Message

From: POLITICO Pro Day Ahead [politicoemail@politicopro.com]
Sent: 10/10/2018 9:02:29 AM
To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: Day Ahead: Trump signs drug pricing legislation — Senate considers water resources bill — Pompeo meets with USAID employees

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DAYAHEAD

10/10/2018 05:00 AM EDT

By KAITLYN BURTON (kburton@politico.com; @knicoleburton)

DRIVING THE DAY — President **Donald Trump** is expected to sign into law today two bills that aim to make it easier for patients to get the lowest price on prescription drugs at the pharmacy counter, S. 2553 (115) and S. 2554 (115).

The measures prohibit so-called gag clauses that block pharmacists from telling customers whether they could save money by buying prescription drugs out-of-pocket rather than using their health insurance, explains Sarah Owermohle.

Trump will also sit down with Homeland Security Secretary **Kirstjen Nielsen** and FEMA Administrator **Brock Long** , and rally supporters in Pennsylvania.

ICYMI: Long has recently been ordered to pay back the government for improper personal use of federal government vehicles, following a DHS Inspector General investigation, as Daniel Lippman wrote earlier this month.

HAPPY WEDNESDAY AND WELCOME TO DAY AHEAD! Send thoughts and tips to kburton@politico.com (@knicoleburton).

POLITICO IS PARTNERING WITH THE MILKEN INSTITUTE to bring a special edition of the POLITICO Pulse newsletter to the Milken Institute Future of Health Summit. Written by Dan Diamond, the newsletter will take readers inside one of the most influential gatherings of global health industry leaders and innovators as they tackle today's most pressing health challenges. The newsletter will run Oct. 23-24. Sign up today to begin receiving exclusive coverage on Day One of the summit.

PRESIDENT DONALD TRUMP SAYS A RED WAVE IS COMING ON ELECTION DAY. Is he right, or will the tide turn blue? Compete against the nation's top political minds in the POLITICO Playbook Election Challenge, by correctly picking the winning candidates in some of the most competitive House, Senate and gubernatorial races in the country. Win awesome prizes and eternal bragging rights. Sign up today: Visit politico.com/playbookelectionchallenge to play.

HOUSE FLOOR

The House is out until Tuesday, Nov. 13.

SENATE FLOOR

The Senate will convene at 10 a.m. to consider an effort to block short-term health plans, S.J. Res. 63 (115), and a broad water resources infrastructure package, S. 3021 (115). At 11:30 a.m., lawmakers will vote on the water resources bill and the joint resolution.

The chamber then recesses until 2:15 p.m. for the weekly caucus lunches.

MARKUP SPOTLIGHT

Nothing today.

COMMITTEE HEARINGS

— 8:30 a.m. Senate Homeland Security hearing on threats to the homeland with Nielsen and FBI Director **Christopher Wray**. 342 Dirksen.

— 9:30 a.m. Senate Armed Services subcommittee hearing on Air Force readiness with Secretary **Heather Wilson** . 222 Russell.

— 10 a.m. Senate Commerce hearing on consumer data privacy. 253 Russell.

— 10 a.m. Senate Environment hearing on successful state conservation, recovery and management of wildlife. 406 Dirksen.

POTUS HAPPENINGS

11:45 a.m. Trump meets with Nielsen and Long. Oval Office.

12:45 p.m. Trump has lunch with the Defense Secretary **Jim Mattis**. Private Dining Room.

2 p.m. Trump participates in the signing ceremony for the "gag clause" bills. Roosevelt Room.

5:45 p.m. Trump arrives at the Erie Insurance Arena. Erie, Penn.

6:20 p.m. Trump participates in a roundtable with supporters.

7 p.m. Trump hosts a rally.

9:55 p.m Trump arrives the White House.

VPOTUS DIGEST

12:25 p.m. (CT) Vice President **Mike Pence** arrives in Green Bay, Wis.

1:25 p.m. (CT) Pence delivers remarks at a campaign event for Wisconsin Gov. **Scott Walker**. Oneida Golf and Country Club.

3:20 p.m. (CT) Pence arrives in Eau Claire, Wis.

4:50 p.m. (CT) Pence takes the stage at another Walker event. Precision Pipeline.

9 p.m. Pence arrives in Washington.

ON THE HORIZON

ADMINISTRATION

'DRAGON ENERGY': **Kanye West** will huddle with Trump and top administration adviser **Jared Kushner** at the White House Thursday, reports Jesus Rodriguez. "Topics of discussions will include manufacturing resurgence in America, prison reform, how to prevent gang violence, and what can be done to reduce violence in Chicago," press secretary **Sarah Huckabee Sanders** said in a statement. West has come under fire for his support of Trump.

TOPPING THE LIST: "**Dina Powell** , the Goldman Sachs executive and former senior White House official, is the top candidate to replace outgoing U.S. Ambassador to the United Nations **Nikki Haley**," writes Ben White. "Powell, who returned to Goldman in a senior role after leaving her job as [Trump's] deputy national security adviser, is said to be strongly considering the job but also weighing family concerns. ... Other potential successors to Haley — who announced on Tuesday that she would leave her post at the end of the year — include **Richard Grenell**, the U.S. ambassador to Germany, who previously served as a spokesman for the U.S. Mission to the U.N.; and **Kelly Craft**, the U.S. ambassador to Canada."

WELCOME TO MAR-A-LAGO: Trump said he's pleased with discussions with North Korea and that he'd like to host a future summit with the country's leader **Kim Jong Un** at his Mar-a-Lago estate or on North Korean territory, writes Matthew Choi. He has previously hosted Japanese Prime Minister **Shinzo Abe** and Chinese President **Xi Jinping** at the Florida property.

FOR THE ROAD

WHERE IN THE WORLD IS TRUMP'S CABINET?:

— 2 p.m. Secretary of State **Mike Pompeo** meets with USAID employees. Later this evening he'll receive an award from the Jewish Institute for National Security of America. Sens. **Lindsey Graham** (R-S.C.) and **Tom Cotton** (R-Ark.) will also participate in the confab.

ON THE CALENDAR:

— 8:45 a.m. NSA cybersecurity adviser **Rob Joyce** addresses a U.S. Chamber of Commerce and Real Clear Politics cyberspace event.

— 9 a.m. The Association of the United States Army has a meeting and exposition, where Deputy Defense Secretary **Patrick Shanahan** and Army Secretary **Mark Esper** will speak.

— Noon. The Business Council for International Understanding holds a discussion with TSA Administrator **David Pekoske**.

Check out POLITICO Pro's calendar for additional committee activity, events and more.

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From: E&E News [ealerts@eenews.net]
Sent: 9/26/2018 11:10:25 AM
To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: September 26 -- 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 — Wed., September 26, 2018

READ FULL EDITION

1. CAMPAIGN 2018:
Wis. greens hope fourth time the charm against Scott Walker

The Wisconsin gubernatorial race has quietly become a top priority for the environmental community, which sees the Democratic candidate's chances as promising.

TOP STORIES

2. APPROPRIATIONS:
Interior-EPA funding will likely wait until after midterms

3. SUPREME COURT:
Push for Kavanaugh vote could mean weekend session

4. FEDERAL AGENCIES:
Republicans rush government reorganization bill

ON THE HILL

5. AIR POLLUTION:
Ill. Dems seek answers on EPA website document removal

6. TECHNOLOGY:
Murkowski touts potential 'breakthrough' in energy

7. AGENDA:
Members introduce lead, parks bills

IN THE HOUSE

8. ENERGY POLICY:
Petroleum reserve, nuclear fee bills pass

9. NATURAL RESOURCES:

Seashore management bill opposed by greens passes

10. POLLINATORS:

Lawmakers aim to boost awareness of monarch butterfly decline

UPCOMING HEARINGS AND MARKUPS

11. CALENDAR:

Activity for September 24 - September 30, 2018

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From: E&E News [ealerts@eenews.net]
Sent: 12/12/2018 6:28:15 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: December 12 -- 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 — Wed., December 12, 2018

READ FULL EDITION

1. INTERIOR:

Relentless media 'storm' batters Zinke's tiny hometown

WHITEFISH, Mont. — Since the beginning of the Trump administration, this tourism-dependent town of 7,600 hasn't strayed far from the headlines, helping to create widespread political tension and animosity toward Interior Secretary Ryan Zinke and others. That could soon change.

TOP STORIES

2. CLEAN WATER ACT:

How does Trump compare to Obama on WOTUS?

3. CLIMATE:

Murkowski to scientists: 'You've got an advocate in me'

4. FEDERAL WORKFORCE:

As EPA morale plunges, survey points at senior leadership

POLITICS

5. PUBLIC LANDS:

Bundy: 'It is due time' for new management proposal

NATURAL RESOURCES

6. WIND ENERGY:

Turbines vs. eagles debate continues amid new science

7. CHESAPEAKE BAY:

EPA picks Pa. regulator to oversee restoration program

8. FISHERIES:

Catch limits increase for key West Coast groundfish species

9. GREAT LAKES:
Mich. governor wants Ill. to help with Asian carp plan

10. HURRICANE MICHAEL:
Fla. officials accused of misusing public resources resign

11. ENDANGERED SPECIES:
Cold-stunned turtles flown to Fla. Keys to warm up

LAW

12. NUCLEAR WASTE:
Wash. will fight feds over Hanford worker compensation

13. MONTANA:
High court overrules AG on conservation easements

14. ELECTRIC VEHICLES:
Court: Tesla illegally sold cars at Conn. gallery

15. WILDLIFE:
Alaskan gets $100K fine, jail time for poaching 3 moose

ENERGY

16. EARTHQUAKES:
Nuclear plant appears unaffected by Tenn. temblor

AIR AND WATER

17. LAKE MICHIGAN:
Wis. agency sued over water records for Foxconn diversion

18. HAZARDOUS WASTE:
Scuba gear company fined $197K over dumped lead, arsenic

STATES

19. MICHIGAN:
Legislature OKs bill to limit tougher regulations

20. HAWAII:
Ige backs $35M biocontrol facility to fight invasive species

21. WASHINGTON:
State combats collisions with new wildlife bridge

INTERNATIONAL

22. TANZANIA:
Nation greenlights $3B hydro dam in wildlife park

23. BOLIVIA:
Farmers use water from sewage rivers to grow vegetables

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Greenwire is written and produced by the staff of E&E News. 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 the complete spectrum, from electricity industry restructuring to Clean Air Act litigation to public lands management. Greenwire publishes daily at 1 p.m.

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From: E&E News [ealerts@eenews.net]
Sent: 11/7/2018 1:22:23 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: November 7 -- Climatewire is ready

Climatewire -- Policy. Science. Business.

Read today's Climatewire on the web

CLIMATEWIRE

AN E&E NEWS PUBLICATION

CAMPAIGN 2018

Last minute questions on the 2018 midterms?
Find E&E News campaign coverage by state, race and issue here.

CLIMATEWIRE — Wed., November 7, 2018

READ FULL EDITION

1. CAMPAIGN 2018:
Clashes on climate expected after big win by Democrats

The U.S. Capitol could boil with pitched political battles over the environment for the next two years after Democrats captured control of the House in yesterday's midterm elections but missed seizing the Senate.

CAMPAIGN 2018

2. CONGRESS:
Democratic gains deflate climate caucus

3. BATTLEGROUND:
Scott Walker denied 3rd term as Trump hits Rust Belt wall

4. STATES:
Wash. carbon fee goes down in setback to greens nationally

5. ON LOCATION:
GOP carbon tax supporter barely holds on in Pa.

STATES

6. CALIFORNIA:
Gov.-elect Newsom will inherit ambitious climate policies

INTERNATIONAL

7. AUSTRALIA:

In land of wonders, cheap power can trump climate risks

8. BRITAIN:

Nation has more green capacity than any other power source

9. RENEWABLES:

China's solar bailout won't counter global glut — analysts

CLIMATE IMPACTS

10. ADAPTATION:

Experts warn Puerto Rico at risk amid lack of disaster plan

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Climatewire is written and produced by the staff of E&E News. It is designed to provide comprehensive, daily coverage of all aspects of climate change issues. From international agreements on carbon emissions to alternative energy technologies to state and federal GHG programs, Climatewire plugs readers into the information they need to stay abreast of this sprawling, complex issue.

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From: Carroll, Carly [Carroll.Carly@epa.gov]
Sent: 4/6/2018 6:48:00 PM
Subject: Weekly Report for 04.06.18
Attachments: Weekly Report 04.06.2018.docx; Weekly Report 04.06.2018.pdf

Good Afternoon,
Please find the weekly report for the week ending 04.06.18 attached.

Have a good weekend,

Carly Carroll
U.S. Environmental Protection Agency
(202) 564-2769
carroll.carly@epa.gov

Message

From: POLITICO Pro Budget and Appropriations [politicoemail@politicopro.com]
Sent: 10/16/2018 7:49:13 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: Budget & Appropriations: Trump's 'winners and winners' budget deal — McConnell makes case against holiday shutdown — Pelosi holds the line against border wall funding

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BUDGET & APPROPRIATIONS

10/16/2018 03:47 PM EDT

By SARAH FERRIS (sferris@politico.com; @sarahnferris), JENNIFER SCHOLTES (jscholtes@politico.com; @JAscholtes)

'YOU GET A BILLION! YOU GET A BILLION!' It's an open secret on Capitol Hill: The real reason Congress accomplished so much appropriations work this year is the extra $153 billion pumped into spending bills.

Greased with cash: The budget deal this spring, H.R. 1892 (115), unleashed a torrent of new spending flexibility that delighted both defense hawks and domestic funding advocates. Those tactics virtually guaranteed easy floor votes ahead of the midterms, with both parties declaring themselves "winners." The only losers, you might say, are the deficit hawks bemoaning the new reality of trillion-dollar deficits (despite the solid economy).

The real costs: As Sarah explains today, that deluge of spending has resulted in the largest federal credit card tab in six years, with heightened chances of a debt crisis down the road. It also carries political consequences as Capitol Hill leaders prepare to set off on the next round of budget talks that could follow the same pricey precedent.

'Plus one, plus one': Spending under President Donald Trump has been a total reversal of the Obama-era budget trade-offs, when Republicans and Democrats bickered over adding

small amounts of defense and non-defense dollars. (Back then, you'll recall, the talks also produced a slew of pay-fors to lessen the financial load). Budget hawks, like Maya MacGuineas of the Committee for a Responsible Federal Budget, say Trump's GOP has created new budget math: "Instead of 'plus one, minus one,' it became 'plus one, plus one.'"

How we got here : Think back to the mid-winter negotiations. GOP leaders were pushing a plan to increase defense funding by $54 billion and increase non-defense spending by $37 billion for fiscal 2019. That would wipe out the effects of sequestration, but go no higher. But the White House's military budget request kept going up, and so did the Democrats' bargaining price. By the end, negotiators settled on a deal that delivered an extra $68 billion more for non-defense and $85 billion for defense.

GOOD TUESDAY AFTERNOON! Reach out: jscholtes@politico.com (@jascholtes) and sferris@politico.com (@sarahnferris).

POLITICO is partnering with the Milken Institute to bring a special edition of the POLITICO Pulse newsletter to the Milken Institute Future of Health Summit. Written by Dan Diamond, the newsletter will take readers inside one of the most influential gatherings of global health industry leaders and innovators as they tackle today's most pressing health challenges. The newsletter will run Oct. 23-24. Sign up today to begin receiving exclusive coverage on Day One of the summit.

DOC OF THE DAY

Twenty-eight business groups, including the Chamber of Commerce, are asking Congress to provide low-interest loans to struggling pension plans, Ian Kullgren reports. The idea would cost roughly $34 billion over a decade, according to CBO.

#DAILYBUDGETFACT

OPM says the number of federal employees who filed for retirement increased 24 percent in fiscal 2018 over the previous year, Government Executive reports.

QUOTE DU JOUR

"It's disappointing but it's not a Republican problem," Senate Majority Leader Mitch McConnell said of the $779 billion budget deficit for fiscal 2018 in an interview with Bloomberg News.

TOP TWEET

Trump tweeted this morning: "The United States has strongly informed the President of Honduras that if the large Caravan of people heading to the U.S. is not stopped and brought back to Honduras, no more money or aid will be given to Honduras, effective immediately!" More from Matthew Choi.

Trump says a red wave is coming on Election Day. Is he right, or will the tide turn blue? Compete against the nation's top political minds in the POLITICO Playbook Election Challenge, by correctly picking the winning candidates in some of the most competitive House, Senate and gubernatorial races in the country. Win awesome prizes and eternal bragging rights. Sign up today! Visit politico.com/playbookelectionchallenge to play.

APPROPRIATIONS

FOLKSY IDIOMS FROM A 76-YEAR-OLD KENTUCKIAN: "There's no education in a second kick of the mule," McConnell tells Bloomberg about the idea of a December shutdown. While the Senate majority leader didn't say there won't be a year-end lapse, he has been clear that he doesn't think it's some miracle maneuver that will get Democrats to agree to more funding for the border wall. "We invented this back in the 1990s, and it didn't work well for us. Chuck Schumer tried it last January over DACA, and he caved within a day and a half," McConnell said. "How many times do we have to figure out this isn't going to work, whether it's a Democrat-inspired shutdown or a Republican-inspired shutdown?"

DEMOCRATS HOLD THE LINE: "I don't see any of us voting for wall funding," House Minority Leader Nancy Pelosi tells Playbook. "We have a responsibility to secure our borders. There are ways to do that that are consistent with civilization, humanitarianism and who we are as a nation. We have to remove all doubt about that."

SAFETY NET

OHHH, SNAP: Sen. Chuck Grassley told reporters today that he thinks farm bill negotiations are "at a standstill," reiterating that work requirements for SNAP recipients in the House version of the bill, H.R. 2 (115), are not going to fly in the Senate, Helena Bottemiller Evich reports . "So they're going to have to give up on that or find a workable compromise," he said, noting that he has not heard of any bargaining being done to that end.

Calling out cotton growers: The Iowa Republican also suggested that cotton growers should have been satisfied with the $1 billion they got in the fiscal 2018 omnibus, H.R. 1625 (115). "You can't ever seem to satisfy cotton," he said.

SMALL SLICE OF THE PIE: A new Brookings report suggests that GOP efforts to toughen work requirements for SNAP recipients may have a more limited effect than supporters expect. Roughly 55 percent of the 3.8 million SNAP beneficiaries who said they weren't working cited health or disability issues, and another 40 percent cited work-related issues. Only about 90,000 list a lack of interest or early retirement as their reason for not working.

'DIRECT EXPRESS' UNDER DURESS: Sen. Elizabeth Warren (D-Mass.) fired off letters today asking the VA and Social Security Administration to divulge how much money was stolen from benefits recipients this year through the Direct Express electronic payment system the feds contract out to Texas banking company Comerica, Zachary Warmbrodt reports . Warren wants answers by month's end to six questions, including what percentage of benefit recipients have received their money back after it was taken by fraudsters.

The letters: To Secretary of Veterans Affairs Robert Wilkie | To Social Security acting Administrator Nancy Berryhill.

EDUCATION

PELL GRANTS, ON PLASTIC: The Trump administration took the first official step today in achieving the dream of delivering Pell Grant and student loan cash on payment cards, Michael Stratford reports. In a Federal Register notice , the Education Department has invited companies to put in for a chance to run the pilot program, without any reimbursement from the government or fees to students. So what's in it for the private sector? The company (or companies) that run the pilot will be allowed to use Education Department branding and will have access to a trove of student information for marketing.

ENERGY

COAL BAILOUT FLOUNDERS: Energy Secretary Rick Perry had a plan to help rescue cash-strapped coal companies with the assistance of a little-used national security statute. But that much-hyped proposal, once heartily backed by Trump, has been shelved by critics within the administration, Eric Wolff and Darius Dixon scoop today. One of Perry's biggest problems, they explain, was figuring out where to get the cash. One of the leading ideas was to simply charge electricity customers more money to cover the costs, which would have jacked up rates across the country.

STATES

HURRY UP AND WAIT ON WORK REQUIREMENTS: Federal officials in Wisconsin say Gov. Scott Walker is slow-walking implementation of Medicaid work rules for fear the changes he has long sought will actually doom his already-ailing reelection bid, Dan Diamond reports.

AGRICULTURE

FARMER-AID, THE THIRST QUENCHER: Rep. Ralph Abraham (R-La.) says he plans to introduce an emergency spending bill when Congress returns to address an ag "crisis" from retaliatory tariffs and other factors that have been hurting American farmers of late. As Ryan McCrimmon reported this week in Morning Agriculture, the Louisiana Republican says he's talked about plans for that farmer-aid package with USDA and state officials, and that it could be paired with additional cash for hurricane relief. "We're going to put together a very broad, but exact, plan to Band-Aid this thing until we can find a long-term solution," Abraham said. "We've got to work as a Congress very, very quickly to do something in the short term to allow these farmers just literally to survive."

READ UP!

— The national debt and the federal deficit are skyrocketing. How it impacts you. USA Today.

— Trump promises to seek disaster aid as he tours parts of Florida and Georgia devastated by Hurricane Michael. Washington Post.

— Government spends millions to guard Confederate cemeteries. Associated Press.

— State education chiefs on the ballot spar over school funding. POLITICO Pro.

— In between tangling with Trump, Mattis attempts to reshape the U.S. military. Washington Post.

— The great American health care panic. POLITICO Magazine.

WE'RE COUNTING

Government funding runs out in 52 days (Dec. 7) for the departments of State, Homeland Security, Commerce, Agriculture, Transportation, Interior, Justice and HUD, as well as science programs, foreign operations and agencies like the IRS and EPA. Funding runs out

in 349 days (Sept. 30) for the departments of Education, Energy, Labor, Defense, Veterans Affairs and HHS, plus water projects, the Legislative Branch and military construction. The National Flood Insurance Program expires in 43 days (Nov. 30).

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Sent: 5/8/2018 7:17:30 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: Budget & Appropriations: Trump taunts Democrats with 'common sense' cutbacks — The end of the former speaker perk — Pair of spending bills ready for House vote

By Sarah Ferris and Kaitlyn Burton | 05/08/2018 03:14 PM EDT

WATCH 'EM SQUIRM: The White House thinks it has an offer that Democrats can't refuse.

Just as congressional Democrats thought they'd reclaimed the "fiscal hawks" mantle in Washington, the Trump administration today presented a plan to save billions without harming a single program. As Rep. Tom Cole (R-Okla.) put it today: "It's going to be interesting to see Democrats — who I know have used these very same things themselves to offset additional spending — now argue, 'Oh my gosh, we can't touch any of this.'"

What's not to like? Even nonpartisan groups have acknowledged that most of the money wouldn't, or couldn't, have been spent anyway. That includes the $7 billion rescission from the Children's Health Insurance Program, which was never actually scored to cost the federal government anything. In fact, a similar rescission was included in this year's omnibus bill, H.R. 1625 (115), which Democrats overwhelmingly supported. Key fact: Out of the whole package, just $3 billion amounts to actual savings. See the whole list of proposed cutbacks from Sarah here.

Your move, Hoyer: Administration officials have been making the case for rescissions using the words of a key Democratic House leader just a few weeks back. Last month, Minority Whip Steny Hoyer (D-Md.) said he'd support eliminating money that's just "laying in an account that has not been spent for one, two, three years." Hoyer told reporters today that he hasn't yet read through the proposal, but isn't entirely ruling it out. "Sure, I'd be willing to take a look," he said, though he objected to taking away CHIP money that he said "has been used very positively for emergencies." (Because the package tackles mandatory spending, Democrats plan to challenge the use of a simple-majority vote in the Senate, per Playbook.)

'Not too scary': GOP appropriators, at least in the House, seem receptive to the idea, even if it drains from their prized pool of offsets for future bills. And Majority Leader Kevin McCarthy is already in talks about how to proceed, either allowing the House Appropriations Committee to take up the request or sending it straight to the floor. "It's not too scary," Cole told reporters with a laugh. "This one was fine. We'll wait and see what the next one is."

Not so simple: On paper, Republicans would be able to approve this request without a single Democratic vote. But White House aides are still trying to get official sign-off from Senate Majority Leader Mitch McConnell. "We're hopeful the Senate's going to come our way, but I would say it's an ongoing conversation right now," a White House aide told Capitol Hill staffers in a private call on Monday. More from Sarah and Kaitlyn here . For his part, McConnell told reporters today that he'll "take a look at it" if it passes the House. He also noted: "It does not breach the bipartisan agreement we reached in the caps deal."

GOOD TUESDAY AFTERNOON! Reach out: sferris@politico.com (@sarahnferris) and kburton@politico.com (@knicoleburton).

Doc of the day — President Donald Trump's 41-page "special message" to Congress proposing $15.4 billion in rescissions requests.

#DailyBudgetFact — About one-fourth of single parents are living below the poverty line. Just 8 percent of married parents are living in poverty.

RESCISSIONS

BUT WAIT, THERE'S MORE: In a total affront to GOP spending chiefs, the White House is planning to soon release a far more contentious rescissions package that directly targets this year's omnibus. Administration officials said Monday that they're already drafting a "substantial" plan to slash billions from Congress' spending deal this year, but offered no other details. Sarah had the scoop for Pros here . That package would be a key messaging vote for Republicans in the House, but it stands almost no chance of passage in the Senate. "Even though a rescission package is not subject to filibuster, we do not have enough fiscally conservative folks in the Senate to get a true win," Rep. Dave Brat (R-Va.) said today.

APPROPRIATIONS

MARKUPS ON TOP OF MARKUPS: It's the busiest week yet for the House Appropriations Committee, so let's dive in. Here's what's happened so far:

Energy-Water: The House Appropriations Energy-Water Subcommittee approved its bill in a voice vote Monday night, Annie Snider reports. The legislation includes $7.28 billion for the Army Corps of Engineers, $451 million above current levels. DOE's energy programs would also get $13.4 billion, with boosts for fossil and nuclear energy research and cuts for renewable energy and energy efficiency. Democrats called out that mismatch, along with a slew of policy riders like a provision to repeal the Obama administration's Waters of the U.S. rule.

Military Construction-VA: House appropriators also cleared, on a 47-0 vote, the Military Construction-VA bill today, Connor O'Brien reports. The panel rejected Democratic efforts to bar funding for a border wall and a new terrorist detention facility at Guantanamo Bay. The measure contains $10.3 billion for Pentagon infrastructure, $214 million above current spending, and $85.3 billion in discretionary funding for the VA, a $3.9 billion hike from current levels.

Legislative Branch: The full committee unanimously approved the Legislative Branch bill this afternoon and — most notably — nixed office allowances for former House speakers, Kaitlyn reports. The panel adopted an amendment from subcommittee chief Kevin Yoder (R-Kan.) to completely eliminate the former speaker's allowance. Behind the scenes, there was a bit of jockeying between Speaker Paul Ryan and Minority Leader Nancy Pelosi, herself a former speaker, about which party gets credit for scrapping the perk, as John Bresnahan explains.

What's next?: The spending panel's Agriculture-FDA and Commerce-Justice-Science subcommittees are set to mark up their bills Wednesday at 4 p.m. and 5 p.m., respectively.

HEALTH CARE

SHUT DOWN: Conservative state lawmakers trying to overhaul Medicaid aren't all too happy with the Trump administration, Rachana Pradhan reports. Case in point: Federal officials have denied Kansas' request to put in place the first-ever lifetime limits on Medicaid coverage — the first time the Trump administration has shut down cuts to the program pushed by a red state.

AGRICULTURE

GETTING THE JITTERS: House GOP leaders this week have begun the tough job of selling a massive farm bill to the rest of their conference — and it doesn't seem to be going well. "It's my understanding that they don't have the votes on their side," Hoyer told reporters, lambasting the GOP's proposed crackdown on food stamps.

Conservative lobbying blitz: Meanwhile, GOP leaders may go even further to the right to win support from holdouts in the House Freedom Caucus. Rep. Mark Meadows (R-N.C.), the head of that caucus, said late Monday night that members still have some big changes in mind, including stricter work requirements, Liz Crampton and Rachael Bade report.

OPIOIDS

ONE-TRACK MIND: Fighting opioid addiction is one of the few parts of the federal budget where both parties on Capitol Hill have agreed to spend more. But with more than $1 billion devoted specifically to opioids in recent years, attention — and funding — is dwindling for other anti-drug programs. That's happening even as deaths from crystal meth and cocaine use are spiking. It's one of the many unintended consequences of the U.S. response to the opioid addiction, as Sarah Karlin-Smith and Brianna Ehley report today.

Pharma's big moment: In a moment reminiscent of the 1994 tobacco hearings, executives from major drug distributors had their moment in the sun today as part of Congress' ongoing probe into the epidemic. Those companies include Cardinal Health, AmerisourceBergen and McKesson, which together spent more than $4.6 million on Washington lobbying last year, Theodoric Meyer reports. The Healthcare Distribution Alliance, a trade group for the industry, spent nearly $1.3 million more.

EARMARKS

— Trump's request to cut spending has a shot at passing Congress. Bloomberg.

— Senate mourns death of assistant parliamentarian Michael Beaver. Roll Call.

— Pruitt fast-tracked California cleanup after Hugh Hewitt brokered meeting. POLITICO.

— The underlying problem with Congress is deciding how to allocate their time. Vox.

— Here's the EPA memo that justified Scott Pruitt's first-class travel. Washington Post.

— Trump trims U.S. spending cuts amid warnings of new fiscal fight. Reuters.

WE'RE COUNTING: 85 days until the National Flood Insurance Program expires (July 31), 146 days until funding runs out (Sept. 30).

To view online:
https://subscriber.politicopro.com/newsletters/budget-appropriations/2018/05/trump-taunts-democrats-with-common-sense-cutbacks-207754

Stories from POLITICO Pro

What's on the Trump administration's $15B cost-cutting list Back

By Sarah Ferris | 05/08/2018 11:21 AM EDT

The Trump administration Tuesday proposed a sweeping $15.4 billion package of spending cuts that slices across 10 federal departments, ranging from children's health insurance to public housing programs.

Most of the White House requests affect money that's been authorized to be spent but hasn't been paid out. The Office of Management and Budget released a "special message" that targets $15.4 billion in budget authority, which is what the government is authorized to spend.

But the cuts would actually decrease federal spending by just $3 billion in outlays, the OMB said.

The White House's 41-page request serves as the opening bid with congressional leaders to use an obscure federal law to slash spending from the ever-growing federal deficit. It doesn't affect a massive omnibus spending bill, H.R. 1625 (115), passed by Congress earlier this year but the administration has promised it will be targeted next.

The White House has said none of the proposed cutbacks would affect current programs, focused entirely on unspent dollars from previous years.

But Democrats are already pouncing on Trump's planned cuts to the low-income kids' health program, just months before the midterms.

The request now goes to the House Appropriations Committee, which will have 25 calendar days to craft its own bill before other House members can act on their own to bring up rescissions legislation. If the House passes a bill, it would be taken up next by the Senate, where prospects are regarded as slimmer. Rescissions bills require only a simple majority for passage, though.

"With a national debt exceeding $21 trillion, every member of Congress should support rescinding these unspent, sometime egregious, but obviously unnecessary funds that are simply sitting in the coffers of federal agencies," White House budget chief Mick Mulvaney said in a statement.

Included in the White House's proposed reductions:

AGENCIES
— $10 million from the Environmental Protection Agency
—$150 million from the Corporation for National and Community Service
— $52 million from the Millennium Challenge Corporation

AGRICULTURE
— $148 million from the Animal and Plant Health Inspection Service
— $656 million from the Natural Resources Conservation Service
— $42 million from the Rural Housing Service
— $50 million from the Rural Business-Cooperative Service
— $50.2 million from the Rural Utilities Service
— $16 million from the Forest Service

COMMERCE
— $30 million from the Economic Development Administration

ENERGY
— $4.3 billion from the Advanced Technology Vehicles Manufacturing Loan Program
— $683 million from the Innovative Technology Loan Guarantee Program

HEALTH
— $6.96 billion from the Children's Health Insurance Program
— $800 million from the Center for Medicare and Medicaid Innovation
— $220 million from "Departmental Management" expense fund

HOUSING
— $40.8 million from Public and Indian Housing Programs

JUSTICE
— $106 million from Legal Activities and U.S. Marshals

LABOR
— $22.9 million from the Employment and Training Administration

STATE
— $30 million from the Complex Crises Fund
— $252 million from U.S. AID, for the Ebola outbreak response

TRANSPORTATION
— $179.1 million from the Federal Highway Administration
— $53.4 million from the Federal Railroad Administration
— $46.5 million from the Federal Transit Administration

TREASURY
— $53 million from the Treasury Forfeiture Fund
— $22.7 million from the Community Development Financial Institution Fund
— $151 million from Capital Magnet Fund, Community Development Financial Institutions

OTHER
— $133 million from the Railroad Unemployment Insurance Extended Benefits program

To view online click here.

