agri-Pulse: DriveTime: February 25, 2021

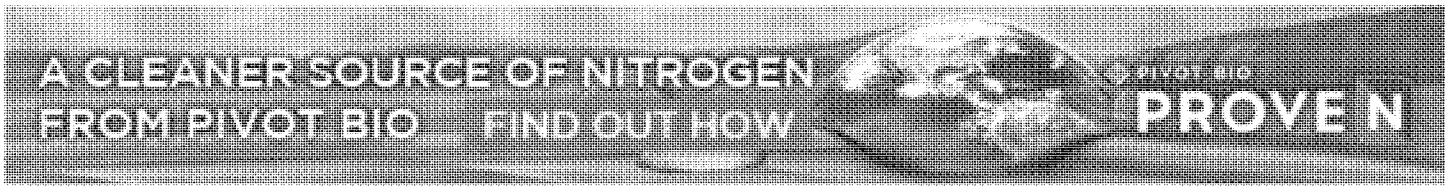
Link - (Audio) Katherine Tai had her confirmation hearing to head up the nation's trade policy and Ag Secretary Tom Vilsack addressed reporters for the first time in his new tenure as secretary.

Agri-Pulse: USTR nominee Tai: Biden administration wants more winners in trade policy
Link - The Biden administration is seeking to avoid the practice of creating winners and losers as it tries to expand international trade, Katherine Tai, the nominee to be the next U.S. Trade Representative, told senators Thursday.

Agri-Pulse: Vilsack sets COVID-19 recovery, climate action among initial priorities
Link - Agriculture Secretary Tom Vilsack says addressing the COVID-19 pandemic remains top of mind as he returns to USDA, but he also will be addressing climate policy, workforce issues and other matters in the early days of his tenure.

Agri-Pulse: Washington Week in Review: Feb. 25, 2021: Sen. Roger Marshall on Vilsack, carbon bank, COVID-19
Link - (Video) This week saw Ag Secretary Tom Vilsack return to USDA, kicking off his efforts to implement the Biden administration's ag policy priorities. Senate Ag Committee member Roger Marshall, R-Kan., joins Agri-Pulse to discuss that as well as coronavirus relief legislation on Capitol Hill in this week's video.

Grand Island Independent: State leaders look forward to working with new former U.S.agriculture secretary
Link - Sen. Deb Fischer said she is looking forward to working with Tom Vilsack after the Senate confirmed him Tuesday as the nation's new secretary of agriculture.



ENERGY

KETV Omaha: Senators seek answers on Mead ethanol leak
Link - State regulators admit they've known about problems at an ethanol plant near Mead for years.

Lincoln Journal Star: Biogas turned into clean vehicle fuel begins flowing at Lincoln wastewater treatment plant

Link - A web of color-coded pipes housed next to Salt Creek has begun cleaning the gas produced by city wastewater treatment and transformed it into usable fuel to power vehicles like city buses.

NBC News: Texas energy grid CEO says he would've done nothing different in winter storm blackouts

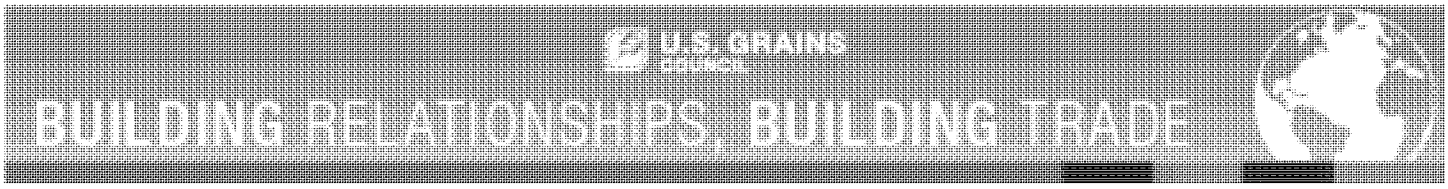
Link - Bill Magness, the CEO and president of the Energy Reliability Council of Texas, or ERCOT, made the comments on Thursday in a hearing before the Texas State Senate Business and Commerce Committee.

NPR: North Dakota Officials Block Wind Power In Effort To Save Coal

Link - Two counties in the state have enacted drastic restrictions on new wind projects in an attempt to save coal mining jobs, despite protests from landowners who'd like to rent their land to wind energy companies.

pv magazine USA: Jennifer Granholm confirmed as Energy Secretary

Link - The solar industry has already begun to celebrate the confirmation of a secretary self-proclaimed to be obsessed with creating good-paying clean energy jobs.