Back

Trump tries to woo conservatives with bid to cut spending Back

By Sarah Ferris and Kaitlyn Burton | 05/07/2018 09:05 AM EDT

The White House on Tuesday will send $15 billion in proposed spending cuts to Congress in an attempt to demonstrate fiscal austerity to skeptical conservatives, senior administration officials confirmed Monday night.

The administration had last week planned to send Congress a package of $11 billion in spending reductions. But since then, some conservatives have quietly pushed for an even bolder proposal, particularly after the GOP's spending binge in recent months, said Republicans familiar with the discussions.

The White House initially floated as much as $60 billion in cuts, including an unprecedented attempt to cancel money from this year's omnibus spending bill. The proposal was later downsized to $11 billion, and then back up to $15 billion, targeting only unused funding from past years, which POLITICO first reported.

One senior administration official told reporters that the proposal coming Tuesday is "the largest single rescissions package at one time."

The White House also plans to make a second attempt at clawing back funding from the omnibus, but the senior administration official said that could come weeks later.

The official said said President Donald Trump will be personally involved in the details of the next package, which will include "substantial" cuts in current spending based on the president's own budget request.

Unlike regular spending bills, a presidential rescissions package is given fast-track authority in both chambers. That means the proposal is one of the rare spending-related bills that is able to bypass the 60-vote threshold in the Senate.

Nearly half of the package, a whopping $7 billion, pulls from the Children's Health Insurance Program, which covers about 9 million low-income children.

Of this, $5 billion is fiscal 2017 funding that has already expired, and $2 billion is money from a so-called contingency fund that states can tap into if they're short on cash.

These CHIP rollbacks "will not impact the program," the senior administration official said.

It would also cut $800 million from the Center for Medicare & Medicaid Innovation, which was created under Obamacare.

In addition, the proposal will target 38 programs with large amounts of leftover cash, including $148 million from the Animal and Plant Health Inspection Service, $107 million for Hurricane Sandy in 2013 and $252 million for the Ebola outbreak in 2015.

The senior administration official said the White House is starting with "uncontroversial" cutbacks as a sweetener to bring Democrats on board.

"I don't think we believe there's a reason we wouldn't get bipartisan support for a package like this," the official said.

The process also includes a special bonus for fiscal hawks: Whenever the president submits a rescissions request, that spending is frozen automatically for 45 legislative days, or until Congress formally rejects it.

OMB Director Mick Mulvaney said in April that he hopes for a vote in the House before the July Fourth recess, and officials told reporters Monday that the House is "very interested in this package."

The GOP-dominated House is expected to easily clear the rescissions package, but even White House officials are less confident about its fate in the Senate, White House legislative affairs director Marc Short told POLITICO on Monday. Trump is pleased with the $15 billion proposal, Short said.

In a call with Capitol Hill staff on Monday, White House officials skirted a question about whether Majority Leader Mitch McConnell had signed off on the proposal.

"We are in discussions with the majority leader," the administration official said on the call, which POLITICO was permitted to listen to by a staffer. "We're hopeful the Senate's going to come our way but I would say it's an ongoing conversation right now."

Trump's unusually large request would come after a nearly two-decade drought of any formal rescissions proposal.

Former President Bill Clinton was the last president to propose rescissions. His three requests totaled just $128 million, a fraction of Trump's request.

Even with Trump's record-setting sum, conservative groups are demanding the Trump administration go further by proposing to cancel funds from the omnibus, which Trump threatened to veto.

Americans for Prosperity, the right-leaning group founded by the Koch brothers, is asking the White House to reel back $45 billion from the $1.3 trillion omnibus.

The group on Monday released an exhaustive list of programs it believes should go on the chopping block, including homeless assistance grants, a Coast Guard security center, FBI salaries and the National Cancer Institute.

Behind the scenes, top budget officials have wrestled for weeks with Republican lawmakers on the size and scope of the rescissions package.

The debate was largely centered on whether to cut money across the board from the omnibus spending package, or whether to target individual programs.

Few Republicans wanted the across-the-board cuts as those would have hit the hard-won increases to military spending. But officials also worried that going after specific programs would spur infighting among Republicans, according to one former top GOP congressional aide briefed on the deliberations — an outcome everyone hoped to avoid ahead of the 2018 midterm elections.

Meanwhile, belt-tightening conservatives in the House are still hoping for more than $15 billion in cuts.

An internal survey of dozens of House Republican Study Committee members found that lawmakers overwhelmingly support the largest possible rescissions request. The survey, which was obtained by POLITICO, found that 71 percent of RSC members said they would back a proposal that cut at least $60 billion. Another 9 percent said they'd support any amount.

And 94 percent of RSC members surveyed said the rescissions package should cut at least some domestic funding from this year's $1.3 trillion omnibus. Only 6 percent said "maybe."

Republican budget wonks also wondered if the final package would accomplish the task of reducing government spending in a meaningful way, if it indeed took previously unspent money from old programs.

"This is not a deficit reduction exercise, but more of a public relations exercise to soothe the base and convince them that the White House is fiscally responsible," said G. William Hoagland, a senior vice president at the Bipartisan Policy Center and former director of budget and appropriations for former Senate Majority Leader Bill Frist as well as the former director of the Senate Budget Committee.

"If they are finding unused budget authority and putting that in a special package to Congress as appropriators are trying to put together the [fiscal] 2019 bill, it may have the effect of creating more spending for 2019 rather than less," Hoagland said.

Nancy Cook, John Bresnahan and Matthew Nussbaum contributed to this report

To view online click here.

Back

White House will try to roll back billions from omnibus spending deal Back

By Sarah Ferris | 05/07/2018 06:31 PM EDT

Over the objections of GOP spending chiefs, White House officials said Monday they will plow ahead with a sweeping plan to claw back billions from Congress' massive spending deal this year.

Administration officials told Capitol Hill staffers on a call that they still plan to release a bill that would roll back money that Congress approved in this spring's budget-busting omnibus measure, H.R. 1625 (115).

"We're going to send them up a separate package" that focuses on the omnibus bill, White House officials told Hill staff in a conference call briefing. A staff member allowed POLITICO to listen to the call.

A date for the new proposal was not specified, but any package unveiled this year could have major implications for federal agencies.

Even if Congress ignores the request, the dollars in a presidential rescission package are automatically frozen for 45 legislative days. Critics say that would effectively prevent government agencies from carrying out key programs that are targeted.

A rescissions package — which hasn't been used since 2000 — is also given special powers to bypass a Senate filibuster. White House officials say that gives Trump a one-time chance to retract spending from the $1.3 trillion bill he detested.

It would be an unprecedented move, delivering an affront to many long-serving Republican appropriators. The leaders of both the Senate and House spending panels have publicly dismissed the idea, arguing that it would amount to going back on a deal with Democrats.

The Republican Appropriations chairmen, Rep. Rodney Frelinghuysen of New Jersey and Sen. Richard Shelby of Alabama, have both said the White House plan would undermine any future dealmaking. That includes the spending measure that Congress must pass by the end of fiscal 2018 on Sept. 30 to avoid a government shutdown just weeks before the midterm elections.

The omnibus was painstakingly negotiated between both parties, though Trump was not a fan. On the same day he was supposed to sign the bill, Trump said publicly he wanted to veto it even if it would mean a near-certain government shutdown.

Experts have said that every other proposed rescissions package has gone after years-old unspent money, rather than weeks-old spending deals negotiated by both parties.

The White House is already mulling the largest-ever single rescissions package. Officials will send a $15 billion package to Congress on Tuesday that proposes to cancel funding from dozens of government accounts that have leftover money.

That package is intended as an opening salvo, with GOP leaders hoping to entice Democrats to support a package of largely noncontroversial cuts.

The second round of spending cutbacks would be far more partisan, taking cues from Trump's austere budget blueprints from his first two years in office. The second proposal is likely to cut deep in domestic programs, while keeping intact Trump's massive boost for the Pentagon.

"It will be substantial, and it will be similarly historic," a senior administration official said in a call with reporters later on Tuesday, confirming the plans.

To view online click here.

Back

House Appropriations panel advances $44.7B energy and water bill Back

By Annie Snider | 05/07/2018 06:15 PM EDT

A House Appropriations Committee subpanel swiftly approved its $44.7 billion energy and water spending bill on a voice vote today, sending it to the full committee for consideration.

Democrats applauded the boost in funding that the measure provides for the Army Corps of Engineers and DOE thanks to the bipartisan agreement to lift spending caps.

"Our bill is certainly a message to the executive branch that the legislative branch rejects the ill-considered, draconian cuts we have come to expect to every important agency we fund in this bill," said Rep. Marcy Kaptur, the top Democrat on the subcommittee.

Overall, the bill would provide $7.28 billion to the Army Corps of Engineers, $451 million over 2018 levels. That includes $1.6 billion for harbor maintenance activities, or $160 million more than the level appropriators committed in a major 2014 bill.

DOE's energy programs would get $13.4 billion under the measure, with increases for fossil and nuclear energy research and cuts for renewable energy and energy efficiency.

Democrats objected to that disparity, as well as to a spate of policy riders in the bill such as a provision to repeal the Obama administration's Waters of the U.S. rule and another to override a court decision and operate the Columbia and Snake rivers' dams for hydropower production rather than protecting endangered salmon.

WHAT'S NEXT: The full House Appropriations Committee is expected to consider the measure soon.

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Back

House appropriators reject limits on border wall, Gitmo construction funding Back

By Connor O'Brien | 05/08/2018 12:09 PM EDT

The House Appropriations Committee today rejected separate Democratic efforts to bar funding to build a border wall and a new terrorist detention facility at Guantanamo Bay, Cuba.

Before approving the annual funding bill for military construction and veterans programs, the panel rejected by voice vote an amendment from Reps. Debbie Wasserman Schultz (D-Fla.) and Henry Cuellar (D-Texas) to bar funding for the wall along the U.S.-Mexico border.

President Donald Trump campaigned on building the wall, but has sparred with lawmakers over paying for it and recently floated the possibility of the Pentagon paying for the massive project.

Democrats slammed the proposal as costly and an attack on property owners on the southern border. Republicans countered that the bill the Homeland Security subcommittee has purview.

The appropriations panel also rejected by voice vote another Wasserman Schultz amendment to strip $69 million in funding to construct a new detention facility at Guantanamo. Appropriators, however, approved an amendment to limit funding for the project unless it is authorized by House and Senate Armed Services Committees.

The panel ultimately approved its version of the fiscal 2019 Military Construction and Veterans Affairs spending bill, 47 to 0.

The legislation includes $96.9 billion in discretionary funding, $4.2 billion above the current fiscal year. Pentagon infrastructure would receive $10.3 billion, a $214 million increase over the current year. The bill also would allocate $85.3 billion in discretionary funding to VA, a $3.9 billion increase above current levels.

Text of the bill is here. An accompanying report is here.

To view online click here.

Back

House appropriators end office allowances for former speakers Back

By Kaitlyn Burton | 05/08/2018 01:12 PM EDT

The House Appropriations Committee on Tuesday cut off office allowances for former speakers of the House as it unanimously approved its fiscal 2019 Legislative Branch bill in a 47-0 vote.

The panel adopted a manager's amendment, on a voice vote, from Legislative Branch Subcommittee Chairman Kevin Yoder (R-Kan.) that would eliminate an allowance that former speakers of the House can tap into for office expenses.

"Taxpayers should not be on the hook to fund an office for former speakers," said House Appropriations ranking member Nita Lowey (D-N.Y.).

The bill had originally cut back this funding for things like office rental, mail and a small staff to one year, POLITICO reported. It is available to former speakers for up to five years after they leave Congress.

However, House Minority Leader Nancy Pelosi called for the allowance to be nixed in an April letter to Lowey and the top Democrat on the panel's Legislative Branch Subcommittee, Tim Ryan (D-Ohio).

"It is my opinion that funding for the office of former Speakers should be removed altogether," Pelosi wrote.

But before Democrats had a chance to offer such an amendment during Tuesday's markup, a House GOP leadership aide said that House Speaker Paul Ryan's office had pushed for the one-year change and that he, in fact, also supports zeroing out the allowance.

"Speaker Ryan is a strong proponent of Mr. Yoder's manager's amendment to eliminate all funding for former speaker offices," said AshLee Strong, Ryan's spokeswoman.

Doing away with the allowance would likely apply to only two current lawmakers: Pelosi and Ryan, who is retiring at the end of his current term in Congress.

Former Speaker John Boehner (R-Ohio) is still eligible for the allowance, though he has already shut down his office.

The individual spending measure contains $3.8 billion for House and joint House-Senate operations, a $132 million jump from current levels.

The Capitol Police would get $456.4 million, $29.9 million more than current spending; the Library of Congress would get $709.8 million, $40 million above current levels; and the Government Accountability Office, the U.S. government's internal watchdog, would get $579 million, on par with current spending.

House Republicans hope to hold stand-alone floor votes on noncontroversial appropriations bills like Legislative Branch as soon as possible, POLITICO has reported.

The panel's Agriculture-FDA and Commerce-Justice-Science subcommittees are scheduled to mark up their bills Wednesday.

To view online click here.

Back

Dems, GOP jockey over cutting funds for ex-speakers Back

By John Bresnahan | 05/08/2018 08:56 AM EDT

Congress looks like it's finally getting rid of one perk for former speakers, but not before a little partisan gamesmanship between Nancy Pelosi and Paul Ryan.

Under current law, former speakers of the House get funding for office space, equipment, franked mail and "staff support" for a five-year period. Only former Speaker John Boehner (R-Ohio) is eligible for this benefit currently, but Ryan — who is retiring after the November elections — would be expected to get it as well. Pelosi would be as well when she leaves.

But in marking up the 2019 legislative branch funding bill, which covers congressional operations, the five-year period for funding was reduced to one year.

However, Pelosi told Rep. Nita Lowey of New York , the top Democrat on the House Appropriations Committee, and Ryan in an April 26 letter she wants to cut out these funds entirely. "It is my opinion that funding for the office of former Speaker should be removed altogether," Pelosi wrote.

Pelosi and Lowey were planning on having a Democrat offer an amendment to do that when the legislative branch funding bill is marked up in the Appropriations panel Tuesday.

But a House GOP aide said that Ryan's office was actually behind the reduction in funding from five years to one year, and that Ryan is fine with eliminating the provision entirely. Rep. Kevin Yoder (R-Kan.) is planning on offering a manager's amendment that will do that anyway.

"Speaker Ryan is a strong proponent of Mr. Yoder's manager's amendment to eliminate all funding for former speaker offices," said AshLee Strong, Ryan's spokeswoman.

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Back

Red states find Trump an unpredictable ally on Medicaid Back

By Rachana Pradhan | 05/07/2018 06:46 PM EDT

Conservatives state lawmakers aren't getting everything they want from the Trump administration as they try to overhaul Medicaid.

Federal officials on Monday denied Kansas' request to implement the first-ever lifetime limits on Medicaid coverage, delivering a reality check with larger implications for how far the GOP can go trimming the health program for the poor.

It marked the first time the Trump administration has categorically denied Medicaid cuts pushed by a red state. The decision — delivered in a brief letter from the Centers for Medicare and Medicaid Services without elaboration — dismayed some conservatives and frustrated state lawmakers, who say it's virtually impossible to know what will get approved without an onerous back-and-forth with federal officials.

"They won't tell us what they will or won't approve until we apply. We're throwing spaghetti on the wall and seeing what sticks," said Utah state Sen. Daniel Hemmert, whose state has asked the Department of Health and Human Services to limit certain Medicaid enrollees' benefits in his state to five years, among other conservative changes.

"We only get one toss per year, basically," he added. "To innovate within Medicaid, it's frustrating and slow."

Arizona, Utah and Wisconsin have also asked the Trump administration for similar caps on how long certain enrollees can stay in the program.

"We have heard informally from CMS that they will not approve it," Utah state Rep. Jim Dunnigan, a Republican, said of lifetime limits in other states. A CMS spokesperson said, "CMS evaluates every demonstration proposal individually and in accordance with a set of state-specific facts."

The Trump administration has yet to act on another Kansas request: to impose a work requirement affecting roughly 12,000 low-income parents, although HHS has given four other GOP-led states permission to institute similar requirements. New Hampshire on Monday received permission to tie Medicaid benefits to employment, following similar approvals in Kentucky, Indiana and Arkansas.

Those four states, unlike Kansas, expanded Medicaid under Obamacare, growing their programs by thousands of low-income adults.

"We know that two of the best policies to move individuals from welfare to work are work requirements and time limits," said Tarren Bragdon, president of the Foundation for Government Accountability, a conservative think tank that has opposed Obamacare's expansion of the Medicaid program, who expressed disappointment with the decision on Kansas' request. "I am surprised."

HHS made granting work requirement requests a linchpin of its Medicaid reform strategy, pleasing conservative activists and Republican legislators. But it's being more circumspect about a long list of other controversial ideas from Republican governors.

Wisconsin's Scott Walker wants to impose drug testing on certain Medicaid beneficiaries while Massachusetts' Charlie Baker is seeking to limit what prescription drugs are covered under the program. Texas' Greg Abbott, meanwhile, is pressing Trump administration officials to reinstate federal Medicaid funds for a women's health program that excludes Planned Parenthood.

Kansas' bid for a work requirement wasn't the first time federal health officials have punted on a major red state initiative. They were silent in March on Arkansas Gov. Asa Hutchinson's request to cap eligibility for the state's Obamacare Medicaid expansion at the federal poverty line, a move that would have trimmed enrollment in the Affordable Care Act program by roughly 60,000 people. Massachusetts has a similar proposal still under review.

"I don't think there's any expectation that the administration says yes to every request just because it comes from a Republican state," said Akash Chougule, director of policy for the Koch brothers-funded Americans for Prosperity.

A spokesperson for Kansas Gov. Jeff Colyer said state officials were told in late April that CMS was unlikely to approve lifetime limits.

"While we will not be moving forward with lifetime caps, we are pleased that the administration has been supportive of our efforts to include a work requirement in the 1115 waiver," Colyer said in a statement Monday following the rejection.

Kansas already has some of the strictest Medicaid eligibility levels in the nation for nondisabled adults, and the state had wanted to go further and limit thousands of low-income parents to three years of Medicaid benefits.

"I'm not real surprised," said Sheldon Weisgrau, interim director of the Alliance for a Healthy Kansas, which supports Obamacare and has advocated for Kansas to expand its Medicaid program under the law. "I think ideologically they would have liked to say yes but my guess is that they found real trouble finding authority."

Conservatives concede that there's only so much federal officials can do through executive authority to fundamentally alter Medicaid's trajectory without getting Congress involved. Congressional Republicans tried to enact major reforms last year — including enshrining Medicaid work requirements into federal law — but those efforts collapsed with the party's failed bid to repeal Obamacare.

State officials in both parties have long complained that it takes protracted negotiations with HHS to change elements of their programs. Republicans say the Trump administration is being more flexible and open-minded about new ideas but they still have to jump through hoops.

"I think this sends a really important message to Congress," said Naomi Lopez Bauman with the Goldwater Institute, a conservative think tank in Arizona that supports lifetime limits. "There are going to be things that don't make it through."

To view online click here.

Back

Meadows: Conservatives could support tweaked farm bill Back

By Liz Crampton and Rachael Bade | 05/07/2018 08:35 PM EDT

Freedom Caucus leader Mark Meadows suggested Monday that House Agriculture Chairman Mike Conaway (R-Texas) could get the support he needs to pass the farm bill by making several changes that would satisfy the right flank of the GOP.

He said the Freedom Caucus plans to offer "several" amendments related to the bill's work requirements but declined to describe them in detail.

"I don't know that there's an overwhelming issue, I think it's just modifying the existing farm bill to make sure it reflects conservative principles," the North Carolina Republican told reporters. "With some modifications I'll be a yes," he added.

Meadows said following a Freedom Caucus meeting late Monday night that members would like to make changes to the bill's provision that would impose stricter work requirements on able-bodied adults without young children. He said they're looking at making sure the expanded requirements are more of a "work initiative but not necessarily supporting a jobs program within the USDA."

Under the proposed bill, adults between the ages of 18 and 59 who are not disabled, pregnant or caring for a child under the age of 6 would be required to either work or enroll in a training program for at least 20 hours a week.

He also said there was discussion of the sugar program that uses price supports, domestic marketing allotments and tariff-rate quotas to help control the quantity of sugar circulating in the U.S. market. Meadows said most of the members at the meeting were pushing back against an amendment from Rep. Virginia Foxx (R-N.C.) that aims to add market reforms to the existing sugar program and help prevent sugar processors from having to forfeit their crops and default on loans.

"Outside of that, I would say the general consensus on that is to try to make it a little bit better but to hold any opposition to it," Meadows said.

Rep. Mark Walker (R-N.C.) said ahead of the Freedom Caucus meeting that conservatives have "six or seven things" that they're aiming to change before the bill moves to the floor. One ask is that the new work requirements being imposed on certain able-bodied food-stamp recipients are "legitimate."

"We are undecided at this point but leaning in the right direction," he said.

Conaway is ramping up his effort to get Republicans on board with his bill. USDA Secretary Sonny Perdue was called to Capitol Hill on Monday by House Majority Whip Steve Scalise (R-La.) to rally his team before he begins wihipping the bill on Wednesday.

GOP leaders know they will need to rely entirely on their own members, leaving them little room for defections. Several conservative and libertarian groups, including Heritage Action and those backed by the Koch brothers, have mounted fierce criticism of the House version, saying it does not go far enough in reining in unneeded subsidies to farmers.

Perdue told Republicans "let's work as a team, let's get this done and support rural America," Conaway said after the meeting. Perdue left the meeting without answering any questions from reporters.

According to those present, Perdue urged leaders to emphasize the need to help farmers — especially because of the recent trade escalation with China. The soybean industry, Perdue argued, has been especially hit, according to one Republican in the room. And now is not the time to be squabbling internally, he said.

"The message from Secretary Perdue and Chairman Conaway was that Rural America is hurting right now, with a 50 percent drop in commodity prices in the last five years, and that now more than ever we need to make sure the safety net is there for our farmers," said Rep. Richard Hudson (R-N.C.), who was in the whip meeting.

Conaway will continue to meet with Republicans the next two days. They will be discussing the matter Tuesday morning during a closed-door conference meeting.

To view online click here.

Back

5 unintended consequences of addressing the opioid crisis Back

By Sarah Karlin-Smith and Brianna Ehley | 05/08/2018 05:07 AM EDT

The crackdown on opioids is having unintended consequences.

The push for fewer opioid prescriptions at lower doses and for shorter periods has increased suffering for some pain patients including those near the end of life. The emphasis on opioids has also overshadowed other forms of substance abuse that require attention.

With fatal overdoses soaring and millions addicted or dependent on powerful painkillers, there's broad consensus that the number of opioids in circulation should be scaled back significantly. At the peak of prescribing in 2012, doctors wrote 282 million opioid prescriptions — enough for eight of every 10 Americans.

And policymakers, who will hear testimony Tuesday from drug distributors about alleged "pill-dumping" in small towns in West Virginia, agree on the need to change prescription patterns to reduce the number of people starting opioids and to get people with inappropriate prescriptions off the drugs.

But sometimes solutions give rise to new problems, from hospital shortages of IV opioids to dying patients enduring avoidable pain. Here are some of the challenges state and federal lawmakers, physicians and patients, are beginning to confront.

Ready or not, we're stopping your pain drugs

Doctors face intense pressure to decrease opioid prescribing and stop treating chronic pain patients with opioids long term. The government mental health agency doesn't track the number of chronic pain patients like this, but some experts put the number as high as 10 million. Many doctors aren't prepared (or, in some cases, willing) to gradually and appropriately transition them off their opioids, addiction experts say. Done badly, that tapering can push people toward street drugs like heroin - and there have been reports, too, of suicides of people left with uncontrolled pain.

"Some people will be tapered too quickly or in a way that is intolerable to them," said Elinore McCance-Katz, the HHS assistant secretary for mental health and substance use.

"It's not just people who are on chronic opioids that have difficulty tapering," she added. Opioids create physical dependence very quickly, and even patients taking the drugs for only a few weeks may need to be gradually weaned to avoid withdrawal symptoms that can include muscle aches, vomiting and diarrhea, anxiety and insomnia.

Weaning patients off opioids should be a "cooperative process" between patient and physician — not an ultimatum or abandonment, said Sally Satel, a psychiatrist, Yale University School of Medicine lecturer and a resident scholar at the conservative American Enterprise Institute. "I've seen patients where doctors just say 'That's it, I'm done. I'm not going to lose my license over you and good luck,' and that's unconscionable," she said.

Andrew Kolodny, the co-director of opioid policy research at Brandeis University Heller School for Social Policy and Management, said patients need a lot of support coming off opioids. "It's not as easy as just telling a primary care doctor to lower the dose by X amount." They may need social workers or psychologists to address anxiety, and they may need other ways of treating very real pain.

But Kolodny cautioned against the narrative that some patients should stay on their chronic opioids even if they are convinced they are doing just fine. "Opioids are lousy drugs for chronic pain and when you take chronic pain patients and get them off opioids their quality of life is improved. The tricky thing is, it's very hard to get them off," Kolodny said, calling for better wraparound support services for these patients.

What was your experience tapering off opioids? We want to hear from you.

Ignoring other addiction crises

Amid the intense focus on opioids, use of drugs like cocaine and crystal meth is exploding across the country, costing lives. "We treat drug epidemics like 'whack a mole,'" said West Virginia Public Health Commissioner Rahul Gupta. "We get one under control, another pops up."

Deaths involving cocaine increased 52.4 percent between 2015 and 2016, according to the CDC. Overdose deaths involving methamphetamine increased 30 percent between 2014 and 2015.

"We are seeing meth come back, we are seeing cocaine on the horizon," said Jonathan Thompson, executive director of the National Sheriffs' Association. "This is now a cyclical problem. So how do we prepare for it? Responding to opioids is different than responding to cocaine, which is different than responding to methamphetamine."

Federal lawmakers in the last few years have focused funding specifically on opioid abuse, while leaving spending on other substance use disorders mostly flat. Trump in his 2019 budget proposal called for $13 billion to fight the opioid crisis, while proposing to cut other substance abuse treatment programs. Congress in 2016 authorized $1 billion in opioid funding over two years for states but some lawmakers — like Sen. Tammy Baldwin (D-Wis.), whose state has seen a spike in crystal meth deaths — want to give states more flexibility to spend that money. Illinois Democratic Rep. Jan Schakowsky at a recent Energy and Commerce meeting raised concerns about proposals to create opioid-specific treatment centers.

"I'm concerned about segmenting our health care system." she said. "By doing this we ignore the fact that substance abuse disorders like alcohol, crack cocaine have ravaged communities for decades and we haven't put forth the resource to address them. In fact in the past we called them junkies or criminals and continue to criminalize many addictions rather than treating that as substance abuse disorders."

Taking away painkillers doesn't take away the pain

Policymakers and insurers cracking down on access to prescription painkillers aren't spending nearly the same effort increasing access to non-drug alternatives to opioids like physical therapy, massage or cognitive behavioral therapy.

"I'm seeing more changes to make it harder to gets opioids ... than on how to help people who get in trouble with pain because they don't have opioids," said Cheryl Bartlett, the CEO of the Greater New Bedford Community Health Center, which treats patients regardless of insurance or income status.

Congress has "been big on promoting [nonopioid] alternatives" for the Defense Department and the VA. "Beyond that it's pretty much just been lip service and it's a little challenging how to craft legislation that affects what private payers are able to offer in this arena," said Bob Twillman, executive director of the Academy of Integrative Pain Management, who's membership includes a variety of health care practices from doctors to chiropractors and massage therapists.

One key barrier is that Medicare and Medicaid require a certain evidence threshold for alternative treatments before the government insurance programs can cover them.

"There actually is a fairly large body of evidence for many of these non-pharmacological treatments," Twillman said. "The unfortunate thing is very little of it is randomized controlled trials and very little of it has long-term followup. The hang up is that it's not the highest quality of evidence. But as I frequently point out to them they cover long-term opioid therapy and they don't have any evidence for that either."

Even when insurance does cover pain treatments that don't involve opioids, the treatments tend to be more costly for patients. They also often require more time than popping a pill, a challenge for hourly workers who don't have paid leave.

"It's one thing for an insurer to cover [an opioid alternative], It's another thing to cover it at a co-pay that the patient can afford. We need to stop making opioids the easy decision — in terms of writing prescriptions and patient access. Higher co-pays will stand in the way," said Cindy Reilly, who recently left the Pew Charitable Trust, where she focused on issues around opioid use and access to effective pain management.

Have you experienced any challenges over access to alternatives to opioid painkillers? Tell us your story.

Care for the dying

There's been a lot of research lately on what opioids don't work for — but there's no doubt that they can be essential for many patients nearing the end of life, or suffering metastatic cancer. CDC prescribing guidelines and state laws limiting prescriptions generally don't restrict opioids for these patients — but hospice and palliative care physicians report that their patients are having a very difficult time getting the pain control they need.

"Almost every patient I have prescribed for recently has either a) run into pharmacies that no longer carry common opioids; b) cannot receive a full supply; and c) worst of all had their mail order pharmacy refuse to fill or have had arbitrary and non-science based dose or pill limits imposed," said Sean Morrison, chairman of the geriatrics and palliative medicine department at the Icahn School of Medicine at Mount Sinai.

A combination of opioid shortages, prescribing limits and misunderstandings of policies combine to make it harder for hospice doctors to get their patients drugs like morphine.

"Even with exemptions for hospice care, prescription limits are still having an impact," said Joe Rotella, the chief medical officer for the American Academy of Hospice and Palliative Medicine. "Patients have a tougher time getting these medications and it's a lot more hassle for providers."

Insurers who don't fully understand the legislative limits may flag prescriptions. Pharmacies may question them after checking data banks on opioid use.

"I believe there has been an over-interpretation of dosing limits and threshold limits. CDC has always maintained that they meant for their guidelines to be just that, guidelines," said Patrice Harris at the American Medical Association. "But unfortunately, payers and states are putting those hard dosage limits into statute and regulations."

Hospital shortages of IV opioids

Hospitals in the U.S. are experiencing shortages of IV opioids for patients undergoing surgery, in intensive care units or being treated for cancer — all of which are appropriate uses for the powerful painkillers. The shortage of drugs like morphine and fentanyl began in mid-2017. The shortages weren't directly caused by the focus on the opioid epidemic; it's largely attributed to manufacturing delays impacting Pfizer. But ending those shortages has become more difficult because of measures put in place to address opioid overuse and diversion. And it's been serious enough that some hospitals have had to delay or cancel elective procedures, said Michael Ganio, directory of pharmacy practice and quality at the American Society of Health-System Pharmacists.

Normally when there's a drug shortage, other manufactures try to boost production to meet the demand, but with controlled substances like opioids, they need special permission from the Drug Enforcement Agency, Ganio explained. Even getting permission to move raw materials for making opioids from one facility to another can be a challenge; a company with a problem at one manufacturing plant can't simply ship the ingredients to another location and continue production.

"Our hospital pharmacists can't be short of critical medications that are workhorse drugs that have been used for decades," said Dan Kistner, senior vice president of pharmacy services at Vizient, the country's largest hospital group purchasing organization. The DEA has taken steps to begin to ease the shortages. But Kistner said it's been bad enough that pharmacists have had to spend hours and extra resources trying to acquire these opioids,

instead of providing care to patients. And patients can have inadequate pain relief, or much more costly alternatives.

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'People are dying every day': Drug distributors to face lawmakers Back

By Theodoric Meyer | 05/08/2018 05:06 AM EDT

The nation's largest drug distributors spent millions on Washington lobbying last year. Now they're about to find out how much goodwill it has bought them in Congress.

The House Energy and Commerce Committee is hauling in the executives of five drug distribution companies Tuesday after spending the last year investigating their role as middlemen between drugmakers and the hospitals and pharmacies that dispensed millions of pills in towns that are now ravaged by the opioid epidemic.

Cities and counties across the country are suing the distributors, arguing they failed to report suspiciously large or frequent drug orders and otherwise allowed the crisis to spread. Now, their lawyers are hoping to turn Tuesday's hearing into a modern equivalent of the 1994 tobacco hearings, when top executives insisted cigarettes weren't addictive — and helped turn the tide of public opinion against the industry.

Mike Papantonio, one of the lawyers suing the drug distribution companies, said the public outrage over the opioid crisis has the potential to outstrip the tobacco backlash decades earlier.

"It took 20, 25 years for somebody to die" from using tobacco, Papantonio told POLITICO. "Right now, there's a real immediacy. People are dying every day."

Papantonio and one of his colleagues held a briefing in the Capitol last week that drew aides for more than a dozen committee members, according to Sphere Consulting, the firm that organized it. The lawyers distributed a six-page list of suggested questions for lawmakers to ask.

Both sides agree that the legal battle is more significant to the drug distributors' business than the hearing, but the executives' answers before members of Congress will almost certainly be incorporated into the litigation. Some of the questions on the list distributed by the lawyers, which was obtained by POLITICO, wouldn't sound out of place in a courtroom. "Do you concur that filling suspicious orders is a direct and proximate cause of the prescription opiate epidemic plaguing our country?" one reads.

"The litigation is an existential threat," said a lobbyist for one of the distributors, speaking on condition of anonymity. "The congressional investigation is a reputational hazard."

The companies' lobbyists have told lawmakers ahead of the hearing that they're not the villains of the opioid crisis.

"The people of Cardinal Health care deeply about the devastation opioid abuse has caused American families and communities and are actively demonstrating our commitment to helping solve this complex national public health crisis," reads a six-page document that's been circulated by Cardinal Health, whose executive chairman, George Barrett, will appear Tuesday.

In addition to Barrett, lawmakers will hear from Steven Collis of AmerisourceBergen; John Hammergren of McKesson; Joseph Mastandrea of Miami-Luken; and J. Christopher Smith, the former president and chief executive of the H.D. Smith Wholesale Drug Co.

Miami-Luken and H.D. Smith don't employ Washington lobbyists, but Cardinal Health, AmerisourceBergen and McKesson together spent more than $4.6 million on Washington lobbying last year, according to disclosure filings. They retain a combined 18 lobbying firms, in addition to their in-house lobbyists.

The Healthcare Distribution Alliance, a trade group for the industry, spent nearly $1.3 million more.

The companies also contribute to lawmakers' campaigns, including those of members of the Energy and Commerce Committee.

Through their PACs, Cardinal Health, McKesson, AmerisourceBergen and the Healthcare Distribution Alliance have given more than $180,000 to the campaigns and leadership PACs of members of the committee in this election cycle, according to a POLITICO analysis of campaign finance disclosures. (The lion's share of the money — about $111,000 — came from AmerisourceBergen.)

Lobbyists for the distributors have fought back particularly aggressively following an October report by The Washington Post and "60 Minutes" that a "handful of members of Congress, allied with the nation's major drug distributors, prevailed upon the DEA and the Justice Department to agree to a more industry-friendly law, undermining efforts to stanch the flow of pain pills."

"Our industry has sent hundreds of thousands of suspicious order reports to the DEA over the last 10 years," reads a memo from the Healthcare Distribution Alliance that has circulated on Capitol Hill in recent weeks.

More recently, Cardinal Health, McKesson and AmerisourceBergen have all hired top Washington law firms to help prepare their executives to testify, according to a person familiar with the investigation.

Stuart Ingis, chairman of the law firm Venable, who's prepared dozens of executives to testify before Congress, said he recommends they spend at least two weeks preparing. The cost of hiring a top firm can run more than $200,000, he said, but it's ultimately less costly than botching a hearing.

The format can be tough. Executives often aren't used to being grilled, and they need to weigh whether it's better to express contrition or defend their actions under hostile questioning.

"It's always a tough balance," Ingis said. "It really depends on the person."

The prepared statements of the distributors' executives, made public on Monday, give hints of how they're likely to respond to lawmakers' questions.

Collis, AmerisourceBergen's chief executive, largely defended his company's actions in his written testimony.

AmerisourceBergen "has refused to service and has terminated service to hundreds of pharmacies that it identified as problematic, including some of the pharmacies in West Virginia that news reports have claimed were diverting opioids," Collis said.

But Barrett, who was chief executive of Cardinal Health until January, said in his testimony that he thought two West Virginia pharmacies under investigation had received high volumes of hydrocodone and oxycodone from his company "for longer than I think they should have based on what I have since learned about the circumstances surrounding those pharmacies."

"With the benefit of hindsight, I wish we had moved faster and asked a different set of questions," Barrett said in the written testimony. "I am deeply sorry we did not."

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Pruitt fast-tracked California cleanup after Hugh Hewitt brokered meeting Back

By Emily Holden and Anthony Adragna | 05/07/2018 10:12 PM EDT

EPA Administrator Scott Pruitt placed a polluted California area on his personal priority list of Superfund sites targeted for "immediate and intense" action after conservative radio and television host Hugh Hewitt brokered a meeting between him and lawyers for the water district that was seeking federal help to clean up the polluted Orange County site.

The previously unreported meeting, which was documented in emails released by EPA under a Freedom of Information Act lawsuit by the Sierra Club, showed Pruitt's staff reacting quickly to the request last September by Hewitt, who has been one of Pruitt's staunchest defenders amid a raft of ethics controversies around his expensive travel, security team spending and a cheap Washington condo rental from a lobbyist.

Pruitt has drawn criticism from environmentalists and other critics for letting prominent GOP backers and industry groups influence the agency's agenda — even as he has kicked scientists off of EPA's advisory panels and moved to limit the kinds of peer-reviewed research it will consider when making decisions.

In many cases, the people whose advice Pruitt is heeding could be useful supporters for him in a future race for U.S. senator or president. They include GOP megadonor Sheldon Adelson, who — as POLITICO reported in March — persuaded Pruitt last year to take a meeting with an Israeli water purification company called Water-Gen that later won a research deal with the EPA.

Hewitt, a resident of Orange County whose son James works in EPA's press office, emailed Pruitt in September to set up a meeting between the administrator and the law firm Larson O'Brien, which employs Hewitt and represents the Orange County Water District. Pruitt had been planning to meet with the lawyers in California a month earlier, but cancelled the trip to undergo knee surgery.

"I'll join if the Administrator would like me too or can catch up later at a dinner," Hewitt wrote in his Sept. 18 message. Hewitt added that the issues surrounding the Superfund site were "Greek to me but a big deal in my home county."

Pruitt's aides responded within minutes and quickly confirmed an Oct. 18 meeting for the lawyers and a project director.

Six weeks after that meeting, on Dec. 8, the Orange County North Basin site appeared on Pruitt's list of 21 contaminated areas to address. A month later, Pruitt proposed listing the site on EPA's National Priorities List, a move that could make it eligible for long-term federal cleanup funding from the federal government if the responsible polluters cannot be identified and forced to pay for its remediation.

Since then, Hewitt has been a robust defender of Pruitt, dismissing his recent controversies as "nonsense scandals" on MSNBC in early April and saying his detractors were "just trying to stop the deregulation effort."

Pruitt has touted the agency's Superfund work as one of his key priorities, setting up a task force to seek to speed up the clean-up of the nation's worst contaminated sites. That task force had been headed by Albert "Kell" Kelly, a former banker and longtime friend, who departed the agency last week after news about loans he provided to Pruitt in Oklahoma, including the mortgage provided to Pruitt for a house he bought from a lobbyist when he was a state senator.

Environmental advocates have worried Pruitt's efforts to identify Superfund priority sites would bypass the process set up by Congress to ensure cleanup resources are divided fairly, and that he could focus on sites seen as important to his political supporters. And environmentalists have said Pruitt's rush to claim that contaminated properties have been remediated could risk turning them over to local governments and businesses that might pursue cheaper, inadequate solutions.

Elgie Holstein, senior director for strategic planning at the Environmental Defense Fund who has been tracking EPA's Superfund actions, said the connection to Hewitt is "not a surprise."

"The biggest fear we have is that No. 1, the administrator's political priorities and personal ambitions, political ambitions become the primary criteria for action under this program instead of science and health," Holstein said.

EPA never disclosed the meeting with Hewitt's contacts. It was listed on Pruitt's public calendar as a staff briefing. But on his private Outlook schedule, which the agency has released in response to lawsuits, it appeared as an "Orange County Superfund Site" meeting with Kelly and two other staffers. The records did not list the Californians in attendance at the meeting at EPA headquarters in Washington.

But EPA spokesman Jahan Wilcox confirmed that two lawyers representing the water district, Robert O'Brien and Scott Sommer, and the water district director of special projects, Bill Hunt, were there. A third lawyer, former federal Judge Stephen G. Larson, was forced to cancel his trip due to wildfires in California, according to emails.

"Hugh Hewitt helped arrange the meeting at the request of the water district but did not attend," Wilcox said.

Wilcox said the meeting was for the water district to "brief EPA on the Superfund site's cleanup efforts and request expedited cleanup," following a 2016 agreement with the agency to conduct a remedial investigation and feasibility study, at a cost of $4 million over two years. Hunt did not immediately respond to a request for comment.

Hewitt in an email to POLITICO called Pruitt a friend and said he does not have a working relationship with him. He said that his firm has represented the water district and worked on the site with EPA's regional office for years but that he had not participated in that work.

Hewitt said he requested a meeting because the water district wanted to brief the new EPA team, he said, adding that he was an Orange County resident until 2016 as well as an Orange County Children and Families Commission member. He said that he "very much" wanted the Superfund site remediated as soon as possible.

According to an EPA fact sheet, the Orange County site has more than five square miles of polluted groundwater containing chlorinated solvents and other contaminants across the cities of Anaheim, Fullerton, and Placentia. It includes the Orange County Groundwater Basin, which provides drinking water to more than 2.4 million residents across 22 cities, according to the agency. Those pollutants can damage humans' nervous systems, kidneys and livers, and some are considered carcinogenic.

EPA has just begun its process of studying the contamination and it has not determined which companies caused the pollution in the area. But an administrative settlement with the EPA in 2016 says the area was home

to "electronics manufacturing, metals processing, aerospace manufacturing, musical instrument manufacturing, rubber and plastics manufacturing, and dry cleaning."

Hewitt also thanked EPA schedulers for working to arrange a meeting between Pruitt and the California Lincoln Clubs, which describe themselves as in favor of "limited government, fiscal discipline and personal responsibility." After some rescheduling Pruitt eventually met with representatives of the group on a trip to California in March of this year, according to his public calendar. Prominent Orange County businessman John Warner also helped to connect that group with staffers.

Pruitt and his scheduling staff have frequently sought to set up meetings with or for influential Republican figures, according to the internal EPA emails.

His team accepted an invitation for him to address The Philanthropy Roundtable at an invitation-only event at the White House for "conservative and free-market foundation CEOs and individual wealth creators to discuss the greatest opportunities for foundations to protect and strengthen free society" and "what [Pruitt] views as unique opportunities for philanthropic action.

As POLITICO reported in March, Pruitt also met with an Indiana coal executive and Trump fundraiser who was seeking to soften a pollution rule.

Pruitt also crafted his travel schedule — including a tour of states in August — to meet with big business much like a member of Congress would during the annual recess.

In July, EPA's associate administrator of public engagement Tate Bennett was working with Pruitt to "essentially create an August recess for the EPA to be out in the states talking with individual companies & doing listening sessions within sectors," said Leah Curtsinger, the federal policy director for the Colorado Association of Commerce & Industry, in an email introducing Bennett to her husband, public affairs director at coal company Cloud Peak Energy and a fellow alum of Senate Majority Leader Mitch McConnell's office.

Annie Snider contributed to this report.

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Subject: Budget & Appropriations: Stronger case for Labor-H — Trump signs first spending package — House sets up another minibus vote

By Sarah Ferris and Jennifer Scholtes | 09/21/2018 04:47 PM EDT

AN EVEN-SWEETER DEAL: House Speaker Paul Ryan wants to remind conservatives of one more important reason to vote for next week's massive spending bill: disaster relief.

'The first step': Ryan's office noted in a statement today that the spending bill headed to the House floor would set aside an extra $8.8 billion for the national response to Hurricane Florence. (That money comes from the continuing resolution that's wrapped up with the Defense and Labor-HHS-Education bills, H.R. 6157 (115), which would replenish FEMA's disaster account.) "This is the first step in addressing Florence and any other storms that may be on their way," Ryan wrote.

#FlashbackFriday: GOP leaders used a similar tactic to help rally conservatives around this spring's unpopular budget deal, H.R. 1892 (115), which included nearly $90 billion in disaster aid for a half-dozen states.

GOOD FRIDAY AFTERNOON! Reach out: jscholtes@politico.com (@jascholtes) and sferris@politico.com (@sarahnferris).

Doc of the day — The AARP released a statement slamming the prescription drug industry's efforts to reverse changes to the Medicare Part D doughnut hole, which were enacted in the last omnibus, H.R. 1625 (115). The changes require pharmaceutical companies to cover a higher share of the cost for medications not covered by Medicare.

#DailyBudgetFact — Government spending on refugees increased 11.4 percent in the current fiscal year, with the Refugee and Entrant Assistance Programs seeing an additional $190 million over fiscal 2017 levels. President Donald Trump's budget requested reducing that fund by 13 percent, according to the Congressional Research Service.

APPROPRIATIONS

HIS JOHN HANCOCK: "Donald J. Trump" is now scrawled at the bottom of a single sheet of paper that will turn the first minibus, H.R. 5895 (115), into law. For departments like Energy and VA, that's a big deal, guaranteeing them updated funding for a whole 12 months — a true luxury of certainty in today's unpredictable appropriations process. But the threat of shutdown casts a big shadow over this afternoon's bill signing, as we explain for Pros.

IT'S OFFICIAL: The House is moving ahead with the massive funding bill Trump blasted as "ridiculous" this week. The House Rules Committee will meet at 5 p.m. on Tuesday to tee up the conference report for the funding package that includes a continuing resolution through Dec. 7, as well as the full-year Labor-HHS-Education and Defense funding bills.

EDUCATION

UNEXPECTED OVERTIME: Appropriators this year gave the Education Department's Office for Civil Rights an extra $8.5 million to hire dozens more staffers to clear a backlog of discrimination claims. But months later, that office is opting to pay its existing staff overtime, rather than hire more staff as directed under the omnibus. Officials say they're in the process of hiring for all 65 new positions but declined to say how many open spots are left, Kimberly Hefling reports.

TAX

'EXTENDERS' ON STEROIDS: The House is set to vote next week on a slew of tax-related bills, including the one, H.R. 6760 (115), that would preeminently extend the GOP's recent cuts, H.R. 1 (115), our Aaron Lorenzo reports this afternoon. That legislation will likely wither in the Senate, however, since Democrats could stop it. As our tax team reported earlier this month, the Joint Committee on Taxation says the second round of cuts would cost $657 billion. Making individual breaks permanent would cost $522 billion, while a beefed-up child credit is pegged at $179 billion.

SPACE

'CONSERVATIVE?' COME ON: Air Force Secretary Heather Wilson calls the administration's cost estimate for a new Space Force "conservative." But a defense-minded budget expert says it's anything but. "This is the highest estimate I think you could possibly come up with," senior CSIS fellow Todd Harrison says about the $13 billion ballpark. "This is the broadest possible definition of how you could scope a space force that anyone could possibly conceive." Harrison is accusing the Air Force of "malicious compliance," noting that the service previously opposed congressional efforts to stand up a Space Corps, before the Trump administration got gung-ho about creating the new military branch, Connor O'Brien reports.

DISASTER AID

MAKING PUERTO RICO A MODEL: HUD Secretary Ben Carson toured Puerto Rico this week on the one-year anniversary of Hurricane Maria's landfall there, setting an intention to make the U.S. territory "a model — not only in the Caribbean, but really throughout the world" for disaster recovery, Katy O'Donnell reports. So far, HUD has awarded Puerto Rico $20 billion in Community Development Block Grant money, which Carson says will go far in helping the island's economy.

Driving down unemployment: About 45 percent of Puerto Rico's population lives under the federal poverty line, and unemployment there is about 9.1 percent, down from 11 percent in December. "It's going to go down a lot more than that with these building and restoration projects," Carson said.

TRANSPORTATION

LAST [PLANE] LEAVING: It's a tortured metaphor for budget watchers, but it's particularly fitting this year as the transportation-focused FAA bill stands to be the last major measure enacted before the midterms. The House plans to vote next week on both a short-term FAA extension and a longer-term bill, H.R. 4 (115), that's been negotiated with the Senate, Pro's Tanya Snyder reports.

DEFENSE

ZTE BAN GOES BYE-BYE: Everybody's so focused on what's in the final conference report for Defense and Labor-HHS-Education. But what's not in there is just as interesting. As Connor O'Brien notes today, negotiators stripped out language that would impose a government-wide ban on procuring equipment and services from Huawei and ZTE. A spokeswoman for House Appropriations says the ban was unnecessary in the spending legislation, H.R. 6157 (115) , because similar provisions were already enacted in the defense authorization bill, H.R. 5515 (115), Trump signed in August.

AGRICULTURE

A LITTLE CHERRY-PICKING: The USDA announced today that some specialty crops — almonds and cherries — will be eligible for trade aid that is largely directed at commodity crops like soybeans, corn and cotton. It was a curious announcement for ag watchers, though, because fresh sweet cherry season has already ended, as Pro's Helena Bottemiller Evich explains.

EARMARKS

— 'I support higher taxes': The billionaire behind the National Debt Clock has had it with Trump. Washington Post.

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— Trump demands a border wall but many Republican lawmakers aren't convinced. Washington Post.

— Editorial: No, tax cuts are not driving deficits — it's the spending, stupid. Investors Business Daily.

— Senators want to block Trump's hopes of privatizing the Postal Service. Federal News Radio.

— Following GOP criticism, CBO revamps insurance coverage estimates. Washington Examiner.

— Candidates spar over Medicare funding. POLITICO Pro.

WE'RE COUNTING: Federal funding runs out in 11 days (Sept. 30) and the National Flood Insurance Program expires in 72 days (Nov. 30).

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Stories from POLITICO Pro

Trump signs first spending package, but shutdown still looms Back

By Jennifer Scholtes | 09/21/2018 02:33 PM EDT

President Donald Trump signed a three-bill spending package Friday that represents the first step toward funding the government for the coming fiscal year, even as congressional leaders worry he could demand a shutdown come month's end.

The House and Senate return next week with major decisions on spending awaiting them and little time left before federal cash runs out on Sept. 30. Meanwhile, Trump has continued to insist he wants additional money for a border wall with Mexico, and it's unclear if he will shutter the government if he doesn't get his way.

During his Friday visit to a VA medical center in Las Vegas, the president took the final action to enact fiscal 2019 legislation, H.R. 5895 (115), that would fund the departments of Veterans Affairs and Energy, as well as military construction, water projects and the Legislative Branch at updated levels starting Oct. 1.

The minibus provides $147.5 billion in discretionary funding, including $98.1 billion for the VA and military construction, $44.6 billion for the Energy Department and water projects, and $4.8 billion for House and Senate operations.

But the bill makes up just one-tenth of all spending to be put in place by the end of the fiscal year and Congress is still working to send Trump these other spending bundles:

Defense and Labor-HHS-Education

The Senate approved the behemoth package, H.R. 6157 (115), Tuesday that would fund more than 70 percent of the federal government for fiscal 2019. It sets spending levels for the departments of Defense, Labor, Education, and HHS.

The House is expected to take up that measure when lawmakers return from recess, to the chagrin of the GOP's most conservative members in that chamber, who have been pleading for the package to be broken up to retain negotiating leverage over Democrats.

If enacted, the bill would fund those four departments for the entirety of fiscal 2019. But it also includes fail-safe language that would extend spending at current levels until Dec. 7 for all federal departments that aren't funded before the fiscal year ends this month.

Because vetoing the package would mean shutting down most of the government, congressional spending leaders assume Trump will find it too politically costly to snub.

The president has taken a fresh stance against the measure, though, raising concerns that he could veto or let it languish in an effort to secure more funding for his border wall. "I want to know, where is the money for Border Security and the WALL in this ridiculous Spending Bill, and where will it come from after the Midterms?" Trump tweeted Thursday.

Agriculture-FDA, Interior-Environment, Transportation-HUD and Financial Services

Negotiators have yet to resolve policy disputes in the four-bill spending bundle, H.R. 6147 (115), that would fund the departments of Agriculture, Interior, Transportation, and HUD, as well as agencies like the EPA and IRS. While fights over the inclusion of "poison-pill" language are likely to prevent enactment before the Sept. 30 deadline, spending leaders are holding out hope for clearing the package. One of the biggest sticking points is related to pay for civilian federal workers, according to a House GOP aide. The Senate has proposed a 1.9 percent increase, while the House has sided with Trump in calling for a pay freeze.

If that bill is not signed into law by month's end, funding for those programs would be extended at fiscal 2018 levels through Dec. 7, as long as the package for Labor-HHS-Education and Defense crosses the finish line.

Homeland Security, Commerce-Justice-Science, State-Foreign Operations

Congressional leaders gave up months ago on trying to clear fiscal 2019 funding on time for the departments of Homeland Security, State, Justice and Commerce, as well as science programs and foreign operations.

Spending for those is likely to be extended at current levels until Dec. 7 if the president lends his blessing to the broader package that includes Defense and Labor-HHS-Education. If not, funding could lapse until Congress can rally support for another stopgap option.

The Homeland Security bill contains funding for the border wall and immigration enforcement.

Sarah Ferris contributed to this report.

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Education Department civil rights staff OK'd to work overtime Back

By Kimberly Hefling | 09/20/2018 03:49 PM EDT

The Education Department's Office for Civil Rights is allowing 471 of its employees to work overtime until the end of the fiscal year as it attempts to process a backlog in claims.

The office, which is charged with investigating discrimination in the nation's schools, has seen a doubling of its caseload in the last decade. Even though the Trump administration sought to shrink the office, Congress gave the department an $8.5 million financial boost in an appropriations omnibus, H.R. 1625 (115), to use in fiscal 2018, which ends Sept. 30. Appropriators instructed the office to use the new money to hire new employees.

A department spokesman said the office won't have completed the hiring of the 65 positions it plans to fill by the end of the fiscal year because of the "timing" of the appropriations and the "time necessitated by the hiring process." He didn't have an immediate answer as to how many of the 65 have been hired already.

He said that because they haven't hired all the staff planned, that led to the decision to pay overtime to current OCR attorneys and investigators, from Sept. 5 through Sept. 30, the end of fiscal 2018.

"Clearing the case backlog is priority one. Justice delayed must not become justice denied," said Nathan Bailey, the spokesman, in an email. "We are working as quickly as the process allows to hire based on Congressional intent."

The department said in a budget document earlier this year that as of spring 2017, 3,696 OCR cases were pending more than 180 days. But under Education Secretary Betsy DeVos, the department has taken several steps to streamline the claims process, including narrowing the scope of civil rights probes and tossing out bulk complaints from so-called mass filers.

Individuals filing complaints have long criticized the lengthy processing time, but with these changes, civil rights advocates have objected to what they see as diminishing civil rights enforcement.

For some employees, the amount of overtime could be significant. One regional manager told employees in his office that the amount approved equated to 136 hours of overtime per employee, according to a copy of an email obtained by POLITICO.

In response to the department's move, the American Federation of Government Employees said it filed an unfair labor practice charge with the Federal Labor Relations Authority. It says the department did not notify the union of the proposed changes to employees' conditions of employment or offer the union the opportunity to negotiate over them. Bailey said the department is unaware of the complaint.

Benjamin Wermund contributed to this report.

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House plans to vote on tax package next week Back

By Aaron Lorenzo | 09/21/2018 02:33 PM EDT

The House next week will vote on legislation to permanently extend personal and pass-through business tax cuts, H.R. 6760 (115), according to a floor schedule update today.

Also scheduled for House floor votes next week are bills that offer tax breaks to help offset some startup business costs, H.R. 6756 (115), and promote more retirement savings, H.R. 6757 (115).

The House Ways and Means Committee recently cleared all three, which Republicans have dubbed Tax Reform 2.0. Making the personal and pass-through tax cuts permanent is the heart of the package. The reduced rates are set to largely expire at the end of 2025 as part of last year's sweeping tax overhaul bill, H.R. 1 (115), which permanently slashed the corporate tax rate to 21 percent from 35 percent.

Budget rules prevented Republicans from making all the tax cuts permanent last year, so House GOP leaders have pitched this follow-on legislation ahead of November's midterm elections.

Senate Republicans aren't planning to bring the measure to a vote, though, since Democrats could stop it, though a few of them who are considered vulnerable could safely vote for it, potentially bolstering their reelection chances.

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GOP's second round of tax cuts would cost $657B, official estimates show Back

By Brian Faler | 09/11/2018 12:06 PM EDT

House Republicans' plans for a second round of tax cuts would cost $657 billion, new estimates show.

The projections by the Joint Committee on Taxation are sure to fuel complaints over the proposal's cost, which would come on the heels of last year's $1.5 trillion tax cut, and in the face of warnings the government's budget deficit will soon top $1 trillion.

The costliest provisions would extend temporary breaks for individuals due to expire at the end of 2025, with plans to make permanent lower rates running $522 billion and a beefed up child credit costing $179 billion.

Those costs would be partially offset by plans to extend various restrictions on itemized deductions, most notably a controversial new $10,000 cap on state and local tax write-offs. That would save $318 billion, the estimates show.

The JCT projections actually understate the plan's long-term price tag because most of the cost would fall outside of the agency's budget window.

The nonpartisan office estimates costs over the next 10 years. But the legislation would not even begin to extend temporary provisions until 2026, so only three years' worth of costs show up in the official 2019-2028 window.

House Republicans unveiled plans yesterday for their so-called Tax Cuts 2.0, a trio of measures designed to highlight for voters ahead of the November elections the GOP's commitment to lower taxes.

The bills are H.R. 6760, H.R. 6757 and H.R. 6756.

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Space Force projection 'is not a conservative estimate,' budget expert says Back

By Connor O'Brien | 09/20/2018 05:53 PM EDT

The $13 billion Air Force estimate of the cost of standing up a new Space Force over five years is far broader than likely needed, budget expert Todd Harrison said today, contrary to Air Force Secretary Heather Wilson's claim the projection is "conservative."

"This is not a conservative estimate," Harrison, a senior fellow with the Center for Strategic and International Studies, told reporters. "This is the highest estimate I think you could possibly come up with."

A memo from Wilson predicted a Space Force would include more than 13,000 personnel and cost just under $13 billion over five years. But Harrison questioned the service's methodology, including the large estimated number of personnel and the costs of a new headquarters.

On Tuesday, Wilson called it a "conservative" projection.

The memo also includes moving some space programs at DARPA, national security programs at NASA and the space traffic management portion of the Commerce Department into the new service, ordered up by President Donald Trump.

"This is the broadest possible definition of how you could scope a space force that anyone could possibly conceive," Harrison said.

"I would say this is an example of malicious compliance," Harrison added, noting the Air Force's previous opposition to congressional efforts to stand up a Space Corps.

Harrison made the comments during a press briefing on a report analyzing the fiscal 2019 defense budget and trends in defense spending.

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Carson says U.S. aims to make Puerto Rico a 'model' for the world Back

By Katy O'Donnell | 09/20/2018 04:01 PM EDT

Puerto Rico's recovery from Hurricane Maria has been "quite significant" and provides an opportunity to revitalize the territory, HUD Secretary Ben Carson said Thursday.

"My real goal here is not just restoration, but really to put Puerto Rico on a track to become a model — not only in the Caribbean, but really throughout the world," he said in a phone interview with POLITICO from the U.S. commonwealth.

Carson is touring Puerto Rico with other HUD officials on the one-year anniversary of the landfall of the storm, which pounded the island so severely that electric power was only fully restored last month.

He was scheduled to speak at a memorial ceremony Thursday for those who died as a result of the storm. The Puerto Rican government in August raised the official death toll to 2,975 from the earlier figure of 64, based on the findings of George Washington University researchers.

President Donald Trump has disputed the revised figure, tweeting that the toll rose "like magic" and that "this was done by the Democrats in order to make me look as bad as possible."

Carson declined to say whether he agreed with Trump's contention that the number of fatalities was inflated.

"I'm not sure that's really the main issue, because obviously you can get to different numbers depending on how you calculate, but any death I think is a tragedy," he said. "One death is too many."

HUD in April awarded Puerto Rico $18.5 billion in Community Development Block Grant Disaster Recovery funds, on top of an earlier $1.5 billion grant.

"We're signing the agreement to deliver the first tranche of recovery funding, of $1.5 billion, and also having an opportunity to witness the progress that's being made, which is really quite significant," Carson said of his visit.

The money would help the island's economy, he said. About 45 percent of Puerto Rico's population lives under the U.S. federal poverty line. The territory has a 9.1 percent unemployment rate, down from 11 percent in December 2017.

"It's going to go down a lot more than that with these building and restoration projects," Carson said.

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Source: House will vote next week on FAA extension as well as long-term bill Back

By Tanya Snyder | 09/20/2018 02:04 PM EDT

The House next week plans to vote on both a short-term FAA extension and a longer-term bill preconferenced with the Senate — minus a controversial trucking provision, a aide involved in negotiations said today.

Controversial language that would have preempted state standards on meal and rest breaks for truckers has been dropped from the bill, he said.

A short-term extension, possibly just a few weeks long, will still be necessary to give the Senate time to vote. Since the House bill will come to the Senate as a "message," amendments cannot be attached to it, clearing the way for quick passage in the upper chamber.

Some aviation-related issues are still unresolved, but with the trucking issue out of the way, the bill is expected to move forward quickly. Committee members are targeting Friday to complete drafting the preconferenced measure.

As the FAA bill is expected to be one of the last major pieces of legislation to be enacted before the midterms, some in Congress are eyeing it as a vehicle for unrelated items.

The staffer said members are still discussing the duration of the long-term bill. The House-passed bill, H.R. 4 (115), would run for five years, compared to four for the Senate bill, S. 1405 (115). The aide said discussions now are centering around a possible three-year bill, which would allow certain provisions to be revisited sooner.

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Defense spending compromise drops Huawei, ZTE ban Back

By Connor O'Brien | 09/21/2018 08:29 AM EDT

Final fiscal 2019 defense appropriations legislation doesn't include a ban on doing business with Chinese telecommunications companies Huawei and ZTE, with appropriators instead falling back on a broader provision included in the recently enacted defense policy legislation.

Citing cybersecurity risks posed by equipment from the two companies, a ban was included as a floor amendment to the House-passed defense spending measure. But the provision ultimately was dropped in negotiations with the Senate.

A House Appropriations spokeswoman noted a ban was unnecessary in the spending legislation, H.R. 6157 (115), because defense policy legislation signed by President Donald Trump in August included a broader ban.

The fiscal 2019 National Defense Authorization Act, H.R. 5515 (115), includes a government-wide ban on procuring equipment and services from Huawei and ZTE as well as several other telecommunications firms with ties to the Chinese government.

The defense spending bill, which is paired with annual Labor-HHS-Education funding legislation in a so-called minibus, passed the Senate on Tuesday. The House is expected to consider it next week, ahead of the start of the new fiscal year on Oct. 1.

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USDA trade aid payments headed to almond, sweet cherry producers Back

By Helena Bottemiller Evich | 09/21/2018 10:37 AM EDT

Shelled almond and sweet cherry producers will be eligible for payments under the Trump administration's trade aid program set up to help farmers hurt by retaliatory tariffs, according to a Federal Register notice today.

The move makes almonds and cherries the only specialty crops eligible for payments under the USDA's Market Facilitation Program. Much of the cash payments under the program is going to growers of commodity crops like soybeans, corn and cotton but some is also set aside for dairy and pork producers.

The USDA did not say how much of the $4.7 billion in cash payments has been set aside for cherry and almond producers. But almond growers will get paid 3 cents per pound and sweet cherry growers will receive 16 cents per pound. As with other commodities, the initial payment rate will apply to 50 percent of total production.

When USDA announced the details of its trade aid efforts last month, sweet cherries and almonds were listed under commodity purchases — though USDA said at the time the details were yet to be determined.

The USDA initially said it planned to purchase around $63 million of almonds and $111 million of sweet cherries.

The listing was considered peculiar because the fresh sweet cherry season was already over, making it impossible for USDA to purchase any crops from the 2018 production.