FOOD & NUTRITION

Food52: Will Regenerative Agriculture Change How We Grocery Shop?

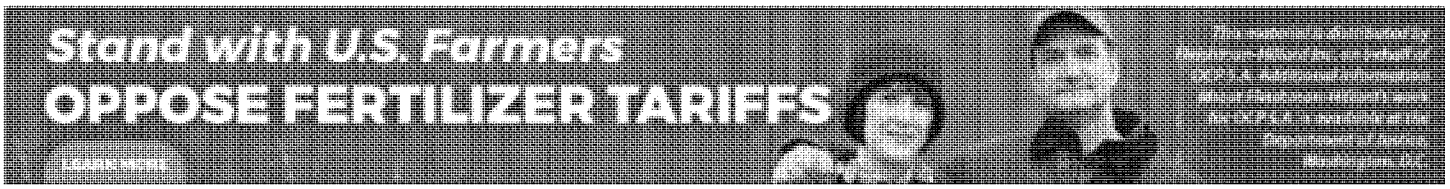
Link - How do products made with these practices differ from others, and can buying them help consumers fight the climate crisis?

FoxNews: Burger King bests McDonald's when it comes to new product packaging, poll finds

Link - There's always some sort of beef between McDonald's and Burger King — and that even extends to their food wrappers.

WCAX: Longtime dairy farm switches from cows to goats
Link - Joneslan Farm in Hyde Park is making the transition from cows to goats after receiving a grant from the Working Lands Enterprise Initiative.

Washington Post: A third of all food in the U.S. gets wasted. Fixing that could help fight climate change.
Link - The carbon footprint of food waste is greater than that of the airline industry.



TRADE & INTERNATIONAL

CNBC: China seems to be living up to trade deal pledges, Biden's Agriculture secretary says
Link - Agriculture Secretary Tom Vilsack believes China is making good on promises it made as part of the landmark phase one trade deal it signed with the U.S. last year.

The Guardian: Cattle stranded at sea 'face immediate slaughter' if ship docks in Spain, says manager
Link - Livestock company still hopes to find a buyer for animals on board ship for two months, after rejection by Turkey and Libya.

The Parliament Magazine: MEPs throw weight behind call to end use of cages for farmed animals in EU
Link - More than 140 scientists have backed the demand for an end to the use of cages in animal farming, including ethologist and conservationist Dr Jane Goodall, founder of the Jane Goodall Institute.

LABOR & IMMIGRATION

The Guardian: 'We're trying to re-create the lives we had': the Somali migrants who became Maine farmers

Link - A community of Somali Bantu farmers struggled for land security until the farm justice activists of the Agrarian Trust lent a hand.

KGBT-TV: Farmworkers suffer job loses from winter storm

Link - The aftermath of the winter storms continue to affect several of undocumented farmworkers in the Rio Grande Valley.

The Desert Sun: Coachella leaders under fire from growers for 'hero pay' ordinance that includes farmworkers

Link - The city was the first in the nation to extend the controversial benefits to farmworkers and packinghouse employees, earning it national media attention.

The Fresno Bee: Valley ag, advocacy groups tell Newsom that vaccines for farm labor a 'moral imperative'

Link - A wide-ranging coalition of community, farm and advocacy organizations in Fresno and across the central San Joaquin Valley is urging California Gov. Gavin Newsom to prioritize COVID-19 vaccines for agricultural workers.

CONSERVATION & WILDLIFE

Miami Herald: 'We have to put our foot down': Florida wildlife managers ban invasive reptiles
Link - The Florida Fish and Wildlife Conservation Commission on Thursday signed off on banning the sale, ownership and breeding of tegus, iguanas and other invasive reptiles that have overrun native wildlife populations.

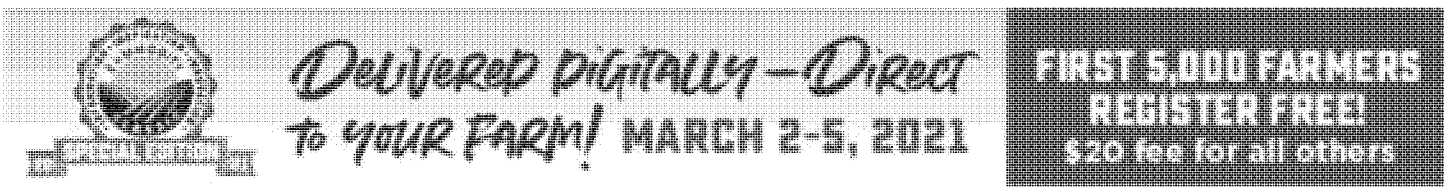
WSFB: DEEP: Water runoff from Waterbury scrapyard fire won't impact drinking water
Link - Connecticut's Department of Energy and Environmental Protection said the scrapyard fire in Waterbury was burning petroleum from plastics, and burning right next to the Naugatuck River.

Associated Press: Agency to vote on fracking ban near Delaware River
Link - A regulatory agency that's responsible for the water supply of more than 13 million people in four Northeastern states voted Thursday to permanently ban natural gas drilling and fracking near a crucial waterway, asserting that gas development poses an unacceptable risk.

The Sacramento Bee: Burning California to save it: Why one solution to raging wildfires can't gain traction
Link - Desperate for a solution, states are finding that lighting a fire can be a good way of preventing one.

Mic: Scientists don't know why one-third of U.S. rivers have turned yellow or green
Link - Satellite images of rivers across the U.S. have revealed a troubling color-changing trend: Over the past three decades, one-third of formerly blue rivers have turned a shade of yellow or green.

CBS News: California's redwoods fight to survive after being scorched by wildfires
Link - California's iconic coastal redwoods are struggling to recover after wildfires ripped through the state over the summer.



MISCELLANEOUS

Agri-Pulse: Opinion: The USDA can protect the Ag Industry from COVID-19 with tools already in place

Link - In this opinion piece, Deb Casurella with MyAgData®, urges the Biden administration to implement Acreage Crop Reporting Streamlining Initiative (ACRSI) technology.

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Your Agri-Pulse Daybreak for February 26, 2021

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Vilsack keeping powder dry on climate plan

Ag Secretary Tom Vilsack is meeting with climate advisers today as he moves ahead on what will be a top priority for his tenure. So far, he's divulging little about the department's plans or timetable for addressing the issue. But he does say USDA will be heavily

focused on building a case for programs Congress could implement in the next farm bill, due in 2023.

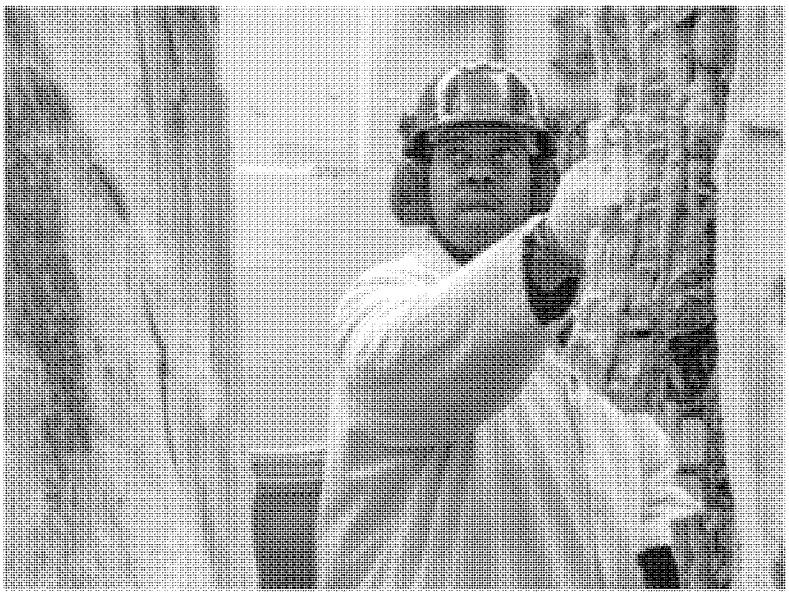
“I don't have a specific timeline in mind, other than I think it is important for us at USDA to do what we can with the resources we have as quickly as we can, so we can determine what works and what doesn't work,” he told reporters.

He went on, “I see this as an opportunity for us to inform our actions, the formulation of long-term policies that could advance our efforts on climate.”

While we’re at it: Vilsack is reviewing the Farmers to Families Food Box program to see if revisions are needed to ensure that most of the USDA funding goes toward purchasing the food. He expressed concern that too much money is being spent on distributing the products.

One other thing: Vilsack wasn’t asked about whether he’ll try to modify or reverse the moves of the Economic Research Service and National Institute of Food and Agriculture to Kansas City. But he did make a point of saying he’s concerned about ongoing staffing shortages at those agencies.