A spokesman for USDA had previously declined to comment on whether growers of almonds and cherries were to receive payments under the plan.

The USDA today also announced it will be tweaking how it calculates payments for pork producers. Initially, the department said it would look at the total number of live hogs owned by a producer on Aug. 1. Under the change, producers can select any day from July 15 through Aug. 15 to report ownership.

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Campaign Pro ad roundup: Candidates spar over Medicare funding Back

By Zach Montellaro and James Arkin | 09/21/2018 03:00 PM EDT

Republican and Democratic campaigns exchanged volleys over who's really trying to protect Medicare funding in the latest round of TV ads released Friday.

SENATE

Arizona: The NRSC and GOP Rep. Martha McSally released a television ad attacking Democratic Rep. Kyrsten Sinema for "protest[ing] our military."

Michigan: Democratic Sen. Debbie Stabenow released a new TV ad focusing on her work on agriculture.

Missouri: Republican Josh Hawley released an ad calling Democratic Sen. Claire McCaskill a "hypocrite" over insurance companies' donations.

Montana: The NRSC released an ad attacking Democratic Sen. Jon Tester for taking donations from lobbyists.

Nevada: Majority Forward released a new ad attacking Republican Sen. Dean Heller on health care and dark money.

More Nevada: Heller released an ad linking Democratic Rep. Jacky Rosen to Hillary Clinton.

Ohio: Democratic Sen. Sherrod Brown released a new ad attacking Republican Rep. Jim Renacci over elder care.

Pennsylvania: Republican Rep. Lou Barletta released a new ad attacking Sen. Bob Casey for "sleeping on the job."

Tennessee: Majority Forward released an ad hitting Republican Rep. Marsha Blackburn as "bought and paid for by the opioid industry."

West Virginia: Majority Forward released an ad hitting Republican Patrick Morrisey for lobbying for drug companies.

HOUSE

AZ-02: Former Democratic Rep. Ann Kirkpatrick released an ad saying she'll protect Social Security and Medicare.

CA-10: GOP Rep. Jeff Denham and the California Republican Party released an ad attacking Democrat Josh Harder on health care.

CA-22: Democrat Andrew Janz released an ad attacking GOP Rep. Devin Nunes as a "career politician" for using "private planes, limos, gambling trips, even $15,000 in basketball tickets on our dime."

CO-06: The Congressional Leadership Fund released an ad with a testimonial from a Korean War veteran saying he won't support Democrat Jason Crow.

KS-03: Democrat Sharice Davids released an ad hitting GOP Rep. Kevin Yoder for receiving "$4 million bucks from corporate special interests."

IA-01: The Democratic super PAC Change Now released an ad hitting GOP Rep. Rod Blum over tax cuts and health insurance.

IA-03: GOP Rep. David Young released an ad saying he'll protect people with pre-existing conditions and criticizing Democrat Cindy Axne.

IL-06: The DCCC released an ad hitting Republican Rep. Peter Roskam over health care.

IL-13: Democrat Betsy Dirksen Londrigan released an ad saying GOP Rep. Rodney Davis' vote on health care pushed her to run.

MI-08: Republican Rep. Mike Bishop releases an ad criticizing Democrat Elissa Slotkin over Medicare.

MN-02: The gun-control group Giffords PAC released an ad attacking GOP Rep. Jason Lewis and promoting Angie Craig over gun control.

NC-09: Democrat Dan McCready released an ad promoting his military service and saying he'll work in a bipartisan fashion in D.C.

NC-13: Democrat Kathy Manning released an ad hitting GOP Red. Ted Budd over health care.

NH-02: Democratic Rep. Ann McLane Kuster released an ad talking about health care.

NY-21: GOP Rep. Elise Stefanik released an ad calling Democrat Tedra Cobb a "Cuomo clone."

NY-22: Democrat Anthony Brindisi released an ad pushing back against attack ads and said GOP Rep. Claudia Tenney "put Medicare on the chopping block."

OH-07: Democrat Ken Harbaugh released an ad criticizing GOP Rep. Bob Gibbs over health care.

PA-10: Democrat George Scott and the DCCC released an ad focused on health care and pre-existing conditions.

VA-02: The DCCC attacked GOP Rep. Scott Taylor in an ad for the investigation into his campaign, after a judge found "forgery and fraud in signatures collected by his campaign."

GOVERNOR

Connecticut: Change PAC, which is tied to the RGA, released an ad saying Democrat Ned Lamont would raise taxes.

Georgia: The state GOP and Republican nominee Brian Kemp released an ad calling Democrat Stacey Abrams an "extremist."

Iowa: Democrat Fred Hubbell released an ad attacking Gov. Kim Reynolds over Medicaid privatization.

Maine: A Better Maine, which is tied to the DGA, released an ad saying Republican Shawn Moody would be a "disaster for Maine schools."

Massachusetts: GOP Gov. Charlie Baker released an ad highlighting his work to fight the opioid crisis.

Maryland: Democratic super PAC Maryland Together We Rise PAC released an ad attacking GOP Gov. Larry Hogan over education, trying to tie him to President Donald Trump and Secretary of Education Betsy DeVos.

Michigan: The RGA released a television ad saying the state would go "in reverse" if Democrat Gretchen Whitmer wins.

New York: Democratic Gov. Andrew Cuomo released an ad calling Marc Molinaro "the worst of pay-to-play politicians."

Rhode Island: Democratic Gov. Gina Raimondo released an ad promoting her economic agenda and attacking Republican Allan Fung.

Wisconsin: A Stronger Wisconsin, which is backed by the DGA, released a television ad attacking GOP Gov. Scott Walker for rejecting federal aid for health care.

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Subject: Morning Energy, presented by ExxonMobil: As wildfires rage, Democrats quiet on climate change — Trouble's a brewing? — EPA sticks with ozone standard

By Kelsey Tamborrino | 08/02/2018 05:45 AM EDT

With help from Anthony Adragna, Eric Wolff and Alex Guillén

DEMOCRATS KEEPING QUIET ON CLIMATE: With wildfires raging in California and rising temperatures shattering records across the globe, Democratic lawmakers have remained markedly silent on the link between extreme weather and climate change — and it hasn't gone unnoticed. "The mainstream Democratic party and those candidates aren't talking about this as much as they should be, and they aren't talking about it in a compelling way," Jamie Henn, strategy and communications director at the climate advocacy group 350.org, told POLITICO.

But Democrats on the Hill say they don't need to connect the dots for the public — allowing them to sidestep any partisan bickering on the topic that could push voters into entrenched positions, Pro's Anthony Adragna and Emily Holden report this morning. "It's more effective if we allow people to draw their own conclusions," said Hawaii Sen. Brian Schatz. "What we've found is independents and Republicans are moving in our direction. The moment we turn it into a partisan question, people put their uniforms back on and take their positions," Schatz added.

And, as her state battles 17 wildfires and a devastating heat wave, California Sen. Kamala Harris says she'd rather focus on disaster response ahead of messaging around climate change. "The first thing I want to see is that we extinguish those fires and get all those firefighters and those families out in a way that they're all going to be safe," she said. "... [But] we always can do more to highlight the importance of paying attention to climate change." Still, Harris, who's seen as a potential 2020 presidential candidate, tweeted about wildfires and climate change on Tuesday, after POLITICO reached out. "Since 2012, there hasn't been a month in California without a wildfire burning. It didn't use to be this way," she wrote. "Now is the time to act on climate change." Read more.

WELCOME TO THURSDAY! I'm your host, Kelsey Tamborrino, back in the saddle after a few days on the beach. Andeavor's Kip Knudson was the first to correctly guess the last time an incumbent governor and senator from the same state but opposite parties lost reelection on the same day. It was Republican Sean Parnell who lost the Alaska governor's race to the "unity ticket" of Independent Bill Walker and Democrat Byron Mallott on the same day that Democratic Sen. Mark Begich lost his seat to Republican Dan Sullivan in 2014. For today: Before 2018, what year marked the last time the Senate drastically shortened its August recess during an election year? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

FOR YOUR RADAR: The Trump administration's proposal on fuel economy and emissions rules is expected to be released as early as this morning. Leaked drafts of the emissions rule suggest EPA will propose revoking California's waiver allowing it to enforce higher standards because the National Highway Traffic Safety Administration plans to weaken fuel economy standards. Acting EPA Administrator Andrew Wheeler told a Senate EPW hearing on Wednesday that he would be interested in striking a deal on the emissions rules with California and the auto industry, but reiterated that federal concerns over traffic safety must be addressed.

TROUBLE'S A BREWING? Interior Secretary Ryan Zinke's dream of opening a microbrewery in his hometown of Whitefish, Mont., and whether he colluded to have the chairman of Halliburton help him build it will be the subject of an investigation by his department's inspector general. But in Whitefish, brewers and city officials alike have long known of Zinke's desire to run a microbrewery of his own, they told POLITICO's Ben Lefebvre. Over the course of six years, Zinke submitted plans to the city council, discussed the his idea with other business leaders and personally tried to change local zoning laws to make them more hospitable to such a business, Ben reports, all with an eye toward opening a Whitefish microbrewery, which he planned to name "Double Tap," a nod to the SEAL term for two gunshots. Read the story.

EPA STICKS WITH OZONE STANDARD: After studying the Obama-era ozone standard for more than a year, EPA told a federal court Wednesday it will not revise or repeal the rule — undercutting a campaign-trail promise made by then-candidate Donald Trump. EPA will instead defend the 2015 rule in court as it moves forward with the next scheduled review of the ozone rule, which is due in 2020, Pro's Alex Guillén reports.

The move marks a big win for greens, who are defending the rule in court against challenges from both industry groups and Republican attorneys general as well as pursuing their own lawsuits arguing the 2015 standard is too weak. But it places EPA in an awkward position: The agency will now defend the Obama administration's rule in a lawsuit originally brought by former EPA chief Scott Pruitt while he was Oklahoma's attorney general and Murray Energy, the coal company that Wheeler lobbied for before joining EPA. (Wheeler and his former firm were not involved with Murray's lawsuit, and Wheeler did not report lobbying EPA on the issue for Murray.)

Also in ozone news: The environmental group Clean Wisconsin has sued EPA over its ozone designations in the state, including Racine County, home of the future $10 billion Foxconn flat-screen manufacturing plant. EPA had previously proposed designating Racine as not meeting the 2015 standard. But after lobbying from Gov. Scott Walker, the agency in May reversed course and said Racine's air quality is adequate, avoiding potentially costly pollution controls or other expenses for Foxconn. The suit was filed in the U.S. Court of Appeals for the Federal Circuit in Washington.

ERNST, GRASSLEY, WHEELER TO HAVE BREAKFAST TODAY: Iowa Sens. Chuck Grassley and Joni Ernst will have breakfast with Wheeler today, according to a Senate Republican source. Hopefully Wheeler isn't tired of talking about the Renewable Fuel Standard, because it's going to be all ethanol, all the way. (He may never look at a corn muffin the same way again.)

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RFA: EPA IS WORKING ON AN E15 RULE: Bob Dinneen, the outgoing CEO of the Renewable Fuels Association, told reporters Wednesday that he thinks EPA staff is working on a rule to allow year-round sales of 15 percent ethanol fuel, despite what Wheeler told Senate EPW earlier in the day. "We can certainly start that process," Wheeler said, indicating the agency hadn't begun work on an E15 regulation. "What [Wheeler] said today is inconsistent with what I've been hearing from both career and political staff," Dinneen said. "They're not just getting started on it. They've done a lot of work on it. ... I know staff at the agency have been working on the legal support for the waiver."

Who's afraid of 2022? RFA has generally been unwilling to make concessions in legislative negotiations led by Rep. John Shimkus (R-Ill.) and Sen. John Cornyn (R-Texas), largely because it believes the RFS is working well the way it is, and under incoming CEO Geoff Cooper, that won't change. "We're not terribly concerned that EPA or others are going to see the reset process as an opportunity to muck things up," Dinneen said, adding that the biofuel industry and its congressional advocates only want a Clean Air Act waiver for higher Reid Vapor Pressure, which would allow year-round sales of E15. "The biggest stumbling block today is the fact that RVP

is still being held hostage," he said. "We're like, enough. They have to get that one done. ... The analogy I've used is, even Kim Jong Un understood that if you want to have a meeting with the president, you have to give up a few hostages. We're saying, give up your hostages."

SETTING THE TONE: Senior Senate appropriators view the overwhelming 92-6 vote in favor of the four-title minibus Wednesday as strengthening their case in conference for a final bill free of policy riders sure to derail their hopes of having the bills reach the president's desk. "It's a very clear statement from the Senate about the focus on straight appropriations and trying to avoid the controversial pitfalls that held us back before," Sen. Lisa Murkowski , who chairs the subcommittee responsible for the Interior and Environment title, told reporters. "The fact we had such a strong vote on these four measures, I think is pretty telling." Senate Appropriations Chairman Richard Shelby echoed that idea: "The cleaner the bill, the better," he said.

NO DEAL: Senators left Washington on Wednesday without a clear path forward for reauthorizing the Land and Water Conservation Fund. Remember Sen. Richard Burr has vowed to hold up all types of legislation until he secures a vote. "I think we convinced everybody they're going to have an opportunity to vote on it multiple times," he told reporters.

— **In a bipartisan letter to Senate leadership**, 14 senators, led by Burr, called for mandatory full funding in any package to reauthorize LWCF permanently.

PHMSA WEIGHS CUT TO SAFETY RULE: The Pipeline and Hazardous Materials Safety Administration is considering a rollback of the decades-old regulation known as the "class location system" that requires energy companies to replace old pipelines in newly populated areas, Ben reports. The move is backed by pipeline operators, and PHMSA says it falls in line with Trump's executive order to cut regulatory costs and eliminate two rules for every new one created.

But even PHMSA regulators have expressed reservations about the possible change due to the risks of ruptures, Ben reports. "Over the past decade, PHMSA observed problems with pipe and fitting manufacturing quality, including low-strength material; construction practices; welding; field coating practices; [integrity management] assessments and reassessment practices; and record documentation practices," the agency says in the Federal Register notice.

WILDLIFE GROUPS SUE OVER INTERIOR COUNCIL: Conservation groups, including the the Natural Resources Defense Council and the Center for Biological Diversity, sued Wednesday over Interior's International Wildlife Conservation Council, which they say was illegally formed under the Trump administration. The lawsuit, filed with the U.S. District Court for the Southern District of New York, claims the advisory panel that has come under fire for the big-game trophy hunters among its ranks violates the Federal Advisory Committee Act. Read the lawsuit.

COURT UPHOLDS VIRGINIA REVIEW OF PIPELINE: The U.S. Court of Appeals for the 4th Circuit rejected environmentalists' argument Wednesday that Virginia unlawfully granted a water permit for the $3.5 billion Mountain Valley pipeline. The three-judge panel rejected arguments from greens, including Sierra Club and Appalachian Voices, and said there was "no purpose we would serve by stepping in and second-guessing the analytical methods Virginia deemed appropriate to provide it with reasonable assurance that its water quality would be protected."

WELCOME WAGON: Trump's pick to be director of the Office of Science and Technology Policy said he was "deeply honored" by the nomination on Wednesday. "I look forward to the Senate confirmation process! Your expressions of support mean a great deal to me — thank you very much!" tweeted Kelvin Droegemeier — who, it should be noted, has one of the best names for a science nominee your ME host has seen.

REPORT: EVs TO GROW BY 2030: Interest in electric vehicles is growing, but utilities and manufacturers could do more to accelerate construction and bolster ongoing management of charging, according to a new report from GTM Research. Today's report is the first in a series from GTM on EV infrastructure. It found EVs are expected to make up approximately 11 percent of new vehicle sales by 2030, when there will be an estimated 12 million residential charging points and 1.2 million public charging points installed in North America.

TAKE A LOOK! Advanced Energy Economy and Citizens for Responsible Energy Solutions Forum released a new white paper today with five recommendations on how to modernize the electric grid to make it "more clean, secure, and affordable."

VISUALIZE IT: Pro's DataPoint team takes a look at political appointees to Trump's EPA and how they stopped progress on a formaldehyde report developed by the agency's Integrated Risk Information System. Check out the DataPoint graphic here. Want to add DataPoint to your Pro account? Learn more.

QUICK HITS

— "Snyder dismissed from Flint contaminated water class-action lawsuit," The Detroit News.

— "Federal agency pauses tree-removal plan to help sage grouse," The Associated Press.

— "Trump mileage proposal claims to cut car costs and road deaths," The Washington Post.

— "Mexico's Pemex to focus on developing projects in regions with infrastructure, says CEO," S&P Global Platts.

— "Here's another climate change concern: Superheated bugs in the soil, belching carbon," McClatchy.

— "Science pick diverges from Trump team on climate, energy," E&E News.

HAPPENING TODAY

9:15 a.m. — The National Academy of Sciences workshop on "Sustainable Diets, Food, and Nutrition," 2101 Constitution Avenue NW.

12 p.m. — Women's Council on Energy and the Environment discussion on "Science in the Capitol: Turning Science into Policy," 101 Constitution Avenue NW.

4 p.m. — The National Academy of Sciences' Ocean Studies Board webinar on "Environmental Interventions to Promote Coral Reef Persistence."

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https://subscriber.politicopro.com/newsletters/morning-energy/2018/08/as-wildfires-rage-democrats-quiet-on-climate-change-303901

Stories from POLITICO Pro

Democrats quiet on climate change as wildfires rage Back

By Anthony Adragna and Emily Holden | 08/02/2018 05:00 AM EDT

More than a dozen wildfires are raging in California, record rainfall has deluged parts of the East Coast and heat waves have spread around the globe — but Democratic lawmakers are wary of trumpeting the extreme weather as the latest sign of climate change.

Instead, the party's most vocal advocates for climate change action say they're confident that after years of dire warnings and increasingly devastating weather events the public will connect the dots — without them wading in and starting a partisan bickering match that pushes voters into entrenched positions.

"Scientists are in real time warning families about this danger and we think the more this continues, the more this is going to be injected into the campaign as a huge issue," Sen. Ed Markey (D-Mass.) said. "I just think when it's the lead story every night on national television, the American public is getting it."

The Trump administration has worked aggressively to erase former President Barack Obama's climate change initiatives like the international Paris Agreement and carbon regulations for power plants, even scrubbing references to climate change from government websites.

But in California, Gov. Jerry Brown told a news conference Wednesday that the rising temperatures and devastating fires that had been predicted to hit the state in the coming decades were "now occurring in real time," and the state should expected costs to climb into the billions of dollars over the next several years.

The state is battling 17 wildfires as a heat wave there has lifted temperatures there into the triple digits. Scientists say high temperatures and dry conditions mean wildfires are bigger and harder to fight, and the season will soon last year-round.

But congressional Democrats — who were similarly quiet on record-setting hurricanes in the fall — say they believe people will assess the evidence on their own and see the link between human-caused climate change and extreme weather.

"It's more effective if we allow people to draw their own conclusions." Sen. Brian Schatz (D-Hawaii) told POLITICO.

"What we've found is Independents and Republicans are moving in our direction. The moment we turn it into a partisan question, people put their uniforms back on and take their positions," he said. "There's a broad recognition across the country that the weather is getting weirder and more severe, but if you put it in a conversation about [liberal activist] Tom Steyer and Al Gore, people who would otherwise be allies freak out."

Schatz said Democrats will methodically make the case "that climate change is impacting the American way of life and the economy," but will let people make their own judgments about individual severe weather events.

California Democratic Sen. Kamala Harris said in a brief interview that she was more focused on disaster response to the wildfires ahead of messaging around climate change.

"The first thing I want to see is that we extinguish those fires and get all those firefighters and those families out in a way that they're all going to be safe," she said. "So that's my first priority. [But] we always can do more to highlight the importance of paying attention to climate change."

Harris, who's seen as a potential 2020 presidential candidate, tweeted about wildfires and climate change on Tuesday, after POLITICO reached out to her office about this story.

"Since 2012, there hasn't been a month in California without a wildfire burning. It didn't use to be this way," she wrote. "Now is the time to act on climate change."

Environmental advocates say Democrats are missing their chance to engage on climate change when people are captivated by dramatic weather events.

"The mainstream Democrat party and those candidates aren't talking about this as much as they should be, and they aren't talking about it in a compelling way," said Jamie Henn, strategy and communications director at the climate advocacy group 350.org.

Henn said politicians "need to do a better job of clarifying what a climate progressive really is," to "fire people up."

"We're getting lost in this morass of old-school 2008 talking points, and it doesn't get us anywhere," Henn said.

Geeta Persad, a California-based climate scientist with the Union of Concerned Scientists, said Californians understand the link between climate change and more dangerous wildfires, and the Sacramento Bee editorial board last week called the fires "climate change, for real and in real time."

Despite that, California hasn't necessarily started to incorporate what it knows about worsening wildfires into management planning, Persad said.

Andrew Lakoff, an associate professor of sociology who focuses on the politics of disaster response at the University of Southern California, said wildfires are handled mainly by the emergency management sector, which "tend[s] not to think about long-term, slow transformations."

"People whose job it is to focus on wildfires, they don't have any tools to deal with climate change," Lakoff said. "Even if somebody who was a wildfire official was to say it's obvious these have gotten worse over the years, it must be linked to climate change, they just don't have any way to address that directly."

That problem will persist as long as the federal government ignores climate change, advocates say, a situation that Democrats have had little success in overcoming.

"We have tried to make that case," Sen. Ben Cardin (D-Md.) said. "But we're doing it in a way to deal with a climate change agenda where we know it's unlikely we can advance the leadership in the White House the way we would like to see it, or in Congress the way we'd like to see it."

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Wheeler open to 50-state car standard, but emphasizes safety concerns Back

By Alex Guillén | 08/01/2018 11:18 AM EDT

Acting EPA Administrator Andrew Wheeler said today he would be interested in striking a deal on fuel economy and emissions rules with California and the auto industry, but that federal concerns about traffic safety must be addressed.

"My goal in this administration is to come up with a 50-state solution. We want to have a 50-state solution that does not necessitate preempting California," Wheeler told the Senate Environment and Public Works Committee after Sen. Tom Carper (D-Del.) asked if he would avoid revoking California's regulatory waiver if a deal could be struck.

Leaked drafts of the rule indicate EPA will revoke California's waiver enabling it to enforce higher standards because the National Highway Traffic Safety Administration plans to issue lower fuel economy standards.

But, Wheeler said today, "there's a number of goals in the proposal and there's important goals on highway safety. So we'd have to make sure that those are met. The proposal will save 1,000 lives per year, which I think it's very important that we maintain that in any final regulation that goes forward."

The draft proposal argues that companies design smaller, lighter cars to meet tighter standards, and that such cars are more dangerous to passengers than larger, less fuel efficient vehicles.

WHAT'S NEXT: The joint EPA-NHTSA proposal is expected to be released later this week, potentially as early as Thursday morning.

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Interior watchdog opens probe of land deal linking Zinke, Halliburton chairman Back

By Ben Lefebvre | 07/18/2018 05:30 PM EDT

The Interior Department's internal watchdog has launched a full investigation into a real estate deal involving a foundation established by Ryan Zinke and developers including Halliburton Chairman David Lesar, which was first reported by POLITICO last month, according to a letter the office sent to House Democrats on Wednesday.

The inspector general's probe will focus on whether Zinke violated conflict of interest laws, the latest official inquiry of Zinke's activities in his 16 months helming the department.

"You expressed special concern about the reported funding by a top executive at Halliburton and assuring decisions that affect the nation's welfare are not compromised by individual self enrichment," Deputy Inspector General Mary Kendall wrote to Rep. Raúl Grijalva (D-Ariz.), ranking member of the House Natural Resources Committee, and other Democrats. "My office opened an investigation into this matter on July 16."

Zinke's role at Interior places him as one of the chief regulators overseeing oil and gas drilling activities, including those performed by Halliburton, one of the world's largest fracking and offshore drilling services companies. Zinke late last month defended his involvement with Lesar, while confirming he met him and other developers at Interior Department headquarters in August. Zinke said he had resigned from the Great Northern

Veterans Peace Park Foundation, which he established a decade ago to build a park in his hometown of Whitefish, Mont., but briefed the developers on the foundation's background and the land it controls.

In September, the secretary's wife, Lola Zinke, signed an agreement allowing developers, including Lesar, to build a parking lot there to benefit a major redevelopment project that could raise the land value of Zinke's nearby properties. Project developers also suggested Zinke could wind up running a microbrewery on the redevelopment site, the Whitefish city planner has told POLITICO.

House Democrats say Zinke's meeting with Lesar and the foundation's role in the real estate deal raises the question of whether Zinke used his office for personal gain.

"Secretary Zinke doesn't seem to take his responsibility to the public seriously," Grijalva told POLITICO in a statement. "He's turned it into the Ryan Zinke show, which is more about waving his own flag above the building and doing personal business deals with his friends instead of protecting public lands and improving our environmental quality. This formal investigation is one of many he's managed to pile up in his short and undistinguished tenure, and I join my Democratic colleagues in seeking the transparency and accountability that Republicans have so far not provided."

The arrangement suggests that the Halliburton chairman would be building a long-sought business for the Interior secretary, ethics experts say, a relationship that is fraught with conflicts of interest.

Critics say it is inappropriate for Zinke or his family to be involved in any outside deals with the Halliburton chairman because of the sway he holds over the company's business.

"There is no company that benefits more from Secretary Zinke's attack on fracking standards than Halliburton, and there is no company that has been more successful over the years in getting politicians — from Vice President Dick Cheney to Secretary Zinke — to weaken government oversight of their fracking operations," said Matt Lee-Ashley, a senior fellow at the Center for American Progress who worked as deputy chief of staff at Interior during the Obama administration.

Following POLITICO's reporting on the agreement, House Democrats asked for an investigation into potential conflicts of interest stemming from the deal linking the secretary's family with the chairman of one of the biggest companies he is responsible for regulating. It may take several months for investigators to complete their work and issue a report on their findings.

The foundation's land remains little changed from when it was first donated by BNSF Railway starting in 2008, leading some locals to question Zinke's plan for the park. Zinke in the past had promised local officials that the foundation would use the land to build a park honoring veterans and for possible summer concerts. But the land remains mostly undeveloped, and a large retaining pond dominates the site.

Government watchdogs have completed several investigations into Zinke and others are ongoing, such as an IG review of lobbying over an unorthodox tribal gaming decision.

The IG's office reviewed Zinke's use of chartered flights and found that while the department did not violate any laws, ethics officials were prevented from conducting a thorough review of one trip because Zinke did not disclose the role a major donor played in his plans. The Office of Special Counsel has separately concluded that Zinke's speech to the donor's hockey team and participation in fundraisers in the Virgin Islands and elsewhere did not violate the Hatch Act.

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Interior IG to scrutinize Zinke's beer-making plans Back

By Ben Lefebvre | 08/02/2018 05:06 AM EDT

WHITEFISH, Mont. — Interior Secretary Ryan Zinke made no secret of his dream of opening a microbrewery in his hometown of Whitefish.

Now, the department's inspector general will be asking if he colluded to have the chairman of Halliburton, one of the leading companies with business before the department, build him one.

In Whitefish, brewers and city officials told POLITICO that Zinke has long sought to build a microbrewery of his own, a project that over six years led him to submit plans to the City Council, discuss the move with other business leaders and personally join in a review process to change local zoning laws to make them more hospitable to such a business.

Meanwhile, a planned development in Whitefish backed by David Lesar, the chairman of Halliburton — the nation's largest oil services company, which would be one of the biggest winners in the Interior Department's drive to roll back regulations — includes plans for just such a microbrewery.

The Interior Department IG's office announced in late July that it is investigating Zinke's dealings with Lesar, a purview that ethics specialists say will include questions about the brewery. Ethics rules bar officials from using their official contacts to set up "nests" for their post-government lives, and the microbrewery was a focus of both the ethics watchdogs and the House Democrats who requested the investigation after POLITICO first reported on Zinke's links to Lesar.

Moreover, there is evidence that the microbrewery in the plans for the Lesar-backed development is the same as the one Zinke has planned since at least 2012.

The Whitefish city planner told POLITICO earlier this year that the developers of the Lesar-backed project told him the microbrewery was intended for Zinke. A plan for the development submitted to the city by Zinke's wife, Lola — who agreed to use land controlled by a Zinke-created foundation to build a parking lot for the development — included a hand-drawn separation of land for the proposed brewery project.

But Zinke, in his first statement addressing the brewery issue, said: "Neither myself or my wife were involved in the city's approval of the development that included among other facilities, a microbrewery on the developer's property adjacent to the proposed parking lot. Neither my wife or I are involved with the building or operation of any planned microbrewery. Any suggestion to the contrary is absurd."

In a later text, he added: "At this point in my life, I am more interested in sampling hand crafted beers rather than making them."

The project's lead developer, Casey Malmquist, told POLITICO earlier this year that once the project is fully permitted, "Ryan Zinke or anyone else" could make a proposal to operate a brewery.

Nonetheless, POLITICO has reported that before the foundation offered its land for a parking lot, Zinke reviewed plans for the proposed development and met with both Malmquist and Lesar in his Interior Department office, and later joined them for dinner to discuss the development, according to a participant in the meeting. Zinke continues to maintain that he was not involved in the foundation's decision-making.

"My wife signed a letter of intent to work with the developer to share a parking lot located on park property for improved access to the community," he said in his most recent statement. "No formal agreement [has] been even proposed much less negotiated."

While the Zinke-led foundation's offer of the parking lot has raised serious ethical questions, prompting the inspector general's investigation, those who are familiar with the controversy say the IG must also zero in on whether Zinke was involved in discussions about the microbrewery, a potentially flagrant violation of ethical rules.

Rep. Jared Huffman, a California Democrat and member of the House Natural Resources Committee, which oversees the Interior Department, said the brewery adds "another layer to the conflict."

"The relationship between Secretary Zinke and Halliburton Chairman Dave Lesar should set off alarms bells," Huffman added. "The secretary of the Interior and his family stand to personally benefit from a land deal funded by the chairman of Halliburton, a company with literally billions of dollars of business on the line when Secretary Zinke makes decisions about where, and how, oil drilling is permitted in this country. In any normal administration — and if Congress were capable of conducting oversight — this outrageous level of self-dealing and cronyism would be a national scandal."

One example where Interior's decision would impact Halliburton's business is the department's December 2017 rollback of Obama-era rules on hydraulic fracturing. The revision would reduce the costs for companies such as Halliburton to frack a well on public land by an average of nearly $10,000 per well, according to a department analysis late last year.

Fresh interviews by POLITICO this summer suggest that shortly after that rule went into effect, Montana brewery owners began hearing talk that a new brewery could be included in the Lesar-backed development, and that Zinke could be attached to it.

Both Graham Hart, owner of the Bonsai Brewing Project in Whitefish, and Lindsay Mills, a Whitefish resident and director of marketing and events at Kalispell Brewing Co. in the nearby city of Kalispell, said they heard talk in the brewing world about the microbrewery at the Lesar-backed development and of Zinke being potentially involved in it.

"I think it's the same one, yeah," said Mills, suggesting that the microbrewery in the Lesar-backed development is simply the latest iteration of the brewery that Zinke first proposed in September 2012 on a piece of residential property that he and his wife own beside the former freight yard on which Lesar and Malmquist are planning their project. Zinke, a former Navy SEAL, had named the planned brewery and the company they started that owns the residential property "Double Tap," a SEAL term for two gunshots.

At the time, Zinke was a state senator who earlier that year had lost a primary race to become Montana's lieutenant governor. He asked Whitefish city government to approve a zoning change that would allow him to convert the residential property into a microbrewery.

Montana's independent brewing scene was booming alongside the state's tourism and agriculture businesses. The trend would continue to the present — Montana now has 79 microbreweries, more than double the number from 2012 and second only to Vermont for breweries per capita, according to the Bureau of Labor Statistics.

Zinke and other Montana state senators passed bills to encourage the growth, including one that allowed breweries to increase how many barrels they could produce and sell on their own premises. Zinke himself introduced a bill in the Montana Legislature in 2011 that would have allowed such establishments to stay open until 10 p.m., two hours later than what current law allowed. The bill died in committee.

At least some members of the area's brewing scene assumed after Zinke lost the primary in June that he would focus his attention on converting his residential property to a brewpub, said Hart, the owner of Bonsai Brewing Project and a former neighbor of Zinke's.

"He has the house on that property, it's dilapidated, but he's got this great property," Hart said. "I remember when he tried to do that first one, he was campaigning. It didn't work out, and everyone figured he was just trying to find something to do."