Read more about Vilsack's remarks here.



USDA watchdog eyes packing plant safety

The department's inspector general is surveying federal meat inspectors to get their read on the safety of working conditions in the nation's packing plants. The survey went out Monday and will be open for two weeks, members of the House Ag Appropriations Subcommittee were told Thursday.

The IG is also deep into an extensive investigation of the Trump-era Market Facilitation Program. The review is covering a range of issues, including the regional and demographic distribution of the aid as well as the accuracy of the payments. Investigators have pulled a sample of farmer records to audit for eligibility and payment accuracy.

USTR nominee: WTO needs to be reformed

If the Biden administration has a plan worked out for dealing with China, it's keeping quiet on it. Katharine Tai, President Biden's

pick for U.S. trade representative, revealed little at her Senate confirmation hearing about the administration's strategy toward China.

But she made clear that the U.S. isn't ready to finish a trade deal with the UK, and she said the World Trade Organization needs major reforms, a position also taken by the Trump administration. The Biden administration has refused for the past two months to allow the WTO to revive its appellate court system by installing new judges

"We need to be having hard conversations in Geneva in a constructive way," Tai told the Senate Finance Committee. Basic, broad questions that ask what "the value of the WTO is to its members" and whether or not the WTO "is accomplishing the goals its founders and members expect of it" need to be addressed, she said.

Read our report on Tai's hearing here.

Education, R&D stressed as drivers of regenerative practices

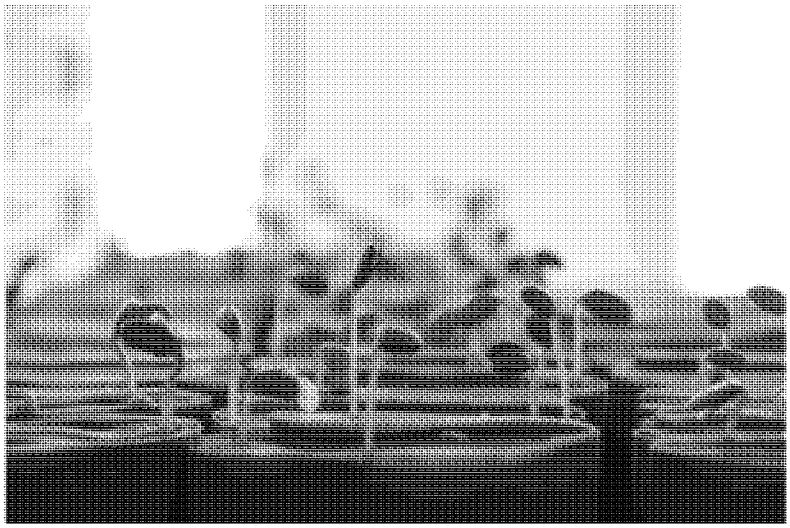
Educating farmers on the benefits of regenerative practices and increasing the federal government's investment in agricultural research and development are needed to help growers sequester carbon and potentially benefit from carbon markets, witnesses told the House Ag Committee Thursday in a hearing on climate change.

"We have to educate farmers and ranchers on time-tested ecological principles," said Gabe Brown, a North Dakota farmer and rancher who has used no-till and cover crops to vastly

increase soil carbon in his soils and help his farm withstand periods of both drought and flooding.

American Farm Bureau Federation President Zippy Duvall said farmers need incentives in transitioning voluntarily to more sustainable practices, and he put in a plug for more R&D funding.

Duvall also called for regulatory streamlining, particularly when it comes to EPA's approval of new ag chemicals and FDA's approval of feed additives that can help reduce animal methane emissions.



FDA issues biotech school curriculum

The nation's middle and high school teachers now have access to detailed, FDA-authorized curricula on agricultural biotechnology. FDA developed the curricula under direction from Congress.

The 120-page guide for high school teachers leads students through the basics of agriculture and crop genetics and includes instructions on how to extract DNA from strawberries and how to edit genes.

The guide says genetic engineering provides crop breeders with much faster ways of doing many of the alterations done with traditional selective breeding. The curriculum notes that selective breeding can “result in the inheritance of unwanted genes responsible for unwanted traits.”

State ag directors back higher THC limit

As expected, members of the National Association of State Departments of Agriculture have adopted policy calling on Congress to increase the allowed THC level in hemp from 0.3% to 1%.

“We’re going to have to work with Capitol Hill in order to affect that change but we see this as a game changer for the industry in helping advance the interests of growers and ultimately consumers who want these products,” NASDA CEO Barb Glenn told reporters.

By the way: NASDA also is asking USDA to allow for more meat items in the Food Box program.

GAO: Most working SNAP recipients in private sector

Some 90% of working SNAP and Medicaid recipients are employed in the private sector, and a large share are in food service or retail, according to a report by the Government Accountability Office, the investigative arm of Congress. Restaurants, in fact, employ the largest share of working SNAP recipients in seven of nine states for which GAO reviewed employee data.

In Tennessee, Walmart had the largest number of employees getting food stamps, nearly 1,500, followed by McDonald's with just under 1,200. In Nebraska, McDonald's, Walmart and Tyson Foods lead the list of top employers with workers on SNAP benefits.

She said it: "To the extent that I have been privy to conversations … I don't expect – if confirmed – to be put on the back burner." – USTR nominee Katherine Tai, responding to concerns at a Senate Finance Committee hearing that trade was a low priority for the Biden administration.

Bill Tomson, Steve Davies and Ben Nuelle contributed to this report.

Questions? Tips? Contact Philip Brasher at philip@agri-pulse.com

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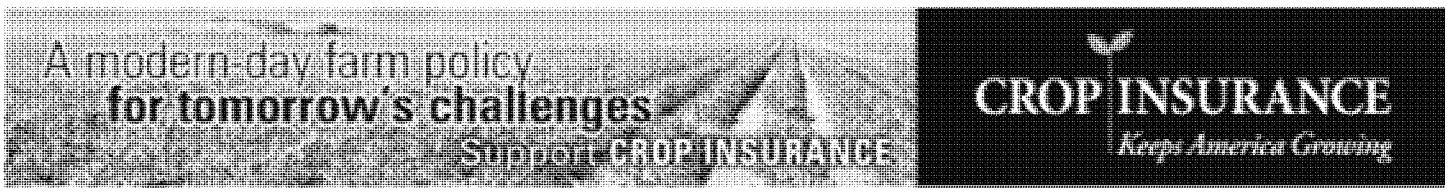

FARM & RURAL POLICY

Agri-Pulse: Daybreak for February 22, 2021

Link - (Audio) Thursday hearing set for USTR nominee; Livestock industry's COVID bright spot; Ethanol expansion in China questionable.

Agri-Pulse: DriveTime: February 19, 2021

Link - (Audio) USDA's Ag Outlook Forum wrapped up with a wide range of topics discussed today, including a look at what can be done to address diversity at all levels of the ag industry.

Agri-Pulse: Open Mic: ASA CEO Steve Censky

Link - (Audio) This week's Open Mic guest is Steve Censky, CEO of the American Soybean Association. After serving as USDA Deputy Secretary in the Trump administration, Censky is back in St. Louis serving the nation's soybean farmers. Censky is encouraged with the nomination of Tom Vilsack to return as Ag Secretary and is confident with other names that will assume leadership roles at USDA and the Biden cabinet.

Agri-Pulse: Washington Week Ahead: Senate set to OK Vilsack, House to pass stimulus

Link - Tom Vilsack finally gets his Senate vote to join the Biden administration for a second stint as agriculture secretary, and two other nominees important to farmers and ranchers get hearings this week.

Agri-Pulse: Washington Week in Review: Feb. 19, 2021: USDA Chief Economist Seth Meyer on 2021 Ag Outlook Forum

Link - (Video) USDA held its annual Ag Outlook Forum this week, Chief Economist Seth Meyer rolled out robust expectations for ag exports and domestic prices in 2021. In this video, he expands on his expectations for trade with China, domestic production circumstances, and the "long tail" of the COVID-19 pandemic and its impact on ag economics.

Agri-Pulse: New leaders for USDA's FPAC and FSA bring diverse backgrounds

Link - Two new officials will begin their roles at USDA on Monday and will bring a wide array of experience working in farm and natural resources policy with Latino and Native American individuals.

VTDigger: Scott creates commission to study viability of Vermont's agriculture industry

Link - Gov. Phil Scott signed an executive order Friday creating a commission to study the long-term viability of the agriculture industry in Vermont.

Grand Island Independent: Farm economy rebounds sharply in 4th quarter

Link - Prospects for farm income and agricultural credit conditions rebounded sharply in the fourth quarter of 2020, according to a new report from the Tenth District of Federal Reserve in Kansas City. Nebraska is part of the Tenth District.