Zinke had been a fixture in the local bar and brewery scene for years, Hart said. Whitefish had one microbrewery as of 2012 — the Great Northern Brewing Co. — but Zinke and others thought the town could fit one more given Whitefish's growing tourism trade.

"I've seen him at breweries all the time," said Hart, who later opened what became the city's second microbrewery. "I know he's super into craft beer.

"I really wanted to be the second microbrewery in Whitefish, and I'm sure he did, too," Hart said.

But Zinke's first efforts failed after the City Council declined to approve the zoning change necessary to turn his residential property into a brewpub. The publicly available version of the Council's review of the project contains sentences finding the brewery would not fit the neighborhood — but those sentences are crossed out and replaced with sentences suggesting the opposite. City officials did not return inquiries on why the edits were made.

Zinke made a second attempt at converting his property into a brewery the following year. At that time, coming off his failed lieutenant governor run, Zinke joined a City Council committee charged with creating a plan to develop a commercial corridor along one of Whitefish's main stretches of road.

Zinke remained on the committee even after winning a congressional seat in 2014. At a May 4, 2015, meeting, he told the panel he "would like to continue his plans for a micro-brewery ... knowing it will be subject to regulations and codes in place; i.e. the Whitefish Noise Ordinance so that they are not a disturbance to neighbors," according to the meeting minutes.

His efforts again failed as he clashed with residents on and off the committee who worried that a brewery on the property would create late-night noise and fill up nearby parking in the residential area, said Whitefish City Council member Frank Sweeney.

"We started the master plan and he used that as a way" to push for his brewery, Sweeney said in an interview. "He began to treat the process and those involved in what I considered a somewhat condescending manner."

The site currently being considered for a brewery is adjacent to land belonging to the Great Northern Veterans Peace Park Foundation, a nonprofit Zinke started in 2007 and ran for a decade before his wife took his place as foundation president last year. The foundation's other directors are Zinke's children and a real estate developer.

The large freight railroad BNSF donated the land to Zinke for use as a park while he was state senator. Though the land is little-used and largely unchanged from the time of its donation, Zinke, in his latest statement, described it as a gift to the community.

"The park provides a safe sledding and skating venue for kids and a community open space at no charge," he wrote in his latest statement. "My family alone grooms the hills, conducts the maintenance and pays for the snow plowing. We have also supported education projects when we can afford to. A great story of giving back to a community I love."

Ethics specialists say the foundation's offer to provide a parking lot for the Lesar-backed development could stand to benefit the Zinkes even if there is no established link between the couple and the proposed microbrewery. That's because the development would increase the value of the abutting property the couple owns, two parcels of land that include the rejected site of their initial proposal for a microbrewery. Across the street from those sites is a house that the couple converted into a bed-and-breakfast called the Snow Frog Inn.

The Zinkes own the bed-and-breakfast through another limited liability corporation called Continental Divide LLC. They started an earlier version of that corporation — Continental Divide Inns LLC — in 2005, when Ryan and Lola Zinke joined with Dr. Joel Bernstein, a family friend from California, according to the firm's articles of incorporation.

Bernstein would be found guilty in 2013 of defrauding Medicare for four years leading to mid-2011. There was no evidence that Zinke or Continental Divide had any part in the fraud, Melanie Pierson, the Justice Department lawyer who prosecuted the case, told POLITICO. In 2013, Zinke filed paperwork disassociating Bernstein from the firm. Bernstein died in 2014.

Now, the Zinkes control the properties through the Continental Divide and Double Tap LLCs. Lola Zinke also controls the foundation overseeing the peace park. Together, the properties frame the Lesar-backed development.

The inspector general's investigation is widely expected to cover all aspects of the dealings between the Zinkes and the Lesar-backed development, though Nancy DiPaolo, the IG's director of external affairs, said the office does not comment on ongoing investigations.

In Whitefish, the notion that the planned microbrewery next to the Zinkes' park and land could be the outcome of Zinke's yearslong efforts to develop a business presence in the town has been talked about for months among local brewers, said Mills, the director of marketing and events at Kalispell Brewing Co.

While there was debate as to whether Whitefish — a town of 6,000 full-time residents — could accommodate a third microbrewery, Mills said, Zinke would be welcome to try.

"Whitefish gets a crazy amounts of visitors," Mills said. "Whoever Zinke decides to partner with, there's always room for more."

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Trump's energy policy lifts from Icahn, Heritage Back

By Eric Wolff | 09/15/2016 05:56 PM EDT

If Donald Trump's new attack on the Obama administration's ethanol program on Thursday sounded familiar, that's because it was: Carl Icahn, the billionaire investor Trump has said he'd nominate as Treasury Secretary, said it first.

Trump's campaign, which has taken heat for copying proposals rather developing its own policies, posted an online summary of his economic plan today as he touted it as "what our new future will look like" — but unexpectedly pulled it down just a few hours later. That "fact sheet," a copy of which POLITICO saved before

its removal, offered a rare, detailed energy policy criticism, warning that EPA's biofuel credits program "will give Big Oil an oligopoly" while hurting smaller refineries. And it was the exact same argument made by Icahn in a letter to EPA last month that also slammed the program as an "oligopoly" in the making.

Icahn is himself the owner of a refiner that's saddled with $200 million in annual costs by the EPA credits program, so getting it changed is a high priority for the billionaire — and which his friend Trump embraced wholesale on Thursday.

Icahn told POLITICO that he had no influence on the ethanol credits language in Trump's economic agenda, but that he had sent Trump his EPA letter as "a friend" and had called the Republican nominee "to congratulate him" for embracing the idea.

Trump "should make it clear" that he isn't against the federal ethanol mandate, merely against the credits program that has hurt smaller refiners, Icahn said. "Obviously he's against Big Oil, and I agree with him completely."

The now-deleted Trump fact sheet also borrowed several passages almost verbatim from the conservative Heritage Foundation think tank for its section on killing President Barack Obama's environmental regulations. The campaign did not return a request for comment on why the document was pulled from public view after Trump's economic rollout speech in New York, but it posted a new version later Thursday that eliminated Icahn's ethanol plan and the borrowed passages.

Trump's uncharacteristically wonky criticism of the ethanol credits program almost immediately intensified a long-running fight within the oil industry between smaller refiners such as Icahn's CVR, which are pushing to move the burden of compliance with the federal biofuels mandate elsewhere, and bigger oil companies that want to see the entire mandate reformed or ended.

Trump has backed the ethanol mandate throughout his campaign and reiterated that stance in Iowa this week. But Trump's Thursday embrace of the Icahn stance on biofuel credits left the ethanol industry split on whether he'd shifted.

"This seems to be inconsistent with Mr. Trump's previous statements expressing a firm commitment to a strong renewable fuel standard," Emily Skor, CEO of the ethanol producers' group Growth Energy, said in a statement.

Brooke Coleman, executive director of the Advanced Biofuels Business Council, described the ethanol credits as "the muscle behind the program," agreeing that the now-defunct fact sheet is "inconsistent with Trump's previous position."

"They have a choice to make. Are they pro-[biofuels mandate] or aren't they?" he said.

But Bob Dinneen, CEO of the Renewable Fuels Association, dismissed the notion that Trump had shifted on the mandate. "This shouldn't be interpreted as a reversal of support," he said in a statement.

Within the oil industry, opponents of the Icahn-backed proposal bristled Thursday at the Trump campaign's portrayal of the debate as "Big Oil" versus the smaller refiners, which the EPA was "bankrupting." But those industry players who agree with Icahn on moving the burden of the credits program from refiners to fuel marketers cheered Trump for weighing in, even as they disagree with his continued support of the broader ethanol mandate.

"Trump is a pro-biofuels candidate by any standard," said one industry source who supports the Icahn-backed change. "He still sees that common sense would dictate" the EPA program has to be overhauled.

Icahn's office did not return a request for comment on the inclusion of his proposed ethanol change in the Trump economic plan. The 80-year-old activist investor has declined interest in the Treasury Secretary job that Trump has often said he would offer him.

The Trump policy fact sheet also appeared to lift wholesale from the Heritage Foundation in describing the Obama environmental rules that the GOP nominee would roll back.

A paragraph from Trump's plan disparaging EPA's new ozone standard was lifted almost verbatim from a May paper by The Heritage Foundation on costly Obama regulations, with only slight modifications to simplify the language.

"The new ozone standard will push hundreds of communities out of compliance, and force states to devise plans to limit industrial activity and transportation projects, as well as replace existing emissions control equipment with more advanced (and costly) emissions equipment," said Trump's plan.

Heritage's version: "The new ozone standard of 70 ppb will push hundreds of communities out of compliance, and force states to devise plans to limit industrial activity and transportation projects, as well as replace existing emissions control equipment with more advanced (and costly) systems."

The Trump campaign also closely mimicked language about the costs of the rule, including a bit about how costs are calculated separately for smog-plagued California than the rest of the nation.

In addition, the campaign also lifted language about EPA emissions rules for power plants from Heritage's paper.

The emissions rules "will impose $7.2 billion in annual costs, according to the agency itself — and far more according to private sector critics," Trump's plan noted.

Heritage wrote earlier this year that the rule has "$7.2 billion in annual costs, according to the agency (and far more according to critics)."

The campaign's description of EPA's Waters of the U.S. rule also appears to be taken from The Daily Signal, a Heritage-owned news site.

The rule "covers virtually all waters in the nation whether navigable or not and, by extension, much of the land use, from ponds on farms to storm run-off from home building sites," the Trump camp wrote.

A June Daily Signal post on environmental regulations describes WOTUS as "a reinterpretation of the act that would cover virtually all waters in the nation and, by extension, much of the land."

Alex Guillén contributed to this report.

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Trump keeps ozone rule despite campaign promise Back

By Alex Guillén | 08/01/2018 06:07 PM EDT

President Donald Trump promised during the 2016 campaign to repeal the Obama administration's 2015 ozone standard. echoing the complaints from the business sector that the rule would cost companies billions of dollars.

But after reviewing it for a year and a half, EPA on Wednesday decided instead to keep the standard intact.

The decision puts EPA in the awkward position of defending the Obama rule in a lawsuit that had been originally brought by former chief Scott Pruitt in his prior role as Oklahoma's attorney general and Murray Energy, the coal company that acting Administrator Andrew Wheeler lobbied for before joining EPA. (Wheeler and his former firm were not involved with Murray's lawsuit, and Wheeler did not report lobbying EPA on the issue for Murray.)

"The Agency at this time does not intend to revisit the 2015 Rule," EPA wrote in a court filing on Wednesday.

Though that court filing questions what role natural background levels of ozone play in setting the national standard, the agency said the laborious process of revoking the Obama rule was too onerous and the uncertainty to businesses would be too great. Instead, it would focus on the upcoming 2020 review, when it must decide whether to tighten, maintain, or potentially even loosen the standard.

The decision is a victory for environmental and public health advocates, who will now proceed with their legal challenge that contends the 2015 standard was too lax.

"We're glad to have our chance to argue that the standard is not as protective as it's legally required to be," said Seth Johnson, an Earthjustice attorney involved in the case. "We had wanted the chance to do that in April 2017 and we're glad to get the chance to do it now."

The resumption of the lawsuits will put EPA in a crossfire between the greens and the challengers from industry groups and red states who argue the standard was too strict. Both sides will seek to undercut each other, aligning with EPA against their opponents even as they seek to sway the courts to their arguments.

Paul Billings, senior vice president of advocacy for the American Lung Association, saw EPA's decision as not much of a win because the agency has otherwise dragged its feet on implementation.

"Here we are almost three years in, and we're still behind on implementation," he said. "So I don't think it's a victory, I think it's just the next step."

Ross Eisenberg, vice president of energy and resources policy at the National Association of Manufacturers, said companies will make their case to EPA in other ways.

"Manufacturers in nonattainment areas for the 2015 standard still need flexibility to comply with the rule," he said in an email. "There are different ways to provide this flexibility. However EPA decides to provide it, we will welcome it."

The ozone rule is not the only Obama-era rule the Trump EPA has defended, but it is by far the most controversial and highest profile.

Ground-level ozone, also known as smog, is formed by the mixing of pollutants emitted by power plants, cars, refineries, factories and other sources. At high levels, it causes or worsens respiratory illnesses, including asthma, bronchitis and emphysema. The 2015 rule lowered the ozone limit from 75 parts per billion, a level set in 2008, to 70 ppb, the upper limit of a range suggested by EPA's advisory panel.

Former administrator Pruitt, who departed the agency last month, arrived at EPA last year ready to roll it back, along with a litany of other Obama-era rules, but he struggled to with his initial efforts to delay key implementation deadlines.

Pruitt last summer announced he would wait an extra year to designate which parts of the U.S. had failed to meet the pollution standard. Environmentalists and Democratic attorneys general sued, arguing that while he had authority to delay some decisions if there were data deficiencies, Pruitt could not issue a blanket delay for the entire U.S.

Pruitt quickly reversed his decision, but when the Oct. 1, 2017, deadline came around, EPA remained silent about the designations, triggering a new round of lawsuits. A federal judge ruled that Pruitt had whiffed, and ordered him to issue the designations, which EPA just wrapped up in July.

In addition, Pruitt in May issued a memo that committed EPA to finishing the next ozone review within the Clean Air Act's five-year timeframe, by October 2020.

The five-year deadlines have posed a challenge for EPA under every administration, and Pruitt's emphasis on finishing the next round on time — and before the next election — had triggered speculation in recent months that the Trump administration was preparing to stick with the 2015 rule.

EPA also has significant legal considerations. Because of capacious language in the Clean Air Act, NAAQS standards like the ozone rule can be difficult to challenge in court.

The Supreme Court in 2001 ruled that EPA is barred from considering compliance costs when setting the standards, allowing EPA to focus on health effects alone.

And in 2014 Brett Kavanaugh, the District of Columbia Circuit judge nominated by Trump to the Supreme Court and a frequent critic of EPA overreach, upheld a tightened Obama-era soot standard because the Clean Air Act "gives EPA substantial discretion" in setting such standards.

Now that EPA has decided to defend the Obama-era rule, the legal challenges to the ozone rule could recommence relatively quickly.

The matter had been fully briefed last spring when the oral arguments were delayed, and the parties have suggested in recent filings that the arguments could simply be rescheduled for this fall, potentially as early as September or October. EPA said it will consult with the other parties and propose a new schedule by Aug. 22.

The case likely would end up before the same panel of judges slated to hear it last year: Thomas Griffith, a George W. Bush appointee, and Cornelia Pillard and Robert Wilkins, both Obama appointees.

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EPA ozone designations hand win to Foxconn Back

By Annie Snider | 05/01/2018 03:51 PM EDT

EPA says the Wisconsin county where a major new Foxconn Technology Group manufacturing plant is planned has met tough new ozone standards, a reversal from its own earlier recommendation and a major win for the company.

Racine County, where Foxconn plans to begin construction on a $10 billion flat-screen plant within weeks, was not among the 51 areas in the U.S. that the agency today said failed to meet the 2015 ozone standard of 70 parts per billion. Areas in nonattainment face additional requirements to reduce pollution from sources like cars, power plants and industrial sites — requirements that could have added major expenses for the technology firm, which was wooed to Wisconsin by President Donald Trump, House Speaker Paul Ryan and Gov. Scott Walker with a $4 billion incentive package and promises of environmental exemptions.

In December, EPA said it planned to find several counties in Wisconsin, including Racine, in violation of the ozone requirements, but Walker asked EPA to reverse or revise its finding, according to the Milwaukee Journal Sentinel. EPA's Region 5 Administrator Cathy Stepp, who previously ran Wisconsin's Department of Natural Resources, was recused from working on the issue, according to an ethics agreement.

EPA did not immediately reply to a request for comment.

The decision is a partial win for Walker, who had wanted his entire state designated as in attainment. While EPA classified Racine and two other nearby counties as in attainment, it deemed parts of other counties as being in nonattainment.

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Senate clears massive minibus package with Interior-EPA funding Back

By Anthony Adragna | 08/01/2018 01:30 PM EDT

The Senate today cleared a massive four-title minibus spending package, H.R. 6147 (115), that includes a $35.8 billion Interior and Environment title, clearing the way for the chamber and the House to begin working through major differences in their bills.

The vote was 92-6.

The legislation contains funding for Interior, EPA, the Forest Service and the Bureau of Indian Affairs, among others, without significant environmental policy riders. It's a sharp contrast from the House, which attached policy riders targeting numerous high-profile regulations in its version of the Interior and EPA spending package.

WHAT'S NEXT: The fiscal year expires at the end of September.

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Pipeline regulator considers gutting pipeline replacement rule Back

By Ben Lefebvre | 08/01/2018 04:17 PM EDT

The federal pipeline regulator is considering scrapping a safety rule requiring energy companies to replace old pipelines in newly populated areas, a change that critics and even the regulator says could raise the risks of ruptures.

The potential rollback of the rule by the Pipeline and Hazardous Materials Safety Administration — which the agency said this week was in line with President Donald Trump's executive order to cut regulatory costs and eliminate two rules for every new one created — is backed by pipeline operators. It would eliminate a decades-old regulation known as the "class location system" that requires companies to replace stretches of natural gas pipelines running below areas that experienced population density growth after the line was installed.

The moves comes amid concerns about natural gas pipeline accidents, including the 2010 blast that killed eight people in San Bruno, Calif. Last month, a natural gas pipeline explosion killed a firefighter and injured a dozen other people in Wisconsin, and another pipeline ruptured and exploded in rural West Virginia.

The current PHMSA rule divides population areas into four classes, ranging from sparsely populated "Class 1" rural areas to high-density "Class 4" urban regions, and companies are required to install new pipelines when population growth bumps an area up by two classes. Pipeline operators have argued that advances in technology enable them to monitor pipeline safety better than when the original rule came out, and getting rid of the rule would eliminate the cost of swapping out old line for new, thicker steel.

PHMSA regulators themselves expressed reservations about the possible change in the Federal Register notice announcing it was seeking comment for a rule change. The public comment period will end in late September.

"Over the past decade, PHMSA observed problems with pipe and fitting manufacturing quality, including low-strength material; construction practices; welding; field coating practices; [integrity management] assessments and reassessment practices; and record documentation practices," the agency says in the Federal Register notice. "These issues give PHMSA pause in considering approaches allowing a two-class bump (Class 1 to 3 or Class 2 to 4) without requiring pipe replacement, especially for higher-pressure transmission pipelines."

Rebecca Craven, program director at watchdog group Pipeline Safety Trust, said the group was pleased that PHMSA expressed some skepticism about the rule change proposal, and that there have been too many cases of failed pipeline early warning systems to warrant relying solely on technology.

"The Pipeline Safety Trust remains concerned that the system-wide protections provided by the class location system be maintained at least until the industry can show a track record of substantially lower incident rates in areas under their integrity management plans," Craven said. "It's critical that operators do a better job of preventing corrosion if they intend to leave thinner walled pipe in the ground in areas where the population is growing."

A representative of trade association Interstate Natural Gas Association of America was not immediately available to comment. But the association cheered the proposed rule change earlier this week as a cost-saving measures that could allow them to invest more in new inspection technology.

"INGAA urges PHMSA to work expeditiously on this important update to the class location change regulations so that homes and businesses near natural gas pipelines can benefit from modern pipeline safety technologies and the natural gas these pipelines deliver," INGAA Chief Executive Don Santa said in a press release earlier this week.

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Sources: EPA blocks warnings on cancer-causing chemical Back

By Annie Snider | 07/06/2018 05:02 AM EDT

The Trump administration is suppressing an EPA report that warns that most Americans inhale enough formaldehyde vapor in the course of daily life to put them at risk of developing leukemia and other ailments, a current and a former agency official told POLITICO.

The warnings are contained in a draft health assessment EPA scientists completed just before Donald Trump became president, according to the officials. They said top advisers to departing Administrator Scott Pruitt are delaying its release as part of a larger campaign to undermine the agency's independent research into the health risks of toxic chemicals.

Andrew Wheeler, the No. 2 official at EPA who takes over for Pruitt on Monday, also has a history with the chemical. He was staff director for the Senate Environment and Public Works Committee in 2004, when his boss, then-Chairman Jim Inhofe (R-Okla.), sought to delay an earlier iteration of the formaldehyde assessment.

Formaldehyde is one of the most commonly used chemicals in the country. Americans are exposed to it through wood composites in cabinets and furniture, as well as air pollution from major refineries. The new assessment would give greater weight to warnings about the chemical's risks and could lead to stricter regulations from EPA or class-action lawsuits targeting its manufacturers, as frequently occurs after these types of studies are released.

"They're stonewalling every step of the way," the current official said, accusing political appointees of interfering with the formaldehyde assessment and other reports on toxic chemicals produced by EPA's Integrated Risk Information System. Industry has long faulted the IRIS program, the agency's only independent scientific division evaluating the health risks of toxic chemicals, whose assessments often form the basis for federal and state regulations.

The current official and former official requested anonymity out of fear for their jobs and the impact that speaking out could have on the IRIS program.

Interfering with the formaldehyde study is one of several steps Trump's EPA has taken to side with the businesses the agency is supposed to regulate and undermine the agency's approach to science, critics say. Public health advocates also expressed alarm after Pruitt replaced academic scientists with industry advocates on the agency's influential science advisory boards and sought to limit the types of human health research EPA can rely on in rulemakings.

The officials said Trump appointees have required that career officials receive their permission before beginning the required internal review of the formaldehyde study and have canceled key briefings that would have advanced it. That interference came after EPA career scientists revised the study once already last year to insulate it from political controversy, they said.

In a statement, EPA denied that the assessment was being held back.

"EPA continues to discuss this assessment with our Agency program partners and have no further updates to provide at this time," EPA spokeswoman Kelsi Daniell said. "Assessments of this type are often the result of needs for particular rulemakings and undergo an extensive intra-agency and interagency process."

But as far back as January, Pruitt told a Senate panel that he believed the draft assessment was complete.

Five months later, it has yet to see the light of day. Meanwhile, internal documents show, a trade group representing businesses that could face new regulations and lawsuits if the study were released had frequent access to top EPA officials and pressed them to either keep it under wraps or change its findings.

"As stated in our meeting, a premature release of a draft assessment ... will cause irreparable harm to the companies represented by the Panel and to the many companies and jobs that depend on the broad use of the chemical," Kimberly Wise White, who leads the American Chemistry Council's Formaldehyde Panel, wrote in a Jan. 26 letter to top officials at EPA. The panel represents companies including the Koch Industries subsidiary Georgia-Pacific Chemicals LLC that could face higher costs from stricter regulations or lawsuits.

Nearly a million jobs "depend on the use of formaldehyde," White's letter argued.

The holdup is attracting attention on Capitol Hill, where Democrats have already expressed alarm, arguing that the Trump administration has allowed politics to interfere in EPA's scientific assessments of threats such as toxic pollution and climate change.

The agency must "move past politics and focus on its job of protecting human health" by releasing the formaldehyde study, Sen. Ed Markey (D-Mass.) said in a statement to POLITICO.

"Because formaldehyde can be found in everything from wood products to women's hair straighteners, the public health risks are substantial," Markey said. "Delaying the EPA's latest assessment of the health risks of formaldehyde only further endangers the health of Americans."

Public health advocates have similarly expressed fears that the Trump administration has allowed EPA to be captured by the industries it regulates. The revelations about the formaldehyde study come after Pruitt removed academic scientists from the agency's influential science advisory boards and in many cases replaced them with industry advocates, and after he proposed a policy to limit the agency's use of human health data while offering a carve-out for confidential industry studies.

"At every corner, you see the agency trying to either minimize the role of science or manipulate the role of science or just ignore the work of scientists in doing the critical work to ensure that human health and the environment is protected," said Jennifer McPartland, a senior scientist with the Environmental Defense Fund's health program.

POLITICO also reported in May that Trump administration officials, including EPA chief of staff Ryan Jackson, sought to delay an HHS study finding that nonstick chemicals pose health dangers at a lower level than EPA has said is safe.

Insiders anticipate few major policy changes under Wheeler, who is widely expected to continue Pruitt's deregulatory agenda and is well-versed in chemicals issues. He began his career in EPA's chemical safety office, and after leaving Inhofe's staff lobbied for several chemicals companies, including Celanese Corp., a major formaldehyde manufacturer and ICOR International, a refrigerants manufacturer that was recently acquired by Chemours Co., a DuPont spin-off. A Celanese spokesman said Wheeler worked only on the Renewable Fuels Standard for the company, although Wheeler's disclosure forms describe his lobbying as being on the broad topic of "chemicals issues." Wheeler is not barred from working on chemicals issues under the recusal statement he signed in May.

Decades' worth of research has linked formaldehyde to nose and throat cancer and respiratory problems, and newer research has suggested the connection to leukemia — controversial conclusions that would gain significant credence if EPA formally adopts them. The new assessment affirms those links to leukemia, nose and throat cancer and other ailments, according to the current and former officials familiar with its findings.

The new assessment could lead EPA to impose stricter regulations of chemicals refineries or wood products and could spur class-action lawsuits from cancer patients attempting to hold companies responsible for their illnesses.

The agency officials said the political aides blocking the assessment include Jackson and Richard Yamada, a former staffer for House Science Chairman Lamar Smith (R-Texas) who is now a top official in EPA's Office of Research and Development. And they said Nancy Beck, who criticized the IRIS program in her previous job as a top chemical industry expert, is now helping to stymie the program's assessments in her new post as head of EPA's chemical safety office. Jackson, Yamada and Beck did not respond to requests for comment.

The EPA spokeswoman disputed the accusations and said Yamada and Jackson have in fact requested briefings on the assessment.

The current EPA official told POLITICO that political appointees have managed to avoid creating written evidence of their interference with the formaldehyde assessment by refusing to send emails or create other records that could eventually become public, instead using what the official described as "a children's game of telephone."

By blocking the report at the first step of the IRIS review process, political appointees are keeping it from being reviewed by the National Academies of Sciences, an independent panel of the country's top scientists that must weigh in on all such risk assessments. EPA has already paid the academies $500,000 for that review, the highest level of scrutiny a scientific study can receive, but the work cannot start until Pruitt's aides send the study.

"If the administration was really keen on protecting public health, why wouldn't they send this to the National Academy and give it a really good review?" the former EPA official asked. "If it survives that review, then there's a public health problem that needs to be dealt with, and if it doesn't survive the review, then they can point the finger at IRIS and say, 'You're dead.'"

The former official said there would be only one reason not to ask the country's top experts whether they agree with the analysis: "You don't want the answer."

Public health advocates say the administration's attacks on science have had especially significant implications for the IRIS program. The small office of about 35 experts pores through the huge body of existing research on chemicals, including industry-backed studies aimed at proving the substances safe, to independently assess their risks. While purely scientific, the program's reviews are looked to by regulators not just at EPA, but also in the states and around the world, often paving the way for new or more stringent regulations.

But industry has long targeted the program, arguing it uses an opaque process to decide which studies to rely on and which research to give credence to when findings conflict.

The American Chemistry Council, Beck's former employer, spent more than $7 million last year lobbying EPA and Congress on issues including IRIS, formaldehyde and the policy to limit EPA's use of human health research. Chemicals manufacturers, including Hexion Inc., one of the country's largest manufacturers of formaldehyde, have also spent tens of thousands of dollars on lobbying related to the program this year.

A National Academies panel agreed with some of industry's criticisms of the IRIS program in a blistering review of an earlier iteration of the formaldehyde assessment that recommended major changes to how IRIS

decides how much weight to give conflicting studies, although it did not attack the substance of its findings about the health effects of formaldehyde. Critics of the IRIS program have pointed to that review frequently as they have sought to kill it, including in an appropriations battle this spring. The EPA spokeswoman also pointed to that assessment in her statement. "The National Academy of Science and Congress in legislative reports have for years been highly critical of EPA's previous assessments involving formaldehyde," she said.

But EPA has overhauled the program since then, hiring a new director for IRIS and a new head of the National Center for Environmental Assessment, in which it is housed. The changes have received high marks from the National Academies in two more recent reviews, one in 2014 and one this past April. The latest formaldehyde assessment is expected to demonstrate further progress implementing the academies' recommendations, potentially undermining industry critiques of the overall IRIS program if it were to be released.

Although efforts to kill EPA's independent scientific arbiter have so far failed, EPA officials and public health advocates say the program has been significantly hobbled under an administration with close ties to the chemicals industry.

White, the top staffer for the American Chemistry Council's Formaldehyde Panel, wrote EPA three times between September 2017 and January 2018, urging the agency to incorporate industry-funded research that found no link between formaldehyde and leukemia, and arguing that the studies shifted the scientific consensus away from the conclusion that it does. In November, Pruitt appointed her to the agency's influential Science Advisory Board.

Less than a week after the council's Jan. 24 meeting with EPA, Pruitt himself confirmed that the report had been complete for months. During a Senate hearing at the end of January, Markey asked Pruitt for an update on the formaldehyde assessment, saying it was his understanding "that the EPA has finalized its conclusion that formaldehyde causes leukemia and other cancers and that [the] completed new assessment is ready to be released for public review, but is being held up."

"You know, my understanding is similar to yours," Pruitt replied, promising to follow up.

Markey reminded Pruitt of the exchange in a May 17 letter. In a response Thursday, the agency's principal deputy assistant administrator for science, Jennifer Orme-Zavaleta, said EPA "continues to discuss the formaldehyde assessment internally and has no further updates to provide at this time."

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Message

From: POLITICO Pro Budget and Appropriations [politicoemail@politicopro.com]
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To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: Budget & Appropriations: GOP tells Trump: No do-over on spending deal — How the omnibus could protect farmers in trade war — Freedom Caucus eyes spending panel power

By Sarah Ferris and Kaitlyn Burton | 04/12/2018 03:08 PM EDT

BOILING POINT: All of those Republican appropriators who breathed a sigh of relief after President Donald Trump signed last month's omnibus are now spouting off at the president's attempt to backtrack on that spending.

Taking it to the top: Even the normally reserved spending chiefs like Rep. Rodney Frelinghuysen (R-N.J.) and Sen. Richard Shelby (R-Ala.) are spurning the idea, as we explain today. And in a White House meeting on Wednesday, Shelby told Trump directly that the idea was a no-go, according to Bloomberg's Erik Wasson . "I told him he may not have the votes for that," Shelby said. "We may not act on in it in the committee."

The forever CR?: Many appropriators are afraid of losing their own credibility with Democratic negotiators down the line. (After all, both parties will need to sign off on the next funding deal in just four months.) "My attitude is, your word is your bond," Frelinghuysen told us. Rep. Tom Cole (R-Okla.), who was visibly peeved during a rescissions rant, went even further: "You'd never have another deal ever. You'd have a CR for the rest of the president's term."

The maybes: A few appropriators said they won't totally rule out the idea until they see it. But only one Republican spending chief we talked to said he was actively considering the idea: Rep. Robert Aderholt (R-Ala.). (Context: the Agriculture subcommittee chairman is shooting for a big promotion next year.)

Related read: Labor Secretary Alexander Acosta told senators today that the White House has so far been mum on any rescissions. "I have received no request to make any recommendations for any rescissions," Acosta said, Ian Kullgren reports.

GOOD THURSDAY AFTERNOON! Reach out: sferris@politico.com (@sarahnferris) and kburton@politico.com (@knicoleburton).

Doc of the day — A letter from Democrats on the House Armed Services Committee opposing the White House's tentative proposal to use military funding to pay for a proposed border wall with Mexico. It was sent directly to Defense Secretary Jim Mattis.

Daily Budget Fact — Oklahoma's per-pupil funding has been cut by about 28 percent, adjusted for inflation, since 2008. The state's teacher strike for bigger education budgets has lasted 11 days and counting. More from Caitlin Emma.

Quote du jour — Mick Mulvaney, budget chief and acting head of the Consumer Financial Protection Bureau, tells the Senate banking committee today: "While I have to be here by statute I don't think I have to answer your questions." (It was a pointed critique about the format of the bureau, which does not report to Congress.)

BUDGET

DESTINED TO FAIL: Today's the big day for the House GOP's so-called balanced budget amendment vote. There's almost no chance that it gets the needed two-thirds support, or roughly 290 votes, in the House, so it's hardly being taken seriously even by Republicans. (The roll call could actually end up being more helpful to Democrats on the campaign trail this fall.)

'I know a hustle': In the words of Rep. Hakeem Jeffries (D-N.Y.) today: ""Republicans burned down our fiscal house, and now you show up with a so-called balanced budget amendment and act like the volunteer fire department. I'm from Brooklyn, I know a hustle when I see one."

Where's the GOP budget? Even the Committee for a Responsible Federal Committee isn't getting behind this one. The budget hawks group sent a letter to Congress today urging GOP leaders to draft and pass a budget if they're actually serious about steadying the U.S. fiscal situation.

APPROPRIATIONS

WHAT MEADOWS WANTS: All eyes are on the House Freedom Caucus in the race to replace Speaker Paul Ryan. What will Rep. Mark Meadows (R-N.C.) and his crew want in exchange for supporting the next GOP leader? As Jake Sherman writes today, one demand will likely be committee slots — especially coveted ones on the Appropriations panel. Currently, only one out of 31 Republicans on the House Appropriations Committee also belongs to the Freedom Caucus. (That's Rep. Andy Harris of Maryland, who earned that seat in 2015.)

SPACE

TRUMP'S BIG SPENDING GAP: Trump may be far underestimating the true cost of his plans to revamp the American space program. Even just sending astronauts to Mars would cost a whopping $1 trillion over the next 25 years, experts say. But Trump requested just $19.9 billion for NASA in his fiscal 2019 budget proposal — an amount that is not even a down payment for the White House's most ambitious plans. Jacqueline Klimas reports.

U.S. falling behind: Rep. Randy Hultgren (R-Ill.), one of Congress' biggest supporters of space exploration, gave a stark warning of the effects of the U.S. underfunding of space programs today at a POLITICO event: "I see so many countries doing better than we're doing at pre-funding space programs, pre-funding science ... and we've been going month to month in determining what our budgets are going to be."

AGRICULTURE

FLEXIBILITY FOR FARMERS: With the U.S. careening toward a potential trade war with China, agriculture leaders in Washington are starting to talk up their back-up plan for potentially at-risk farmers. USDA Secretary Sonny Perdue said his department has about $30 billion at its disposal — courtesy of the Commodity Credit Corporation — "if needed" to help stabilize farm income.

Tucked into the omnibus: And it's actually the result of a little-noticed change in last month's spending bill, H.R. 1625 (115), which lifted certain restrictions on the Agriculture secretary's authority to use those CCC funds. (Perdue said he met with appropriators last year to ask them to remove those restrictions.)

IT BEGINS: House Agriculture Chairman Mike Conaway (R-Texas) today unveiled his much-anticipated farm bill, posing big questions about how it'll collect a bipartisan share of votes on the floor. The plan would cost about $860 billion over a decade, roughly $100 billion less than the last farm bill's initial price tag.

Big changes to SNAP: As expected, the GOP's plan adds work requirements. Between 5 million and 7 million SNAP recipients would see stricter work requirements — changes that Democrats have warned could tank the

whole bill. It would also more than triple money spent on education and work training for food-stamp recipients. Much more from Ag team Catherine Boudreau, Helena Bottemiller Evich and Liz Crampton.

ECONOMY

WELL, THIS IS NEW: The Federal Reserve isn't quite sure how to digest Congress' recent fiscal stimulus efforts — both the $1.3 trillion omnibus and the huge package of tax cuts. That's because it hasn't happened before when the economy was already booming, as Victoria Guida reports. One definite worry? The downsides of the federal government running high budget deficits, which means higher costs of borrowing all around.

IMMIGRATION

BROWN SETS HIS BOUNDARIES: California Gov. Jerry Brown is officially on board with Trump's National Guard deployment plan ... sort of. The sole Democratic border state leader agreed to accept federal money to staff up the National Guard at the border — but only to combat crime, and not to enforce federal immigration laws, as David Siders and Aubree Eliza Weaver write.

'A costly endeavor': There's no dollar estimate yet for the plan, but a half-dozen House Democrats are already raising questions about using federal cash for an idea that appears to be "hastily and poorly designed." They point out that a similar effort by the George W. Bush administration cost $1.2 billion over two years. (President Barack Obama's year-long National Guard deployment cost $110 million.)

Troop tally: So far, 782 troops have been sent to the border, National Guard chief Gen. Joseph Lengyel told House appropriators today. He still can't guess the total cost or the number of troops that may be be involved, but he's asking lawmakers to give him permission to move funds around as needed, as Gregory Hellman reports.

Fence-fixing: The Trump administration's other big border security project — new and upgraded fencing along the boundary with Mexico — will kick off this summer. CBP chief Kevin McAleenan told appropriators today that the money will go out the door sometime in the next few weeks, as Kaitlyn reports.

TAX

WE'VE GOT A WINNER: White House budget director Mick Mulvaney came out on top in his fight to snag regulatory power from the Treasury Department, Aaron Lorenzo reports. OMB and Treasury struck a deal that gives the budget office significant new authority to look over tax regulations before they take effect, which could have big ramifications for the new tax law.

EARMARKS

— Trump weighs plan to allow states to require drug-testing for some on food stamps. Associated Press.

— U.S. 'playing catch-up' to Russian nuclear capabilities, Pentagon officials says. POLITICO Pro.

— 9/11 health care program in danger of being disrupted by Trump's budget, AG says. Newsday

— Wisconsin Gov. Scott Walker signs new limits on welfare programs into law. Milwaukee Journal Sentinel.

— Trump's funding threats to "sanctuary cities" meet chilly response in court. San Francisco Chronicle.

WE'RE COUNTING: 111 days until the National Flood Insurance Program expires (July 31), 172 days until funding runs out (Sept. 30).

To view online:
https://www.politicopro.com/newsletters/budget-appropriations/2018/04/gop-tells-trump-no-do-over-on-spending-deal-168311

Stories from POLITICO Pro

Trump's push to redo $1.3T spending bill he signed sparks GOP revolt Back

By Sarah Ferris and Kaitlyn Burton | 04/12/2018 05:11 AM EDT

A regretful President Donald Trump wants to roll back spending in a massive omnibus bill he signed into law, but Republicans who helped craft the legislation are in open revolt.

"My attitude is, your word is your bond," House Appropriations Chairman Rodney Frelinghuysen said, in his first public comments on the Trump plan.

Frelinghuysen (R-N.J.) is among more than a half-dozen appropriators who have voiced skepticism about the Trump administration's proposal to cancel billions in spending. Nearly all said they feared that it could erode the GOP's bargaining power in future budget talks. Their objections represented another low point in an often-tense relationship between the cost-cutting White House and GOP members of Congress who write spending bills.

The skeptics included the newly appointed Senate Appropriations chief, Richard Shelby, who met with Trump on Wednesday.

"We need to look at what we agreed on with the other side and keep our word, keep our agreements," the Alabama Republican told POLITICO just before his one-on-one with Trump.

He added that the Senate has had little appetite for the idea in the past: "Rescissions has never been a big thing over here."

The White House is seeking to essentially take a scalpel to last month's $1.3 trillion omnibus spending bill, scratching out any funding that Trump doesn't personally back.

Budget experts have said a rescissions package of that scale would likely be unprecedented: One party's leaders in Congress and the White House have never before unilaterally agreed to unravel a spending deal that has already been sealed.

"I think the whole rescission effort is unrealistic and dangerous," Rep. Tom Cole (R-Okla.), a longtime appropriator, told reporters. "It's hard enough to make a bargain around here. But you can't break your word when you do. ... You'd never have another deal ever."

Multiple lawmakers, including Cole, said they don't believe House GOP leaders are taking the idea seriously — despite Majority Leader Kevin McCarthy's own involvement in the budget scheme. They think it's really being pushed by Trump's belt-tightening budget director, Mick Mulvaney, a former member of the House Freedom Caucus.

Most are doubtful that the cutbacks could even land a floor vote.

"It seems like this is just an exercise in appeasing the president and the Republican 'no' votes on the omnibus," Rep. Charlie Dent (R-Pa.) told reporters.

"We could have made the original budget framework smaller. I would have been fine with that," Dent said. But he cautioned that going back on the agreement now, months later, would have a "chilling effect" on future deals.

Republicans, particularly in the House, have little desire to revisit the unpopular spending deal, H.R. 1625 (115), in an increasingly dire midterm campaign cycle. The package included huge boosts to domestic funding, which GOP leaders worked hard to sell to their own members in the name of securing more Pentagon funding.

Ultimately, 90 House Republicans backed the spending bill, in part because they were promised cover by the White House.

But Trump's 180-degree reversal on that deal left the Republican lawmakers who backed the omnibus feeling spurned. Trump further infuriated members of his own party after he threatened to veto the bill and accused GOP leaders of choosing to "waste money" in the bill.

Those same Republican leaders have sharply disputed Trump's claim that there was no close scrutiny of spending. "When you put together a $1.3 trillion bill, you look into all these accounts," Frelinghuysen said in defense of the bill.

"You don't throw your friends under the bus who did exactly what you wanted them to do," Cole said, calling it a "hare-brained scheme."

Just one appropriator out of nine polled by POLITICO this week expressed interest in a rescissions package.

Rep. Robert Aderholt (R-Ala.), who oversees Agriculture spending, said he was "absolutely" open to the idea.

"We're all just getting back, we gotta sit around the table and talk about it, but I don't dismiss the idea at all," said Aderholt, who is in a tight race to take over as House Appropriations chairman next year.

No lawmaker has seen any details out of the White House or GOP leadership about which programs would be cut. The Trump administration would have until mid-June to submit its request, after which it would be up to the House Appropriations Committee to turn the package into legislative language.

That work would need to be done at the same time the Appropriations panels are knee-deep in drafting bills for fiscal 2019, which begins Sept. 30.

And with an already abbreviated House calendar this year, lawmakers say there's hardly time or interest to jump back into the previous fiscal year.

"We'll see how that comes together. I'm not quite sure how that's going to happen, but we'll see if it does," Rep. Ken Calvert (R-Calif.) said.

Democratic leaders, meanwhile, have accused the GOP of "buyer's remorse" after the most recent spending deal. And Democrats are already cautioning that Republican efforts to walk back this year's spending deal would be seen as an attempt to void the entire two-year budget agreement.

Without that agreement, which also delivered huge increases in defense spending, the Pentagon's budget would actually shrink next year.

Rep. John Culberson (R-Texas) said he won't decide whether to support a rescissions package until he sees the details. But he added that Congress' spending panels tend to take the blame for the nation's mounting debt —

even though nondefense discretionary spending accounts for just 15 cents out of every dollar spent by the government.

"At Appropriations, we're the most visible and easy target," he said.

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Acosta says he hasn't received rescission request Back

By Ian Kullgren | 04/12/2018 11:54 AM EDT

Labor Secretary Alexander Acosta told senators today he hasn't been asked by the White House to propose cuts to the Labor Department's recently passed budget.

President Donald Trump's aides are said to be working with House Majority Leader Kevin McCarthy to draft a "rescission" bill that would cuts billions of dollars in spending from the spending omnibus passed last month.

Acosta, testifying before the Senate Appropriations labor subcommittee, said he's only heard of the plan through media reports.

"I have received no request to make any recommendations for any rescissions," Acosta said.

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Back

Teachers Are Going on Strike in Trump's America Back

By Caitlin Emma | 04/12/2018 05:08 AM EDT

OKLAHOMA CITY — Alberto Morejon, dressed for business in a white button-up shirt and red tie, stood near the steps of the Oklahoma Capitol, surveying what he had started. Around him, several thousand teachers, many who knew him by name, chanted: "One day longer, one day stronger!"

It had been almost two months since Morejon watched news coverage of teachers in West Virginia, who hadn't had a raise since 2014, as they embarked on a nearly two-week long strike that forced the state's Republican Legislature to approve a 5-percent salary boost. Teacher salaries in Oklahoma, as Morejon knew well, were not much better than West Virginia — both states have been ranked among the five worst in the nation. Morejon, a 25-year-old social studies teacher and baseball coach at Stillwater Junior High in Stillwater, Oklahoma, saw the price it was taking on his colleagues. One fellow teacher, nearing retirement age, had to mow dozens of lawns after school every week to afford his daughter's college tuition.

So, while West Virginia teachers were still on the picket lines, Morejon decided it was time for his state to follow suit. He created a Facebook group called, "Oklahoma Teacher Walkout—The Time Is Now!" In just three days, the group swelled to 30,000 members. On March 8, the union laid out a list of demands —like a

$10,000 raise for teachers and $200 million to make up for education funding cuts—threatening a massive school walkout on April 2 if they weren't met. On March 31, the Legislature approved a $6,100 raise, but it wasn't enough and the walkout was called. On the third day of the walkout, I stood next to Morejon near the Capitol steps, where grateful teachers took selfies with him, and asked him how long this could last.

"If they think they're going to wait us out, they're crazy," Morejon told me. "This thing is going to last as long as they want it to last."

That was a week ago and the teachers are still at it. The demands have shifted away from a bigger raise and toward more funding to alleviate deep education cuts over the years. Teachers have decided that they would rather risk a public backlash than settle for outdated textbooks, dilapidated classrooms and four-day weeks in nearly a fifth of Oklahoma's school districts. Morejon's Facebook group now has more than 76,000 members—some 34,000 more people than there are teachers in the state, a strong indication the Oklahoma strike is having a strong influence on restive and underpaid teachers in other Republican-leaning states like Kentucky and Arizona, where tax-cutting legislators have throttled education budgets over the past decade.

Morejon is a key player in a surprising grass-roots labor movement that has ignited in less than two months. So far, fed-up teachers have found unexpectedly sturdy support among voting populaces that otherwise have tended to favor low to non-existent taxes. As the brush fire has swept west, government officials most responsible for those budget-austerity measures seem almost surprised by how difficult it has been to hold the political high ground. In the early days of the walkout, Oklahoma Governor Mary Fallin tried to knock the teachers as spoiled ingrates, likening them to "a teenager wanting a better car." The ad hominem approach hasn't gone over well. The teachers, many of them women, are redefining attitudes about organized labor, replacing negative stereotypes of overpaid and underperforming blue-collar workers with a more sympathetic face: overworked and underappreciated nurturers who say they're fighting for their students as much as they're fighting for themselves.

The festive scene outside the state Capitol last week—part political rally, part concert and part tailgate party—didn't look like a typically grim picket line. Teachers, students and parents and with little ones in tow danced to the Village People's "Y.M.C.A." Local school bands played Twisted Sister's "We're Not Gonna Take It." Entire families set up tents and lawn chairs, handing out free food and snacks. People marched in circles around the building, wielding and waving signs, many of which slammed the governor. One, which bore Fallin's face, read, "If ignorance is bliss, then this must be the happiest woman on Earth."

Inside the Capitol, the atmosphere felt more tense. People gathered around the center dome on the first four floors of the building, chanting, "We're still here!" and "We're not leaving!" Teachers fanned themselves in crowded hallways, demanding to meet with their state lawmakers.

Oklahoma is the hottest teacher battle in the country right now, but Kentucky and Arizona aren't far behind. In Kentucky, the statewide teachers union is urging teachers to march on the Capitol in Frankfort on Friday after Republican Governor Matt Bevin vetoed a bill this week that would boost per-pupil funding in the state. He also signed a pension reform bill that was quickly passed by the state Legislature last month. That pension reform bill, wildly unpopular with teachers, would make pensions more like 401(k) plans. The bill's passage sparked a massive "sickout" last month, with teachers storming the Capitol.

In Arizona, teachers are wearing red this week and holding "walk-ins," where they stand outside the school and talk to parents and anyone who will listen about the state of their classrooms, the need for a 20 percent raise and more education funding. Like Oklahoma, Arizona has watched many of its teachers flee the state for better-paying jobs in neighboring Nevada, where a massive education reform bill promoted by Republican Governor Brian Sandoval pumped $500 million into the education budget. Arizona educators are expected to announce a date for their own massive walkout in the coming days.

"You all are really inspiring us right now. West Virginia woke us up, but you all reaffirmed everything," said Joe Thomas, president of the Arizona Education Association during a remote discussion on April 3 with Alicia Priest, president of the Oklahoma Education Association, that was posted on Facebook.

"If this is the only language that politicians will listen to," Thomas said, "then we'll speak this language if we have to."

Lara Brown, director of the Graduate School of Political Management at the George Washington University and a former Education Department official during the Clinton administration, has been critical of teachers unions, which she thinks have in the past have been a barrier to improvement and reform.

But she said teachers in Oklahoma, Kentucky, Arizona and West Virginia could push other red states—where education funding cuts plague schools and slash salaries—to have broader conversations about what public education should look like and how it should be funded.

"Teachers are a huge constituency," Brown said. "There are thousands and thousands of teachers in every state and what that really means at the practical level is that teachers absolutely can organize and turn out the vote ... but whether they can dominate the national conversation is still a big question mark."

On Monday, on the Facebook page that started it all, Morejon wrote: "When talking to West Virginia teachers, they told me the most important day of the walkout was the 2nd Monday." Monday was the "second Monday" and many observers estimated the crowd at the Capitol was the largest yet.

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Among Oklahoma's biggest problems is that it can't keep its teachers. They get trained at Oklahoma's best universities and then they drive south to Texas, where schools promise thousands of additional dollars to attract top talent. The average salary for a teacher in Texas is $52,575, compared with $45,245 in Oklahoma, according to federal data. The Sooner State has had to issue emergency certifications to thousands of people in recent years to staff classrooms, raising concerns about qualifications. Even Oklahoma's 2016 Teacher of the Year left the state for Texas after he led a failed ballot initiative to give teachers in the state a $5,000 raise.

That exasperation is felt by aspiring educators who have only just begun their careers. Kristen Holland, Leah Chambers and Hallie Ball—all student teachers and seniors at Oklahoma State University— told me they want to continue teaching in state, even though they know they can make more money in Texas as first-year teachers. "The Texas schools jump out at us, saying that we can make more money, but I want to stay here," Chambers, 22, said.

Outside, four elementary school teachers from Norman, Oklahoma, waited for a friend near a row of portable toilets. "You can go anywhere else and make $15,000 more as a first-year teacher," said Brenda Frieling. "Teachers are done."

"I've had superintendents in Texas thank us because they hired our teachers," said Tulsa Superintendent Deborah Gist, who spoke over the phone on her first day of marching to Oklahoma City from Tulsa, 110 miles away. "It creates an extraordinarily unstable situation."

The education cuts also weigh on teachers, Gist said. About one-fifth of Oklahoma's 513 public school districts operate on a four-day schedule, forced to find a way to cut costs in the wake of state education funding cuts. Since 2008, about 28 percent of state per pupil funding, adjusted for inflation, has been cut, according to the Center on Budget and Policy Priorities, a think tank. Protesting teachers have complained about outdated textbooks held together by duct tape and ramshackle desks. A 7-year-old discovered she had inherited the same textbook once used by country singer Blake Shelton—in 1982.

But charts and statistical arguments don't always win the battle for public support.

The teachers know they are playing a public relations game, which explains why Gist and about 150 of her colleagues are sleeping in school gymnasiums along their trek from Tulsa to Oklahoma City. They measure goodwill in the willingness of people to bring them food and drinks, but that won't be the measure of the durability of their cause. That will be decided in the chambers of the state Legislature.

"We can't walk away from this moment and think we reached success," Gist said.

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Defining success weighs on union officials like Ed Allen. Allen is president of the Oklahoma City American Federation of Teachers, a local teachers union affiliate, and while he is excited at the prospect of translating the energy of the walkout to the polls in November, he is worried about an exit strategy and what the lack of one will do to a grass-roots labor movement that has broad public support—at least for now.

"The further you get away from Oklahoma City, the less passion you have," he told me. "If your kids are out of school for a couple weeks, those folks who were supporting you at some point are going to start saying, 'Yeah, I get it, I'm with you, but take the win and move on down the road.' But when you walk in the crowd out there [at the Capitol], people are pumped and they're not ready to hear, 'Let's go home.' And we're not ready to say it yet. So I don't know."

Some of that frustration is emerging from state lawmakers and parents in more rural parts of the state. Allen said he spoke with a representative in one of those less populous districts. "And he said, 'You know, when I talk to my constituents they say, someone's unhappy with a $6,000 raise? We're not quite getting that.'"

In a video that went viral this week and has since been deleted, state Rep. Kevin McDugle, a freshman Republican, said he wouldn't vote "for another stinking measure when (teachers) are acting the way they are acting." Soon after, an Oklahoma second grade teacher announced that she would run for his seat. (She was not the only teacher who decided to run for office when the registration window opened this week.)

One afternoon, as teachers in Oklahoma City continued to rattle state lawmakers, I decided to see if I could take the temperature outside the capital. I drove to the small town of Guthrie, about a half an hour from Oklahoma City, where a fine red dust coats many of the cars. Schools closed for the week due to the walkouts.

"It's hard to find stuff to do around here," said Jason Smith, a high school junior, while eating lunch at McDonald's with his grandmother, Tamara Smith. He said he supports his teachers and their cause but wants to go back to school because he spends his days sitting around watching YouTube.

His grandmother said, "I support them trying to get better education funding, but I mean, enough is enough, isn't it?"

Across the street at Walmart, a mother who home-schools her children and who said she wasn't comfortable being identified by name said the walkouts can put a strain on an already struggling community. More than 60 percent of Guthrie's students are eligible for free and reduced-price lunch, according to federal data. Churches in the area are handing out lunches to students who aren't in school and working to keep the kids entertained, sometimes driving them to Oklahoma City to see a movie.

Back at the state Capitol, teachers chanted, "2, 4, 6, 8, we want you to legislate!" Inside, state lawmakers debated several bills that could boost education revenue for Oklahoma by tens of millions of dollars, but it's unclear which bills or what amount of money will ultimately end the walkouts.

"It would really probably take close to $1.5 billion to make up for 10, 11 years of education cuts in Oklahoma," said Allen of the Oklahoma City American Federation of Teachers. "Now if someone thinks you're going to do that all in one year, in one bill, it really can't be done."

While Oklahoma state lawmakers have acceded to some of the teachers' demands, they've refused to budge on others.

Governor Fallin signed a bill this week, repealing a proposed lodging tax that would have raised about $50 million for education. It also appears there's no appetite to end a tax break that benefits thousands of wealthy Oklahomans, known as the state's capital gains deduction. The Oklahoma Education Association has pointed to ending that tax break as a major priority, saying it could provide about $120 million a year in new money for public education. Teachers are still hopeful as state lawmakers consider changes to tax credits for wind energy companies, which could funnel more money into public education.

After a blockbuster turnout on the second Monday of the walkout, the crowds of protesters thinned a bit on Wednesday as some teachers felt the pull back to school. In what some saw as a signal of the beginning of the end, the Oklahoma Education Association began stressing the wins that teachers have secured so far, like an estimated $22 million in additional education revenue from "ball and dice" gambling. The walkout isn't over yet. More than two dozen school districts—all but two of the largest ones, serving almost half the state's public school students—announced that they would be closed Thursday, some through Friday.

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Back

Conservatives irate over GOP's spending hypocrisy Back

By Rachael Bade and Sarah Ferris | 04/10/2018 07:28 PM EDT

House Republican leaders, stung by President Donald Trump's rebuke of Congress' recent trillion-dollar spending spree, are moving to give their rank and file cover by passing a balanced budget amendment this week.

But many conservatives, including a good number of House Republicans, say the vote is insincere at best — and blatantly hypocritical at worst.

"There is no one on Capitol Hill, and certainly no one on Main Street, that will take this vote seriously," said Freedom Caucus Chairman Mark Meadows (R-N.C.), on the heels of a $1.3 trillion spending package that Republicans approved just last month.

"Leadership is just trying to check a box here," added Andrew Roth, vice president for government affairs at the Club for Growth. "I don't see how voters can distinguish between Republicans and Democrats when it comes to spending."

One conservative commentator, Barbara Boland, equated the upcoming exercise to "gorging on a sumptuous feast while insisting that you want a svelte physique." And other members of the House Freedom Caucus, all of whom voted against a $1.3 trillion spending package in late March, are calling it little more than a charade.

"The time to get spending under control was four weeks ago," said Rep. Jim Jordan (R-Ohio), again referring to the late-March spending vote. "Coming back four weeks later and saying, 'Oh, now we're going to pound our chest like Tarzan and say we're for a balanced budget amendment,' it's not going to fool anybody."

Jordan and Meadows support the balanced budget amendment as a marker for fiscal austerity — it's the timing of the vote, on the heels of the spending bonanza, that rankles them and other conservatives.

The proposal requires supermajorities in both chambers to pass, as well as ratification by three-quarters of the states, an impossible hurdle. But with Republicans swimming in red ink — the nonpartisan Congressional Budget Office projected regular trillion-dollar annual deficits starting in 2020, despite a growing economy — the party feels pressure to do something.

The CBO's deficit forecast hasn't been that bleak since the Great Recession. And this time, Republicans can't blame Barack Obama and the Democrats.

Rather, it's a result of a combination of GOP-approved bills: tax cuts that CBO now expects to add $1.9 trillion to the deficit over 10 years; a newly passed bipartisan deal to raise strict spending caps by $320 billion for two years; and a recent $100 billion infusion of cash into emergency disaster coffers — almost entirely unpaid for.

The balanced budget amendment has been a staple of the GOP playbook going back at least to Newt Gingrich's 1994 Contract with America. It often resurfaces after major spending battles that leave conservatives feeling jilted. The last vote, for instance, followed the 2011 debt ceiling crisis, when Republicans were anxious about the national debt, which now tops $20 trillion.

Republicans are returning to it two weeks after Trump chided Congress for wasting money in the omnibus spending deal — a scolding that came as the president backed away from a threatened veto and signed it.

"I will never sign another bill like this again," Trump vowed, adding that "there are a lot of things I'm unhappy about" with it.

His remarks, GOP lawmakers and aides say, effectively threw every Republican who backed the bipartisan deal under the bus at a time when the party already faces an uphill battle retaining its majority this fall.

Hill Republicans were shocked because White House staff members were in the room negotiating the budget deal with the top four leaders in both chambers. They had reassured some skittish Republicans that it was OK to take the vote because Trump would have their backs.

When they returned home afterward for the spring recess, some Republicans caught flak from constituents, which in turn sent GOP leaders into damage-control mode.

"This reads as, 'Give us something to hide behind,' rather than a serious process proposal," said Maya MacGuineas, president of the Committee for a Responsible Federal Budget, who said she'd believe the sincerity of the effort when Republicans propose a budget with actual spending cuts.

Not all fiscal hawks are scorning the effort. Republican Study Committee Chairman Mark Walker (R-N.C.), who asked for a vote on a balanced budget amendment in October, applauded the looming vote — even as he acknowledged the uncomfortable timing for the GOP. Walker argued that it's consistent for Republicans to back the amendment after voting for the omnibus, because of the need to fund the military. Walker added, though, that most members pushing hard for deficit-reduction votes right now personally opposed the spending bill, as he did.

"We don't see this as a show vote. We need this. It's something that we've been talking about for years," Walker said Tuesday.

The balanced budget amendment is one of several measures GOP leaders might bring to the floor in the coming weeks to signal their commitment to lower spending. The effort is being led by House Majority Leader Kevin McCarthy (R-Calif.), who is working with the White House to try to force a vote on a "rescissions" package that would cut billions of dollars from the just-approved omnibus legislation.

It's still unclear whether the House will take up the measure, which GOP aides say could cut as much as $20 billion. House appropriators hate the idea, and some more pragmatic-minded Republicans argue it would cripple bipartisan spending negotiations in the future.

Republicans clinched the amount they got for defense only because they gave Democrats some money for their own pet projects. A move to recoup money retroactively would infuriate Democrats — even though GOP leaders fully expect it would fail in the Senate.

GOP leaders similarly expect the balanced budget amendment to fail this week in the House. It requires 290 votes for passage; the last time lawmakers voted on one, in 2011, it failed 261-165, with 25 Democrats backing the bill.

Speaker Paul Ryan was one of only four Republicans to oppose the measure at the time. It is unclear whether he will do so again this year. He said the proposal before the House then could have led to higher taxes to pay for more spending.

A balanced budget amendment would tightly restrict federal spending and require two-thirds of lawmakers to approve any tax changes. Critics argue it would trigger hundreds of billions of dollars in across-the-board cuts.

Ironically, a balanced budget amendment would have potentially prevented the GOP Congress' biggest legislative achievement this year: tax reform. With the amendment, Republicans could not have enacted tax cuts that weren't paid for; these ones were not. The GOP also probably couldn't have gotten the huge budget increase for the Pentagon that was included in the omnibus.

In the Senate, Majority Leader Mitch McConnell (R-Ky.) suggested Tuesday that he might follow suit on a balanced budget amendment vote. He said a vote is "likely ... at some point."

Democrats are blasting Republicans for what House Minority Whip Steny Hoyer called a "political stunt." The Maryland Democrat on Tuesday said Republicans are "worried" about the midterm elections and "they're flailing about."

"It sounds to me very much," he said, "like they're ... saying one thing and doing another, speaking out of both sides of their mouth."

Heather Caygle and Burgess Everett contributed to this report.

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Back

Trump's space push needs cash to soar Back

By Jacqueline Klimas | 04/11/2018 07:33 PM EDT

President Donald Trump has set ambitious goals for a revived American space program, but he'll need to follow through with dollars and hard decisions to make them reality.

Sending astronauts to Mars alone would cost an estimated $1 trillion over the next 25 years, according to the director of the Mars Institute, a research organization partially funded by NASA. But Trump has requested just $19.9 billion for NASA in his proposed budget for next year, and his nominee to head the agency is bogged down in a confirmation fight involving Earth-bound issues like same-sex marriage.

Still, supporters of the space effort credit the Trump administration with helping to add excitement and public-private cooperation to a bold strategy for exploration and economic development — on top of the investments that newer companies like SpaceX and Blue Origin are making in the sector.

Space advocates are giving much of the credit to Vice President Mike Pence, whom Trump tapped last year to run a revived National Space Council after the body had been shelved for nearly 25 years.

"That has rejuvenated the community a great deal — industry, government, academia, researchers," said Eric Fanning, the CEO of the Aerospace Industries Association, who held a series of senior Pentagon posts in the Obama administration.

He added that the trade association had previously called on the White House to establish a point person on space, but "I don't think we imagined it might be the vice president."

Other close observers inside and outside of government are waiting to see if the White House's enthusiasm for space will last — particularly to support Trump's recent pledge to launch a mission to Mars "very soon."

"While there seems to be tremendous amounts of interest in space from [the National Space Council] and from the administration, the question is will it translate into a high-level focus on tough policy issues," said Phil Larson, a former senior adviser in the Obama White House.

Larson said Trump's space budget request for fiscal year 2019 is not even a down payment for the White House's most ambitious plans.

"An estimated cost of landing on Mars is about $700 billion," Larson said, using an administration estimate from 1989 adjusted for inflation. "Mars in under a decade with the current architecture is not just implausible, it's laughable."

In its first six months, the space council has convened a series of discussions in and out of Washington with government contractors, new commercial space ventures and federal oversight agencies. It has also set in motion a series of changes, include crafting a plan for Congress to create a new space post at the Commerce Department by July 1 and requiring the Department of Transportation to update its licensing processes for space launch companies by March 1, 2019.

Next week, Pence plans to address the largest annual gathering of the space industry, where he is expected to make a major policy announcement. He is also likely to provide an update on the council's efforts to reduce burdensome regulations and talk about the administration's mission to return to the moon as a first step toward a journey to Mars.

Trump wasn't always a wholehearted supporter of big federal spending on space. During a 2015 campaign appearance in New Hampshire, he answered a 10-year-old boy's question about the space program by saying, "I

love NASA," but that "right now, we have bigger problems — you understand that? We've got to fix our potholes."

But as president he has repeatedly hailed what he calls a space renaissance. He's heralded the billionaires investing in new spacecraft and satellites — "Rich guys, they love rocket ships, and that's good," he quipped recently — even if he has locked horns with Jeff Bezos, the Amazon founder whose company Blue Origin is building rockets and space vehicles.

The president has also expressed support for establishing a stand-alone "space force" within the military and recently pledged to send a mission to Mars — perhaps by the end of his second term, he has said, although NASA's plans call for sending astronauts there sometime in the 2030s.

The council also faces hurdles in its efforts to lower the regulatory burden for space innovators.

Jim Armor, vice president for Washington operations at Orbital ATK, a major space contractor, said he's "skeptical" that the council will be able to simplify regulations. Armor said he is "just thinking it'll be harder than they think it is."

The White House is also pushing its ambitious space agenda without a key player at the table: a permanent leader for NASA, the leading government space agency.

The Senate has not yet voted on the confirmation of Rep. Jim Bridenstine (R-Okla.), whom Trump nominated to the agency's top post in September. Advocacy groups and some lawmakers have objected to Bridenstine's past statements criticizing same-sex marriage and protections for transgender people, and have raised concerns about whether he has the right experience for the job.

Acting Administrator Robert Lightfoot, who has served in the job for more than a year, is retiring at the end of the month.

Larson said the lack of permanent leadership is limiting how much progress the administration and its National Space Council can make.

"The biggest failure of leadership on the administration's part is having that nominee stay in purgatory for so long while moving ahead with these space council policy topics," he said.

Trump has also sent mixed signals for a mission to Mars, including on the timing. He called astronauts on the International Space Station last year to urge them to hustle to get to the Red Planet by the end of his second term "at worst."

Yet experts insist that Trump's Mars talk is just that — there is virtually no way that a crewed mission to the Red Planet could be launched before 2030, even if money were no object.

Missions to Mars can launch only when the distance between the two planets is at its shortest, a window that opens only once every two years, said Adam Routh, a research associate at the Center for New American Security. The last window in Trump's possible second term would be 2022, a year before NASA is even planning a crewed flight-test of the capsule that would eventually bring humans to deep space.

But several industry and government officials insisted that the administration has made real strides helping to unleash a new space economy and raising public awareness about the potential of space, which can go a long way toward building long-term support.

Eric Stallmer, the head of the Commercial Spaceflight Federation, an industry association for commercial space companies, said he's seen an increased "level of awareness" about space over the last six months, not only from agencies across the government, but also from new companies, lawmakers and the media.

"They're kind of acknowledging what we have known for the past four to five years," he said, "that space is real."

Routh agreed: "We haven't seen any immediate changes in the way the country is executing, but we are seeing changes to the ways the country is thinking about space, and that's significant. We need everybody to talk about space like we have everybody talking about Russian disinformation or North Korea."

Bryan Bender contributed to this report.

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Back

House unveils farm bill with big changes to SNAP, conservation Back

By Catherine Boudreau, Helena Bottemiller Evich and Liz Crampton | 04/12/2018 01:33 PM EDT

House Agriculture Chairman Mike Conaway officially kicked off the next farm bill cycle on Thursday by unveiling a proposal that would make millions of food-stamp recipients subject to stricter work requirements, shake up the nation's conservation programs and mostly maintain the status quo on farm policy.

The sweeping legislation is estimated to cost about $860 billion over a decade — about $100 billion less than the initial price tag of the last iteration that ultimately passed in 2014.

Conaway's bill proposes to more than triple the amount of money spent on education and work training for participants in the Supplemental Nutrition Assistance Program while also tightening eligibility criteria for hundreds of thousands of people — changes that Democrats have warned could threaten the entire bill.

Under the proposal, between 5 million and 7 million SNAP recipients would be subject to stricter work requirements than the program has now, according to a briefing from the committee. Adults between the ages of 18 and 59 who are not disabled, pregnant or caring for a child under the age of 6 would be required to either work or enroll in a training program for at least 20 hours a week.

The Republican bill is not expected to get support from Democrats, who have characterized changes to SNAP as "extreme, partisan policies." The majority, however, is touting the bill as a balanced approach.

"This is a bipartisan bill — reflecting both Republican and Democrat priorities," the committee said in briefing documents.

The proposal would create a much larger pool of money for SNAP Employment & Training, ramping up funding from $90 million to $1 billion in just three years. It would also mandate that states provide a slot for all SNAP recipients subject to the work requirement. It's not clear how the proposal will define "slot."

States would have two years to build the capacity to handle millions of new people in their training programs. SNAP E&T currently serves some 700,000 people nationwide. A SNAP recipient would have a 30-day grace period to comply with the work requirement.

Advocates who fight hunger and provide workforce training are likely to have a multitude of questions, especially for training or work for recipients in remote areas or those who do not have ready access to transportation.

"No individual loses SNAP benefits unless they decline to work or accept free training to learn a skill," according to committee briefing documents.

Additional changes to SNAP

Conaway's version also aims to rein in how people can essentially automatically qualify for SNAP. If an individual qualifies for another low-income assistance benefits like Temporary Assistance for Needy Families, they can still be deemed eligible for SNAP. But the proposal would restrict states' ability to allow automatic eligibility for people that might use other government services.

The proposal also cracks down on states' ability to use automatic deductions for heating and cooling costs based on their receipt of government energy assistance. Recipients would now have to provide documentation of those bills — a change that could reduce benefits for some households. Republicans have long complained that states use a loophole to increase SNAP benefits to people already receiving money from the Low Income Home Energy Assistance Program. The elderly would be exempt from the documentation requirement.

Right now, states can apply for waivers for the work requirements that are imposed on able-bodied adults without dependents, also known as the ABAWD population. The waivers are based on rates of unemployment in the particular area, among other things. About a third of the U.S. population lives in an area where the ABAWD work requirement is essentially waived.

The House bill would modify the waiver system by prohibiting geographic areas from being combined to estimate a region's jobless rate. Republicans argue that states have been manipulating their data to waive large swaths of the population, including in places with relatively low unemployment rates.

The plan also calls for a lot more SNAP data to be collected and shared, including retail store transaction data about the food items purchased with SNAP and a new national database with more information about recipients, such as assets, wages and how long they've been on the program.

Reshaping land conservation

The legislation would overhaul conservation efforts by combining two USDA-run programs into one.

The "best features" of the Conservation Stewardship Program, the largest conservation effort in the country, would be folded into the incentive-based Environmental Quality Incentives Program, or EQIP, briefing documents said.

EQIP funding would increase from its current $1.7 billion to about $3 billion by 2023. No new contracts would be enrolled in CSP and current contracts would be honored until they expire so the program could be phased out.

Both programs reward farmers financially for adopting sustainable practices on their land. But the $1.5 billion CSP is a longer-term approach that provides continuing payments for advanced conservation systems. EQIP is

an à-la-carte strategy that makes a one-time payment for practices like cover crops or installing irrigation systems.

The committee's view is that CSP has become unsustainable and local natural resource concerns are better addressed by combining it with the EQIP program. The new EQIP will have similar incentive payments that were in the CSP.

Some environmental groups will likely oppose combining the programs because they fear projects with high environmental impacts, like crop rotations and nutrient management, will be left behind. They worry farmers may be more apt to instead pick funding of structures, facilities and equipment, which have fewer environmental benefits.

Farm policy

The farm bill would keep intact two commodity support programs: the Agriculture Risk Coverage and Price Loss Coverage. Both give payments when average revenues or prices for row crops like corn, soybeans, wheat, peanuts and cotton drop below certain levels.

The House Agriculture Committee proposes sweetening the PLC program by allowing target prices to adjust upward by up to 115 percent as the market improves. That could lead to higher payouts to farmers than what they receive under current law. It would also permit growers who were affected by long-term drought to update their yields.

The farm bill also aims to minimize ARC payment disparities from county-to-county. Midwestern farmers who signed up for the program have complained about the differences. Instead of using farmer-reported yield data, the USDA will have to use certified yields to calculate subsidies.

Two major issues were already addressed in fiscal 2018 spending legislation this year. The law boosted support for cotton growers by allowing the crop to be eligible for commodity supports, which are expected to total about $3 billion over the next decade. It also changed the Margin Protection Program for dairy farmers that will cost taxpayers about $1.8 billion over that same time period.

Conaway's farm bill would slightly change MPP by allowing dairy farmers to insure margins — the difference between the prices of milk and feed — up to $9, a dollar higher than current law, on their first 5 million pounds of milk. The program would be rebranded as the Dairy Risk Management program, and is virtually identical to legislation introduced by ranking member Collin Peterson this week.

The House Agriculture Committee also said that crop insurance is working well. The bill essentially maintains the program, which can cost between $4 billion and $8 billion each year.

To view online click here.

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Fed unsure how to judge fiscal stimulus for healthy economy Back

By Victoria Guida | 04/11/2018 02:21 PM EDT

The Federal Reserve's top policymaking body is unsure how much recent tax cuts and increased government spending will spur economic growth, in part because the economy is already healthy, according to minutes from its March meeting.

Fed officials do expect those fiscal policy changes together to boost productivity over the next few years, the minutes of the Federal Open Market Committee state.

"However, participants generally regarded the magnitude and timing of the economic effects of the fiscal policy changes as uncertain, partly because there have been few historical examples of expansionary fiscal policy being implemented when the economy was operating at a high level of resource utilization," the document says.

The increase in productivity growth could also be limited by the fact that there is uncertainty about whether "all elements of the tax cuts" — an apparent reference to tax cuts for individuals — will eventually be made permanent. Another potential drag on growth: worry about the government running high budget deficits, according to the minutes.

At the March meeting, Fed officials were closely watching President Donald Trump's plans to impose global tariffs on steel and aluminum. It wasn't the tariffs themselves that posed a potential risk for the U.S. economy, so much as the potential for retaliation "as well as other issues and uncertainties," the minutes show.

Meanwhile, a few Fed officials said the labor market might have room to add more jobs since wage gains remain only moderate — a possibility floated by Fed Chairman Jerome Powell last week.

The central bank considers interest rates low enough to still be pushing up economic growth. But Fed officials discussed how they might change their public statements once rates move to a more neutral level or even start to slow the economy.

In March, Fed officials projected that the central bank's main borrowing rate would reach its longer-run neutral level of 2.9 percent next year and go beyond that, to 3.4 percent, in 2020.

"Several participants expressed the judgment that it would likely become appropriate at some point for the Committee to set the federal funds rate above its longer-run normal value for a time," according to the minutes.

"Some participants suggested that, at some point, it might become necessary to revise statement language to acknowledge that, in pursuit of the Committee's statutory mandate ... monetary policy eventually would likely gradually move from an accommodative stance to being a neutral or restraining factor for economic activity," the document adds.

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Brown agrees to send National Guard troops to Mexico border Back

By David Siders and Aubree Eliza Weaver | 04/11/2018 04:53 PM EDT

LOS ANGELES — In an apparent de-escalation of the raging conflict between California and President Donald Trump over immigration, Gov. Jerry Brown on Wednesday agreed to increase California National Guard

operations along the state's border with Mexico, while insisting personnel will not be used to support any immigration enforcement or to build a border wall.

The announcement comes less than a week after Trump called for National Guard deployments along the U.S.-Mexico border until a border wall is built. The Republican governors of Texas and Arizona already committed to participate.

But Brown, whose state has clashed repeatedly with Trump over immigration and other issues, was far more cautious in his response.

In a letter to Homeland Security Secretary Kirstjen Nielsen and Defense Secretary Jim Mattis, the four-term Democrat said California "will accept federal funding to add approximately 400 Guard members statewide to supplement the staffing of its ongoing program to combat transnational crime" but that personnel would be deployed throughout the state and will not be used to enforce immigration laws.

"But let's be crystal clear on the scope of this mission," Brown wrote. "This will not be a mission to build a new wall. It will not be a mission to round up women and children or detain people escaping violence and seeking a better life. And the California National Guard will not be enforcing federal immigration laws."

Brown noted that California has previously supported "similar targeted assistance in 2006 under President Bush and in 2010 under President Obama." He called the work "important" and said that of about 250 California Guard members currently staffing a program to combat transnational crime, 55 are at the California-Mexico border.

"Your funding for new staffing will allow the Guard to do what it does best: support operations targeting transnational criminal gangs, human traffickers and illegal firearm and drug smugglers along the border, the coast and throughout the state," Brown wrote. "Combating these criminal threats are priorities for all Americans — Republicans and Democrats."

However, Brown sought to set limits on what Guard members would do for the Trump administration, noting that "there is no massive wave of migrants pouring into California."

Brown, a former Jesuit seminarian, wrote, "I agree with the Catholic Bishops who have said that local, state and federal officials should 'work collaboratively and prudently in the implementation of this deployment, ensuring that the presence of the National Guard is measured and not disruptive to community life.'"

Brown infuriated the Trump administration when he signed California's so-called "sanctuary state" legislation last year, limiting local law enforcement officials' ability to cooperate with federal immigration agents. And the governor sparked additional controversy when he included several immigrants facing potential deportation in a recent round of gubernatorial pardons.

But Brown has also proved a moderating force on immigration in one of the nation's most heavily Democratic states, home to an estimated more than 2 million undocumented immigrants. Brown signed the "sanctuary state" laws only after negotiating with legislative Democrats to significantly weaken the policy, allowing local agencies to work with immigration authorities on cases involving immigrants convicted of a wide range of crimes.

"We're also glad to see California Governor Jerry Brown work with the administration and send members of the National Guard to help secure the southern border," said White House press secretary Sarah Huckabee Sanders in Wednesday's White House press briefing.

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New border security money remains weeks away Back

By Kaitlyn Burton | 04/12/2018 01:18 PM EDT

Customs and Border Protection is still weeks away from doling out funding for President Donald Trump's controversial border fencing plans, the head of the agency said today.

CBP chief Kevin McAleenan said that border security money in last month's $1.3 trillion spending bill likely would be awarded starting this summer.

McAleenan made his comments at a House Appropriations Homeland Security Subcommittee hearing on Immigration and Customs Enforcement and CBP.

The omnibus measure, H.R. 1625 (115), contains almost $1.6 billion for projects along the U.S.-Mexico border, including $892 million for new fencing and $445 million to replace existing fencing. Trump had sought $18 billion for his border wall with Mexico.

"The president's obsession with fulfilling his campaign promise for a border wall remains deeply concerning," said Rep. Nita Lowey, (D-N.Y.), top Democrat on the Appropriations Committee.

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Mulvaney prevails in turf battle over tax regs Back

By Aaron Lorenzo | 04/12/2018 10:17 AM EDT

White House budget director Mick Mulvaney won his fight to grab some regulatory power from the Treasury Department, with possibly major ramifications for the new tax law.

Treasury and OMB released a joint "Memorandum of Agreement" on Thursday that gives the budget office significant new authority to review tax regulations before they take effect. For instance, OMB's Office of Information and Regulatory Affairs will be able to review proposed regulations that affect the economy by $100 million or more, raise new legal or policy issues, or run counter to actions planned by another agency.

Among the major provisions of the new law that could get extra scrutiny are a tax break for non-corporate "pass-through" businesses and rules to deter companies from moving operations abroad, a top Treasury official told lawmakers at a hearing Thursday.

The agreement also bars Treasury from publishing in the Federal Register "or otherwise publicly" releasing "any tax regulatory action" covered by the memo, "unless OIRA notifies Treasury that it has waived or concluded its review."

"In the rare event of a policy disagreement that could not be resolved during the review process, OIRA will facilitate a principals meeting to resolve any remaining issues and, if needed, elevate those issues to the President," the memo says.

Over the private objections of Treasury Secretary Steven Mnuchin, Mulvaney pushed to scrap a 34-year agreement that gave Treasury a relatively free hand in writing tax rules and regulations. It's unclear what, if any, role Trump played in resolving the dispute between two of his favorite Cabinet members.

Some business groups and others with a stake in the sweeping new tax law, H.R. 1 (115), that took effect in January worry that giving the OMB an extra layer of review will slow the implementation of the law.

But Treasury general counsel Brent McIntosh said rulemaking will only take extra time for a subset of regulations coming from the new law. Less than 10 percent would likely be subjected to the added analysis.

"We're 100 percent happy with this change," he said.

The issue has divided GOP lawmakers, and some Democrats said the agreement would sow more confusion.

"Instead of simplifying the tax code like the president promised, this administration added more bureaucratic red tape to a fundamentally flawed law," said Sen. Ron Wyden (D-Ore.). "While the Trump Cabinet turf battle has been waging, small business owners have been struggling to untangle this new, even more complex web of rules."

To try to address the timing concerns, the agreement gives OIRA 45 days to complete its work on tax rules, though Treasury can request a 10-day OIRA review for certain rules coming out under the new tax cuts law.

"This updated review framework will increase scrutiny of regulations most likely to impose new costs, while preserving Treasury's ability to ensure taxpayers receive timely, clear rules and guidance on how to comply with our tax code," Mnuchin said in a statement. "Under today's agreement, Treasury will continue to swiftly and successfully implement historic tax reform while still avoiding needless regulatory costs and delays."

McIntosh also cast the new agreement in a positive light.

"The key point here is that this change recognizes that there is a difference to tax regulations, that many of them first of all simply implement a highly prescriptive tax code and are necessary to provide guidance to taxpayers, and taxpayers clamor for that guidance," he told reporters after a Senate regulatory affairs subcommittee hearing.

The memo "recognizes that a lot of that stuff is totally within Treasury's authority to promulgate, but there are a set of things that create compliance costs or other major costs that ought to go through OIRA," he added.

Some rules being developed on pass-through business income and provisions to protect the U.S. tax base could conceivably trigger the additional OIRA review, McIntosh testified.
The latter include the base erosion and anti-abuse tax and taxes on global intangible low-tax income.

Limits on expense deductions and the 100 percent bonus depreciation for businesses in the new law could also qualify, he said, as well as sections that deal with investments and partnerships and unrelated taxable income.

Sen. Rob Portman (R-Ohio), a member of the subcommittee, said he's hopeful OMB and Treasury will find the right balance between issuing rules that don't overly burden taxpayers and doing so in a timely manner.

In particular, he asked McIntosh how much longer it would have taken to issue rules on taxes that corporations must pay on profits held overseas and new withholding tables if the Treasury-OMB agreement had been in force at the time.

"They seemed to be saying that in substantially the same time period they'd have been able to put those out," Portman said following the hearing. "You do want to get to where there's a certainty that [businesses] are going to get some guidance so they don't make mistakes."

Though the agreement takes effect immediately, Treasury has a year to develop resources to conduct regulatory impact analysis. Treasury and OIRA might add about 10 new hires each to support the economic analyses, McIntosh and OIRA Administrator Neomi Rao told the subcommittee.

Terms of the agreement require Treasury to submit a list of upcoming rules quarterly to OIRA, and justify why some of them merit exemptions from extra review.

OIRA will ultimately determine whether any tax rules overlap with other agencies, a process Rao described as usually "fairly uncontroversial."

The change was praised by one of her predecessors, Susan Dudley, now director of George Washington University's Regulatory Studies Center.

"I think the MOA strikes the right balance between ensuring appropriate analysis and coherence in IRS rules, and accommodating the tight time frames under which tax regulations must be issued," she said in an email.

But the arrangement could nonetheless lead to significant changes in a couple of circumstances, said Monte Jackel, senior counsel at Akin Gump.

A broad interpretation of what's labeled "novel legal or policy issues" to trigger OIRA scrutiny under the agreement could produce "a lot more review" before the rules are released, as would an OIRA challenge to Treasury's quarterly notice on planned tax regulations that the department believes don't warrant more review, Jackel said in an email.

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U.S. 'playing catch-up' to Russian nuclear capabilities, Pentagon official says Back

By Gregory Hellman | 04/11/2018 04:22 PM EDT

The U.S. is "playing catch-up" to Russia's nuclear capabilities, a Pentagon official told a Senate panel today.

Robert Soofer, deputy assistant secretary of Defense for nuclear and missile defense policy, dismissed in a Senate Armed Services Strategic Forces Subcommittee hearing Russian claims that it's building its nuclear arsenal in response to U.S. capabilities.

"The Russian claim that they are ... doing this in reaction to what the U.S. is doing, of course that's nonsense," Soofer said in response to Subcommittee Chairwoman Deb Fischer. "We are playing catch-up at this point."

In the near-term, that includes modifying "a modest number" of submarine launched ballistic missile warheads to provide the U.S. with a low-yield nuclear weapon.

The Pentagon's Nuclear Posture Review calls for a "lower-yield" option — with less powerful explosive capacity — for ballistic and cruise missiles launched from submarines.

The proposal, which has drawn scrutiny from some Democrats, is needed "so the Russians understand that at that low level of low-yield capability, we have a response option," Soofer added.

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POLITICOPRO
Day Ahead

06/21/2018 05:04 AM EDT

By CAITLIN OPRYSKO (coprysko@politico.com; @CaitlinOprysko)

DRIVING THE DAY — The House today will take up a pair of immigration bills in a bid to appease both the conservative and moderate wings of the Republican conference, a move that opens the door to a vote on passage of the House farm bill as well. Conservatives favor a bill by Rep. Bob Goodlatte, H.R. 4760 (115), while leadership put together a compromise measure, H.R. 6136 (115) , that is meant to attract support from centrist Republicans. But Rachael Bade, Heather Caygle and John Bresnahan reported Wednesday evening that support for the compromise measure is shaky at best, and that even as the bills were being prepped for the floor, intraparty disputes remained.

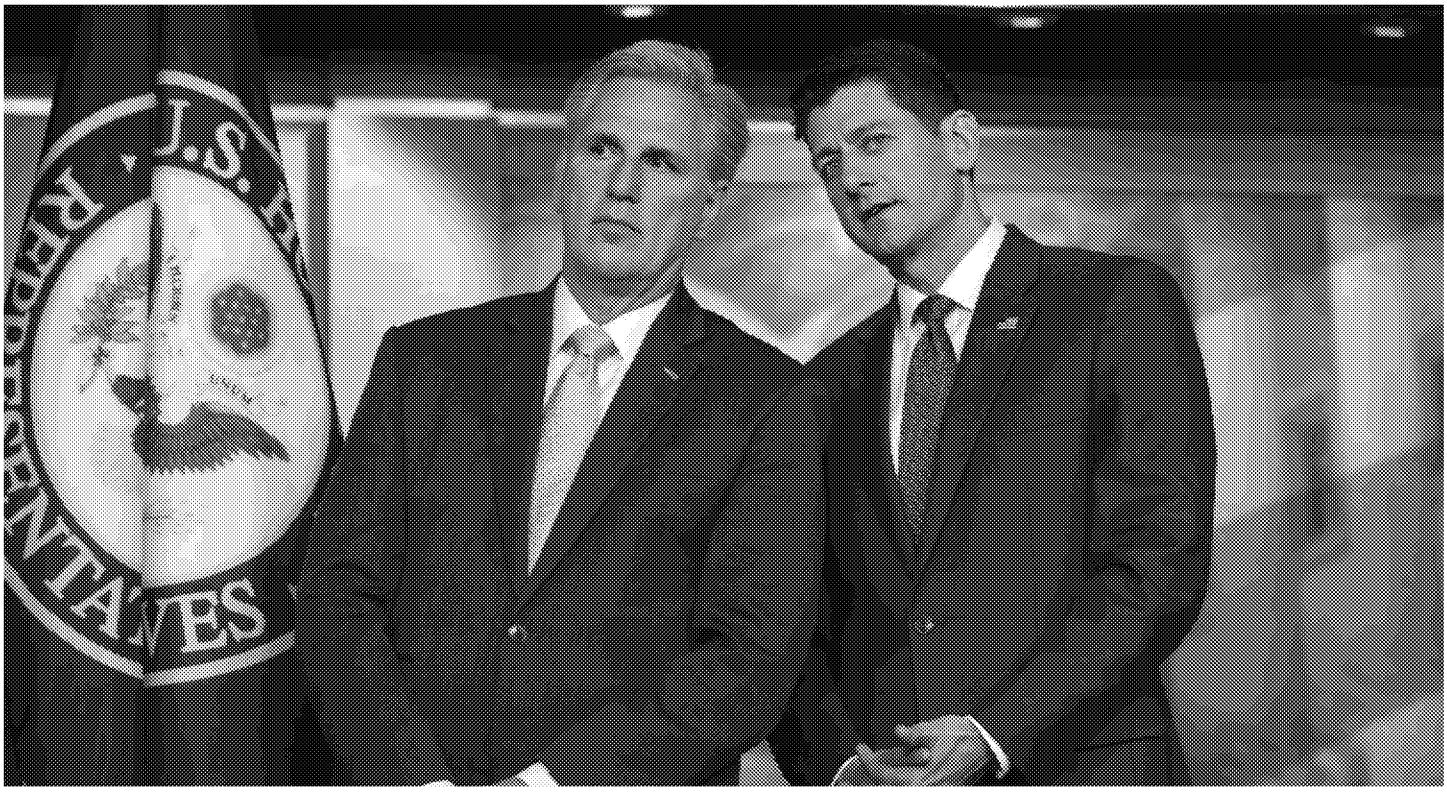
And with immigration votes finally set, House Agriculture Chairman **Mike Conaway** will find out whether his farm bill, H.R. 2 (115), has what it takes to make it across the finish line. He's been toiling to get the support he needs from his party to carry the bill, with no Democratic votes, while leadership has expressed confidence that the bill's failure in May was a solely a product of the immigration split within the GOP. Read more.

Elsewhere around Washington: The school safety commission formed by the Trump administration in the wake of the Parkland shooting will hold a public meeting this afternoon that is expected to be attended by all four members: Education Secretary **Betsy DeVos**, Attorney General **Jeff Sessions**, HHS Secretary **Alex Azar** and DHS Secretary **Kirstjen Nielsen**. The group will examine "cyberbullying and social media," "youth consumption of violent entertainment" and the "effects of press coverage on mass shootings," according to a press release.

And members of the Trump administration and state representatives will gather at the Commerce Department's marquee event aimed at attracting foreign investment to the U.S. But President **Donald Trump**, who has styled himself a master salesman, won't be in attendance to pitch the U.S.

as an ideal place to invest for the second year in a row. Pro's Doug Palmer has more on how the president has left wooing foreign investment to others.

Happy Thursday and welcome to Day Ahead. Send thoughts and tips to coprysko@politico.com (@CaitlinOprysko).



House leaders will try to pass one of two immigration bills today. | AP Photo

HOUSE FLOOR

The House convenes at 10 a.m. for legislative business, and lawmakers are set to consider three bills subject to a rule: H.R. 4760, the conservative immigration overhaul bill; H.R. 6136, which would offer DREAMers an eventual path to citizenship, and H.R. 2, the House farm bill.

First votes are expected between 11:30 a.m. and 12:30 p.m and last votes are expected between 5:15 and 6:15 p.m.

SENATE FLOOR

The Senate convenes at 9:45 a.m. to resume consideration of the minibus spending bill, H.R. 5895 (115).

MARKUP SPOTLIGHT

— 9 a.m. House Budget committee continues markup of the fiscal 2019 budget resolution. 1334 Longworth.

— 9 a.m. House Ways and Means markup of seven bills including H.R. 3500 (115) , which would prevent the head of the IRS from rehiring employees who were removed or terminated for cause; and a draft bill that would authorize a joint report on drug waste. 1100 Longworth.

— 10 a.m. House Energy and Commerce subcommittee markup of three bills and a draft concerning nuclear energy, including H.R. 1320 (115), which seeks to increase transparency at the Nuclear Regulatory Commission. 2123 Rayburn.

— 10 a.m. Senate Judiciary markup of S. 2245 (115), concerning trade and investor visas for New Zealanders; S. 2823 (115), concerning music licensing; and 10 nominees. 226 Dirksen.

— 10:30 a.m. Senate Appropriations markup of the fiscal 2019 Financial Services, Homeland Security and State-Foreign Operations spending bills. 106 Dirksen.

— 2 p.m. House Financial Services markup of three bills including H.R. 6130 (115), which would extend certain exemptions and reduced disclosure requirements for certain "emerging growth companies"; and H.R. 5970 (115), which would require the SEC to implement new rules regarding quarterly financial reporting. 2128 Rayburn.

COMMITTEE HEARINGS

— 9 a.m. House Intelligence closed hearing on defense intelligence programs. HVC-204, U.S. Capitol.

— 10 a.m. House Armed Services hearing on military technology transfer. 2118 Rayburn.

— 10 a.m. House Natural Resources subcommittee hearing on five federal lands bills. 1324 Longworth.

— 10 a.m. House Science subcommittee hearing on regulating background ozone. 2318 Rayburn.

— 10 a.m. House Veterans' Affairs subcommittee hearing about vacancies at the VA. 334 Cannon.

— 10 a.m. House Judiciary subcommittee hearing on federal judges. 2141 Rayburn.

— 10 a.m. House Education and the Workforce subcommittee hearing on the U.S. labor market. 2175 Rayburn.

— 10 a.m. House Financial Services oversight hearing on the SEC. Chairman **Jay Clayton** testifies. 2128 Rayburn.

— 10 a.m. House Transportation subcommittee hearing on a draft bill regarding pipeline oversight. 2167 Rayburn.

— 10:30 a.m. House Small Business subcommittee hearing on small farmers. 2360 Rayburn.

— 2 p.m. House Foreign Affairs subcommittee hearing on Chinese and Russian nuclear arsenals. 2172 Rayburn.

— 2 p.m. House Natural Resources subcommittee hearing on two mineral leasing bills including H.R. 5859 (115), which would direct a portion of mineral and geothermal leasing revenues to be used for education funding. 1324 Longworth.

— 2 p.m. Senate Foreign Relations hearing on nominations, including **Gordon Sondland** to be U.S. representative to the EU and **Ronald Gidwitz** to be U.S. ambassador to Belgium. 419 Dirksen.

— 2:30 p.m. Joint Economic Committee hearing on digital trade. 2318 Rayburn.

— 3:30 p.m. House Armed Services subcommittee hearing on aviation mishaps. 2118 Rayburn.

Check out POLITICO Pro's calendar for a complete listing of committee events.

POTUS HAPPENINGS

11:45 a.m. Trump holds a Cabinet meeting. Cabinet Room.

1 p.m. Trump hosts a working lunch with governors. Roosevelt Room.

3 p.m. Trump meets with Secretary of State **Mike Pompeo**. Oval Office.

3:30 p.m. Trump meets with Defense Secretary **Jim Mattis**. Oval Office.

VPOTUS DIGEST

Not provided.

ON THE HORIZON

GOVERNMENT SHAKEUP PLAN IMMINENT: The Trump administration's sweeping proposal to restructure the federal government is set to arrive this week, and could be announced as early as

today, Lorraine Woellert and Helena Bottemiller Evich report. "The proposal will recommend renaming HHS the Department of Health and Public Welfare and, as POLITICO reported earlier this month, would move the $70 billion food stamp program out of the Department of Agriculture to the new agency," sources say. The wide-ranging plan would also merge the departments of Labor and Education, Caitlin Emma and Michael Stratford report. OMB Director **Mick Mulvaney** has been working on the reorganization plan since his confirmation more than a year ago, but any shifting of federal agencies would require congressional approval — and would surely face backlash from members, where heads of committees tend to resist giving up jurisdiction.

VA COMMITTEE LINES UP WILKIE HEARING: The Senate Veterans' Affairs Committee has set a date to question Trump's nominee to lead the Department of Veterans Affairs. Chairman **Johnny Isakson** announced Wednesday that **Robert Wilkie** 's confirmation hearing will be held June 27. Trump nominated Wilkie on May 18 but the Senate didn't receive his nomination paperwork until Wednesday afternoon. His nomination is not expected to face any significant opposition.

IF AT FIRST YOU DON'T SUCCEED: GOP Sens. **Pat Toomey** and **Bob Corker** are not giving up on trying to rein in Trump's tariff authority, the pair said Wednesday. They tried to append language to the Senate's defense policy bill last week that would have strengthened congressional oversight of the president's ability to impose tariffs but were rebuffed by leadership. "Corker was told the legislation was a revenue-related measure that needed to originate in the House," Pro's Adam Behsudi reports . Toomey said he is searching for a must-pass legislative vehicle. "We're exploring what kind of vehicles would be consistent with Senate rules," Toomey told reporters after a Senate Finance hearing Wednesday, during which Republicans and Democrats alike pressed Commerce Secretary **Wilbur Ross** on the administration's recent tariff actions. "We probably need a legislative vehicle that is amenable to that and that might have to be a vehicle that has a tax title that comes over from the House," he added.

FOR THE ROAD

WHERE IN THE WORLD IS TRUMP'S CABINET:

— Pompeo meets in the morning with Portuguese Foreign Minister **Augusto Santos Silva**, meets in the afternoon with Filipino Foreign Affairs Secretary **Alan Peter Cayetano** and later hosts the ceremonial swearing-in ceremony for **Kirsten Madison** as Assistant Secretary of State for International Narcotics and Law Enforcement Affairs.

— 8 a.m. Commerce Secretary **Wilbur Ross** delivers opening remarks at SelectUSA and later participates in a discussion on investment at the summit.

— 9 a.m. Treasury Secretary **Steven Mnuchin** delivers remarks on tax and regulatory reform at the SelectUSA Investment Summit.

— 9:45 a.m. Homeland Security **Kirstjen Nielsen** participates in a discussion on international aspects of securing the U.S. at a House Homeland Security Committee national security forum.

ON THE CALENDAR:

— 7:55 a.m. The Commerce Department kicks off day two of its 2018 investment summit with remarks from Colorado Gov. **John Hickenlooper**, Nebraska Gov. **Pete Ricketts**, Wisconsin Gov. **Scott Walker**, Utah Gov. **Gary Herbert**, Idaho Gov. **Butch Otter**, Indiana Gov. **Eric Holcomb** and more.

— 8 a.m. The National Defense Industrial Association, the Mitchell Institute for Aerospace Studies, the Air Force Association and the Reserve Officers Association hold a forum on nuclear deterrence, missile defense and space policy with Alabama Rep. **Mike Rogers**.

— 9 a.m. Sen. **Cory Booker** (D-N.J.), Rep. **Alcee Hastings** (D-Fla.), Rep. **Lee Zeldin** (R-N.Y.), Rep. **Nita Lowey** (D-N.Y.), Rep. **Eliot Engel** (D-N.Y.), Rep. **John Lewis** (D-Ga.), and Rep. **Cedric Richmond** (D-La.) host the annual Black and Jewish Members of Congress Breakfast.

— 9:30 a.m. The House Homeland Security Committee holds a national security forum featuring remarks from Chairman **Mike McCaul** (R-Texas), Rep. **Dutch Ruppersberger** (D-Md.), Sen. **Marco Rubio** (R-Fla.), Sen. **Chris Coons** (D-Del.), Nielsen and more.

— 1 p.m. The Commission on Security and Cooperation in Europe holds a briefing on illicit trade.

— 2 p.m. The Federal Commission on School Safety meets to examine possible links between school violence, social media, cyberbullying and "violent entertainment."

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Subject: Budget & Appropriations: From done deal to 'big decision' on a border wall brawl — Budget experts decry fiscal 2018 as year of reckless spending — Stumping on 'Medicaid for all'

By Jennifer Scholtes and Sarah Ferris | 10/01/2018 04:20 PM EDT

SHHH. DON'T SAY 'SHUTDOWN': First President Donald Trump was deciding between a pre-election shutdown or a post-election shutdown. But now that he's shot his first chance, he says he's deciding whether to do it at all.

"I've got a big decision to make after the election as to whether or not we go for it," Trump said during a news conference at the White House this afternoon.

Time to tone it down: As we explain today, a "big decision" is a far cry from the kind of threats POTUS has been making for the past few months, saying he'd fire up the border wall fight "right after the election" and that shutting down the government is a "great political issue."

Reading between the lines: A politician hellbent on getting more money would be apt to talk up the insufficiency of the current cash on hand. But Trump has been quick to tout what money Congress has allocated for the wall. "We're doing a lot of work people don't realize," he said today. "I don't really want to talk about it because I could build it quickly at one time, which is what I want. But we've been building it over the last year and a half."

Details, details: While the president said today that Congress has just provided $1.6 billion for the border wall within the spending package he signed Friday, that legislation, H.R. 5895 (115), only continues the fiscal 2018 rate of $1.6 billion until funding for the Department of Homeland Security runs out again on Dec. 7.

GOOD MONDAY AFTERNOON! And happy fiscal new year. Reach out: jscholtes@politico.com (@jascholtes) and sferris@politico.com (@sarahnferris).

Doc of the day — The Congressional Research Service released a report last week detailing the Trump administration's proposal to move the Corps of Engineers from the Defense Department to the Department of Transportation. Appropriators have rejected that idea.

#DailyBudgetFact — Between 2010 and 2018, U.S. spending on cybersecurity has accelerated from roughly $27.4 billion to $66 billion, according to Statista.

Tweet du jour — Two-time Democratic White House veteran Ronald Klain tweeted today: "So, we changed the name from NAFTA to USMCA. Well done. Did we get the money for the wall? Because, you know, Trump said 1000 times that Mexico was going to pay for it....."

BUDGET

WORST YEAR EVER?: Liberal-leaning budget watcher Stan Collender is out with a dour superlative for the 2018 fiscal year that's just been put to bed. "The worst year in U.S. history for anything and everything related to the federal budget," Collender calls it. After 40 years in the budget world, Collender points out that Trump and the GOP-controlled Congress have contributed to a trillion-dollar deficit this year, while attempting to

lower taxes and drive up spending even more. At the same time, Republican leaders decided to skip the budget process this year, which Collender argues was an attempt to give cover to vulnerable GOP incumbents in a key midterm year.

A grim warning: The Committee for a Responsible Federal Budget is also feeling gloomy about the last 12 months, during which Congress and the White House added a total of $2.4 trillion to the debt through 2027. And it could get worse, the nonpartisan group warns. "The laws enacted over the past year are mostly temporary as written — though their design suggests an interest in permanency," the group writes in a new blog post. "Lawmakers must not allow this to happen."

HEALTH CARE

AN UNEXPECTED WINNING ISSUE: Rep. Beto O'Rourke's (D-Texas) bid for the Senate is no longer a total moonshot, and his heavy focus on health care may actually be helping, instead of hurting. Instead of talking up Obamacare by name, O'Rourke has stressed the law's most popular aspects, like Medicaid expansion and protecting pre-existing conditions, as Alice Miranda Ollstein reports.

CONGRESS

'BLOOD IN THE WATER': House GOP leaders made official Friday that they won't be expecting lawmakers back in D.C. until mid-November — freeing up dozens of vulnerable GOP incumbents for a six-week scramble to save their seats. Majority Leader Kevin McCarthy's office justified the early release by pointing to an unusually productive stretch last week, in which the House approved more tax cuts, a bipartisan anti-opioid bill and a vast government funding bill. But Democrats say it showcases the mounting anxiety within the GOP, Nolan D. McCaskill and Sarah report. "They smell blood in the water," Rep. Ruben Gallego (D-Ariz.) said.

EDUCATION

LAX OVERSIGHT: The Education Department's internal watchdog released an audit today calling the department's oversight of Indian education grants "insufficient" and accusing department leaders of intentionally making it hard for the IG to get information about the issue, Kimberly Hefling reports. The Indian Education Formula Grant program in question provides funds for schools to address the academic needs of Native American students and was funded at $99.7 million in fiscal 2018.

THE NEW COMMON CORE: A fight over school funding is breaking out in at least nine governor races, almost literally from coast to coast. Those include races in Arkansas, Colorado, Georgia, Kansas, Maryland, Maine, New Mexico, Oklahoma and Pennsylvania, as Caitlin Emma and Kimberly Hefling report today. Both parties are feeling the pressure from national education groups, as well as a groundswell from teachers demanding pay raises while nobody wants to be seen as "stingy."

EARMARKS

— DOE set to back $28 million in cyber projects. POLITICO Pro.

— DeVos awards $2.4M for center aimed at improving charter school facilities. POLITICO Pro.

— Opinion: America is going to pay a lot of interest soon. But don't fear a debt crisis. The Week.

— Opinion: Congress must reform its budget process, but not like this. Washington Examiner.

— Republican voters bet on stocks after Trump's win. Democrats didn't. Bloomberg.

WE'RE COUNTING: Government funding runs out in 67 days (Dec. 7) for the departments of State, Homeland Security, Commerce, Agriculture, Transportation, Interior, Justice and Housing and Urban Development, as well as science programs, foreign operations and agencies like the IRS and EPA. Funding runs out in 364 days (Sept. 30) for the departments of Education, Energy, Labor, Defense, Veterans Affairs and Health and Human Services, plus water projects, the Legislative Branch and military construction. The National Flood Insurance Program expires in 60 days (Nov. 30).

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Stories from POLITICO Pro

Trump waffles on forcing December fight over border wall funding Back

By Jennifer Scholtes and Sarah Ferris | 10/01/2018 01:39 PM EDT

President Donald Trump said three times this afternoon that he must now decide whether to push for more funding for the border wall in December — toning down a threat he previously espoused with certainty.

"I've got a big decision to make after the election as to whether or not we go for it," Trump said during a news conference at the White House.

The president has for months been throwing around the idea of forcing a government shutdown to get Congress to allocate more cash to one of his main campaign promises and said less than a month ago that "we'll do it right after the election."

But Trump didn't use the word "shutdown" in that context today and indicated that he hasn't made up his mind about forcing the issue when funding for the Department of Homeland Security and several other federal agencies runs out on Dec. 7. Fiscal 2019 began today.

"So we are going to have a decision to make sometime right after, very close to after the election is over. And that is on border security and the wall — but border security. The wall is a big factor," the president said.

Trump noted that additional funding for the border wall was just signed into law last week, adding to the $1.6 billion already allocated.

"We're doing a lot of work people don't realize," he said. "I don't really want to talk about it because I could build it quickly at one time, which is what I want. But we've been building it over the last year and a half."

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Back

Trump: I 'most likely' won't shut down government over border wall Back

By Caitlin Oprysko | 09/07/2018 07:22 AM EDT

President Donald Trump said Thursday that he "most likely" will not shut down the government before the midterm elections over funding for his promised border wall, backing down somewhat from comments he made earlier this week hinting that he might take such a step.

Trump told Fox News' Pete Hegseth that he likely would not insist on funding for a border wall ahead of November's elections because he doesn't want to harm Republicans' electoral prospects.

"If it was up to me, I'd shut down government over border security," Trump told Hegseth in an interview conducted live in front of a campaign rally audience in Billings, Montana. "And I guess when you get right down to it, it is up to me," he continued, "but I don't want to do anything to hurt us or potentially hurt us."

Government funding runs dry on Sept. 30, and Congress has yet to send a funding bill to the president's desk.

The prospect of additional funding for Trump's border wall has created a rift on Capitol Hill between GOP leadership, who fear that a shutdown weeks before the midterms would damage Republican candidates, and conservatives who have leveraged the threat of shutdowns in the past to win policy concessions.

Trump said he had received commitments from House Speaker Paul Ryan and Senate Majority Leader Mitch McConnell to increase funding for the wall in addition to what appropriators have already agreed to provide.

"We'll do it right after the election where hopefully, frankly, it will be easy because we have more Republicans, not less," he said.

Trump's comments are the latest in a wavering series of remarks made over the past few days about whether he'd be willing to let government funding lapse over the border wall. On Wednesday, he said after a meeting with congressional leaders that "if it happens, it happens" regarding a shutdown, adding that "if it's about border security, I'm willing to do anything."

But he told the conservative outlet the Daily Caller just a day before that he doesn't "like the idea of shutdowns" and "I don't see even myself or anybody else closing down the country right now."

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Back

Will Beto's bet on Medicaid expansion pay off? Back

By Alice Miranda Ollstein | 09/29/2018 09:00 AM EDT

Beto O'Rourke has staked his long-shot campaign to beat Sen. Ted Cruz on the idea that Obamacare should be even bigger in Texas — a state that has done more than any other to try to destroy the landmark health care law.

It just might be working.

O'Rourke is closing in on Cruz in multiple polls, a shocking development in a state that hasn't sent a Democrat to the Senate since 1993.

Still, O'Rourke's heavy focus on Obamacare — he talks about expanding Medicaid at every campaign event — has raised eyebrows in this deep red state. After all, Democrats' past attempts to campaign on the health law's

Medicaid expansion fell flat, largely because the Texans with the most at stake didn't show up to vote. Four years ago, Wendy Davis called repeatedly for Medicaid expansion and lost the governor's race by more than 20 points.

Cruz, for his part, is campaigning mostly on red-meat, culture war issues like guns and kneeling NFL players, but he's also sticking with the promise to repeal Obamacare that swept him into office in 2012. As for Medicaid expansion, he tells POLITICO it "would hurt millions of Texans."

Texas political experts are divided about whether O'Rourke and his health care-focused campaign can overcome the state's abysmal voter turnout and low public awareness about health care and how it works.

"The populations who would benefit most from Medicaid expansion, and are the most supportive of it, are people in poverty and people of color," said Gabriel Sanchez, a principal at the polling firm Latino Decisions and the Robert Wood Johnson Foundation Center for Health Policy. "But those are the groups that tend to have the lowest turnout, particularly in an off-year, non-presidential election. And there are not really any signs of it changing this year."

Democrats point to signs 2018 might be different — just how different remains to be seen. Popular interest in Medicaid expansion has been resonating during this campaign cycle not just in Texas, but in other red states such as Idaho, Nebraska and Utah, giving candidates like O'Rourke hope they might ride a health care-fueled blue wave to victory.

Recent polls also show a strong majority of Texans side with O'Rourke when it comes to Medicaid. A September survey by the Texas Medical Center found that 60 percent of Texans support expanding Medicaid, including 57 percent of independents and 40 percent of Republicans. A similar survey in June by Houston-based Episcopal Health Foundation and the Kaiser Family Foundation found 64 percent in favor.

Republicans suggest such poll results are less than meet the eye: James Dickey, chairman of the Texas Republican Party, told POLITICO that Medicaid expansion polls well only because people generally want their neighbors to have health coverage and aren't asked to evaluate all possible options.

Rather than the "Democrat approach of increasing the number of bureaucrats between patients and doctors," he said, "a market-based health system would benefit folks the most. Competition drives down cost and drives up quality. This is the solution Republican leaders seek to deliver for Texans and exactly why Republicans will be re-elected in November."

That message may be less convincing this campaign season, though, since Republicans have failed to deliver that reform even after they seized control of every lever of government power in both Austin and Washington D.C. Polls indicate most voters fault Republicans for the nation's current health care woes and trust Democrats more on setting health policy.

The threats to the ACA's protections may also feel more immediate to Texans than most Americans. A lawsuit filed this year by Texas' Attorney General aims to strike down the most popular piece of Obamacare — protections for people with preexisting conditions. And Cruz, who is perhaps best-known for triggering a government shutdown over Obamacare funding in 2013, is still vowing to work for its repeal.

The Texas Democratic Party's Tariq Thowfeek told POLITICO that O'Rourke is running a different kind of campaign than his predecessors, venturing out of the state's major urban centers into the small towns and rural counties the party has written off in past cycles and addressing people's problems in plain language.

"He's visiting places that don't normally vote Democratic, and instead of talking about 'Obamacare' or the Affordable Care Act, there has been an effort to talk about it in a more human way," Thowfeek said. "He's

saying things like, 'We all should agree that you shouldn't have to break the bank going to the doctor,' or 'You shouldn't have to drive 100 miles to get to a hospital,' or 'If you have a kid with asthma, her coverage is on the line right now, because it's a preexisting condition.'"

Other factors could also work in O'Rourke's favor.

Support for expanding Medicaid is particularly high among Latino voters — a demographic that has not traditionally voted in large numbers and that O'Rourke needs to turn out for him to win. A national poll of Latino voters provided exclusively to POLITICO by Unidos and Hart Research found that 70 percent believe the government should play a "major role" in making sure "every American has health insurance," and 82 percent view Medicaid favorably.

"When we talk about ensuring every woman, child and man can see a doctor, afford their prescriptions, and get the health care they need to live to their full potential, it starts with expanding Medicaid in the least insured state," O'Rourke's communications director Chris Evans told POLITICO. "Beto has talked about health care everywhere we go because it's the number one issue Texans are asking about at the hundreds of town halls we've held across the state."

Evans also noted that the campaign has made the issue a centerpiece of its ads, including radio ads airing statewide in English and Spanish.

Whether the Texans who hear and respond to those ads actually cast ballots is the big question, said Anne Dunkelberg, program director of the Health and Wellness Team at the Austin-based progressive Center for Public Policy Priorities.

"It's been the case for quite some time that most Texans support expanded Medicaid coverage," she said. "But one of the big challenges we have is elected officials ignoring the polling because they know many won't show up to vote."

Another factor preserving the status quo is widespread confusion and misinformation about how Texans fare relative to other states' residents when it comes to health care, said Dunkelberg, who formerly worked in the State Medicaid Director's Office. This summer, a Kaiser Family Foundation survey found that less than a third of Texans are aware their state has the worst uninsurance rate in the country.

"Those who are uninsured themselves are no more likely than their insured counterparts to be aware of this fact," the survey concluded, noting that nearly 20 percent mistakenly believed the state is doing *better* than most on this front.

"That was kind of shocking," Dunkelberg said.

For Sanchez at Latino Decisions, that lack of awareness feeds uninformed voting, if not apathy.

"For most folks, health policy is so complicated,'" he said. "Trump has been talking non-stop about killing it, so many people think Obamacare is no longer in place. There are a lot of moderate Republicans in Texas, many of them Latinos, who would benefit from expansion. But because they don't understand it, they just vote by party."

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Back

Early release: House ditches D.C. until after midterms Back

By Nolan D. McCaskill and Sarah Ferris | 09/28/2018 03:03 PM EDT

House Republicans couldn't wait to get out of Washington on Friday, and Democrats couldn't stop smiling about it.

"We take nothing for granted, but we feel very optimistic about the opportunity that is there," said House Minority Leader Nancy Pelosi (D-Calif.), who grinned at reporters as she told them about an upcoming campaign trip to Texas.

"This is it," she declared. "39 days."

With the Senate in turmoil over embattled Supreme Court nominee Brett Kavanaugh, the House adjourned Friday until after the midterm elections. GOP members will return to their districts with more than five weeks to tout a strong economy on the campaign trail. But they leave Washington knowing their eight-year-old majority is in deep trouble.

President Donald Trump overwhelms everyone else in politics these days, and his poor poll numbers have seemingly dragged down Republicans running for reelection. A raft of Republican retirements, too, has put several swing seats in play. Taken together, the nationwide political climate has put more than 40 House Republicans in toss-up races, with dozens of Democratic challengers outraising GOP incumbents.

Democrats are so confident that talk has already turned to how big their blue wave will be, not if it will happen. With little recourse, GOP leaders have opted to send their members home and hope for the best. Some Democrats concede the strategy is smart, but argue it's won't be enough to rescue the Republicans' imperiled majority.

"I don't think it's gonna matter," Rep. Eliot Engel (D-N.Y.) said. "I'm confident that we're gonna win the majority whether we're here or back home."

House Majority Leader Kevin McCarthy (R-Calif.) announced on the floor Friday that the members would be off the next two weeks, adding to the month-long break through Election Day that had already been scheduled.

McCarthy's office defended the extra time off, noting how much legislation has advanced out of committee and passed the chamber. "The House this session has been a legislative powerhouse," Erin Perrine, a McCarthy spokeswoman, said.

Just this month, Republicans have worked furiously on a string of campaign-ready legislative victories. In an unusually productive 72-hour stretch, the House approved a huge package of tax cuts, a bipartisan anti-opioid bill and a funding bill that delivers the Pentagon its largest budget in years.

At the same time, the economy is soaring, and jobless claims are at their lowest since 1969. Still, Democrats cast the early release as a clear indication that Republicans are worried.

"They smell blood in the water, they know the wind's against them and that's why Speaker Ryan's canceling the rest of the session, so they can get out there and try to save their behinds," Rep. Ruben Gallego (D-Ariz.) said. "And the fact that they're gonna expose themselves to the public is only gonna make it worse. They're better off hiding."

Most Republicans readily acknowledge the political headwinds they face. "There's certainly more concern about keeping the majority this time than there has been in the last eight years," House Freedom Caucus Chairman Mark Meadows (R-N.C.) said.

Adding to Republicans' woes is the Supreme Court battle that's gripping the nation. Kavanaugh and Christine Blasey Ford, the woman who has accused him of a decades-old sexual assault, testified before the Senate Judiciary Committee for more than nine hours Thursday, refuting and leveling, respectively, allegations that have sharpened the nation's already gaping partisan divide. Republican strategists fear the final verdict on Kavanaugh, who could be confirmed as early as next week, could also drive a groundswell of supercharged Democratic voters to the polls in November.

Rep. Tom MacArthur, a vulnerable Republican whose New Jersey district only narrowly voted for Trump in 2016, said the high-stakes court hearing marked "an unfortunate day for America." But he said he's decided not to worry about the spillover effects because it's entirely out of his control.

"There are loads of things that are beyond my ability to influence, like yesterday, like how people feel about the president," said MacArthur, who co-authored one of the widely backed opioid bills that passed the House on Friday.

Democrats also believe the Supreme Court fight will impact the midterms, pushing the notion that Kavanaugh's ascent to the high court could be a bigger drag on Republican incumbents than an unpopular president.

"Just witnessing what I witnessed this morning in the U.S. Senate is gonna be a big enough drag on them," said Rep. Marcia Fudge (D-Ohio), referencing the Senate Judiciary Committee's push to advance Kavanaugh with a committee vote.

"We have become people who have become so callous and rude and unconcerned about the future of this country that we would take the risk of putting someone on there who has been accused of the things he's been accused of, but more importantly sitting in front of them belligerent, rude," she said of the conservative jurist's defiant, angry testimony that directed particular ire toward Senate Democrats. "He clearly shows he does not have the judicial temperament to be on the bench. So if they would be so cavalier with a Supreme Court nominee, that means that I don't know how much deeper and darker and lower we can go."

The House GOP's fear of losing its majority has been building for weeks. That anxiety has spurred Republican leaders, including Trump, to announce campaign stops next month in even the reddest of states. Meadows said he is personally campaigning in Tennessee and Texas, two states where Trump and his deputies have also planned appearances leading up to the election.

Experienced GOP campaigners said that in any other year, Republican incumbents would have a stark advantage. Lawmakers have passed historic tax cuts, rolled back key pieces of regulation — including the controversial Dodd-Frank financial regulations — and took their biggest whack yet at Obamacare by scrapping its individual mandate.

But Rep. Tom Cole (R-Okla.), a former chairman of the National Republican Congressional Committee, said the "supercharged atmosphere" has threatened to swallow up those victories.

"It's very tough for an individual candidate operating in that kind of echo chamber to drive his or her own message, but we have the materials to do it," Cole said, referring to record fundraising sums collected by Speaker Paul Ryan's campaign fund and shared with other GOP candidates. "I think in most of our key races, the resources are there to do it."

Money may help their cause. But Democrats say the unnecessary time off certainly won't. Rep. Ro Khanna (D-Calif.) cited a "disconnect" between Congress and constituents that will ultimately hurt Republicans.

"I don't know any job where you get five weeks off. Most Americans have to work, and I think we ought to be working until much closer to Election Day," he said. "The American people expect us to work and they expect us to have the same vacation as most Americans do, not these month-long breaks."

As lawmakers filed out of the chamber for the last time until Nov. 13, one member told another: "Have a good one. I think you'll be fine."

John Bresnahan contributed to this report.

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Back

Obama-era oversight of Indian education grant program slammed in IG report Back

By Kimberly Hefling | 10/01/2018 10:48 AM EDT

The Education Department's Inspector General issued a highly critical audit Monday of the department's oversight of an Indian education grant program, calling it "insufficient" and accusing department leadership of putting up roadblocks that made it difficult for the IG to obtain information.

The Indian Education Formula Grant program provides funds to school districts and federal Bureau of Indian Education schools to address the academic needs of Native American students. The program — funded at $99.7 million in fiscal 2018 — is overseen by the Office of Indian Education within the department's Office of Elementary and Secondary Education.

The audit covered fiscal 2014 and 2015, during the Obama administration.

"Without adequate monitoring" the IG has "little assurance" as to whether grant recipients are "making progress toward program goals and objectives and spending funds appropriately," the audit said.

The IG said that while the department does collect some data on grantee performance and use of funds, there is "little evidence that the data are used to provide assistance to grantees in implementing the program successfully."

But the IG emphasized in the audit that it "cannot rely on the information provided during this audit" because of the "impairment" it faced gathering information from the department. The IG said it encountered "significant and recurring delays in obtaining information."

"Despite our noted objections" they found that senior management in the department's Office of Elementary and Secondary Education and general counsel's office "were involved in reviewing communications with us throughout the audit," the IG said.

The audit said some of the individuals in question had left, but it didn't name them specifically, just their titles. That included the former director of the Office of Indian Education, who retired in December 2016.

In response, the audit says that senior management at the department disagreed with that assessment, arguing that they were "only trying to ensure that the information OIG received was accurate and as timely as possible."

Department officials, however said they did not disagree that the Office of Indian Education is "struggling to adequately perform its functions" and said a draft report from the IG has "proven helpful" as it works to make improvements, according to the audit.

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New lesson for candidates for governor: Embrace education Back

By Caitlin Emma and Kimberly Hefling | 10/01/2018 05:00 AM EDT

Frustrated teachers walked off the job and packed state capitals with protests earlier this year, and their push for pay raises and heftier education funding is reverberating in the nation's gubernatorial races.

Red-state fiscal conservatives like Govs. Scott Walker of Wisconsin and Doug Ducey of Arizona — who have long clashed with teachers unions — are among the incumbents vying for the "education governor" mantle, riling Democrats who say they're too late in pledging their support.

School funding has also played prominently in governor's races in Arkansas, Colorado, Georgia, Kansas, Maryland, Maine, New Mexico, Oklahoma and Pennsylvania, replacing yesteryear's fights over Common Core and testing. The push to better fund schools reflects a new reality for those aspiring to state office in 2018: "None of them want to be characterized as being stingy with respect to K-12 education," said Martin West, an education professor at Harvard University.

The spotlight comes as more than half of all states provide less total education funding per student than they did when the Great Recession hit a decade ago, the left-leaning Center on Budget and Policy Priorities has estimated. The issue has played out in other ways as well in the midterms, with hundreds of teachers opting to run for office and voter referendums pertaining to school spending on the ballot in at least 11 states.

But the fights in the gubernatorial races aren't just about teacher pay and traditional school funding. There's a clear divide on display in many match-ups over whether to expand or support school-choice-friendly programs.

Carrie Pugh, national political director for the National Education Association, said both teacher unrest and positions taken in favor of school choice by Education Secretary Betsy DeVos have boosted education as a campaign issue, since many voters feel unease with DeVos' embrace of alternatives beyond traditional public schools.

"Education is a more dominant issue than ever before," Pugh said.

Seizing on that momentum, NEA and the American Federation of Teachers have combined forces on a two-week television ad campaign in the New Mexico governor's race. GOP Rep. Steve Pearce and his Democratic opponent, Rep. Michelle Lujan Grisham, have made education a priority issue amid a legal battle over funding of the state's public schools, which the winner will inherit.

The ads accuse Pearce of slashing education funding by $40 million with a vote he took in the House and supporting DeVos' "plan to take money from public schools" and give it to private schools. Pearce, who backs options like charter schools and e-schools, accused Lujan Grisham during a debate of conspiring to shut down the state's oil and gas industry, which he said would harm the state's budget.

"How can you say you're going to spend more money on education when you're taking money away from education?" Pearce said, according to the Santa Fe New Mexican.

In Wisconsin, Walker is locked in a close race against Democrat Tony Evers, the head of the state's public school system. The Republican governor, who's seeking a third term, has been touting the education investments made in his latest budget proposal. But Evers has argued that Walker can't be trusted on education because of budget cuts at the onset of his administration.

In Arizona, education dominated the first debate this month between Ducey and his Democratic opponent, David Garcia, an Arizona State University education professor. After a major education funding initiative was knocked off the ballot last month by the state Supreme Court, Garcia criticized Ducey for the state's ongoing "education crisis." He said the Republican governor didn't do enough after tens of thousands of Arizona teachers walked out of classrooms earlier this year.

"They were demanding more, and they did not get what they were demanding," Garcia said during the debate.

Ducey, in turn, pointed to the measure he signed to address the teacher unrest, providing teachers with a 20 percent raise by 2020.

Garcia has also campaigned on Ducey's support for a law that would expand eligibility for the state's education savings account program. The program allows parents to use public funds to pay for private school tuition — a popular idea with some families, but one with plenty of critics worried about disinvestment in public schools. The law is so divisive that opponents were able to get enough signatures to have a referendum in the midterm election over whether to repeal it.

Thousands of teachers also walked out of classrooms earlier this year in Oklahoma. Both Democrat Drew Edmondson and Republican Kevin Stitt, who are vying for an open seat, have called for boosting teacher pay.

The candidates part ways on a ballot initiative in November that would allow school leaders to tap into funding typically reserved for school construction and use it in other ways, like for increasing teacher salaries. Stitt supports the measure, but Edmondson has said teachers don't want the change and it could be used by the state legislature as a way to avoid spending on public education.

In Georgia, both Democrat Stacey Abrams and Republican Brian Kemp have pledged to invest in public education and fully fund schools. But they're split over a state tax credit scholarship program that awards private school scholarships to students. The program provides individuals and corporations with a tax credit in exchange for a donation to an organization that awards private school scholarships.

State lawmakers in March agreed to raise the cap on tax credits for donations from $58 million to $100 million in 2019. Abrams has argued that it drains money from public schools and has pledged to eliminate the program and reallocate the money elsewhere in education. Kemp has pledged to protect the program, arguing that it provides students with access to an education that they otherwise couldn't afford.

In Ohio, in one of the nation's most competitive match-ups, Democratic candidate Richard Cordray has seized on the collapse of a massive online charter school to argue that Mike DeWine, the state's attorney general, and other Republicans should have done more to protect students and taxpayers.

Then there's Colorado, where teachers also walked off the job in the spring. Beyond calling for more school funding, U.S. Rep. Jared Polis, the Democratic candidate for governor, has campaigned on a pledge to make preschool and full-day kindergarten free.

In Pennsylvania, too, Scott Wagner, the Republican challenger to Democratic Gov. Tom Wolf, has campaigned heavily on a plan that he says would increase education funding by $1 billion annually without raising taxes by "tightening our belts and cutting corporate welfare." The plan includes a bonus system for teachers and the creation of a teachers cabinet that would advise the governor.

The battles over school funding and teacher pay in many states are a shift from more recent election cycles, in which candidates blasted academic standards like the Common Core or criticized how often students are tested.

Many of those fights were neutralized by the 2015 passage of the Every Student Succeeds Act, the federal law that replaced No Child Left Behind, said Conor Williams, a fellow at the left-leaning Century Foundation.

Support for better teacher pay and more higher education funding also may be growing. According to the recently released annual Education Next survey, produced by a journal published jointly by scholars at Stanford and Harvard universities, about half of respondents favored paying teachers more — up 13 percentage points from 2017. Other polls have found similar results.

The plight of low-paid teachers and the problem of dismal school funding may have caught fire because they're bread-and-butter economic issues that voters can easily relate to, Williams said.

"It's about actual people in education struggling to get by," he said.

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DeVos awards $2.4M for center aimed at improving charter school facilities Back

By Mel Leonor | 10/01/2018 12:24 PM EDT

Education Secretary Betsy DeVos is directing $2.4 million in federal funding toward the creation of a national center that will help charter schools find and develop better facilities.

The Charter School Facilities Center will be run by the National Alliance for Public Charter Schools to help charters "access better and more affordable facilities and facility financing," the organization announced today.

Charter schools across the country have limited access to public funding for expanding or improving their buildings. Privately run charter schools also sometimes struggle to obtain financing, according to the alliance, which has studied the issue.

The grant was awarded under the Education Department's Charter Schools Program.

The Charter School Facilities Center will include a national advisory board that will collect and disseminate best practices and innovative ideas around funding and financing. The center will partner with the Tennessee Charter School Center, a Memphis-based school choice group, and the Local Initiatives Support Corporation, a Community Development Financial Institution.

"At a time when demand for charter schools is increasing, lack of access to affordable, suitable facilities is our biggest challenge," said Nina Rees, president and CEO of the National Alliance for Public Charter Schools.

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Message

From: POLITICO Pro Budget and Appropriations [politicoemail@politicopro.com]
Sent: 9/13/2018 9:56:35 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: Budget & Appropriations: First minibus is out the door — Conservatives issue ultimatum for policy riders — Four-bill package remains in 'holding pattern'

By Sarah Ferris and Jennifer Scholtes | 09/13/2018 05:54 PM EDT

THE REAL TEST: Congress' first bipartisan "minibus" in years has coasted through two chambers and off to President Donald Trump. And the next package — pairing funding for the Pentagon along with some of the biggest domestic agencies — isn't far behind.

As Sarah explains, Capitol Hill leaders struck a momentous deal today to bring that huge package to the floor, H.R. 6157 (115), along with a tide-me-over funding bill to keep the rest of the government open through Dec. 7. "This is a milestone," a beaming Sen. Richard Shelby (R-Ala.) told us after the conference committee meeting on the package that pairs Defense and Labor-HHS-Education. That funding bundle won't be nearly as easy for House Republican leaders to bring to the floor, though.

Victory laps: Democrats were jubilant today as spending leaders put the finishing touches on what could be the first Labor-HHS-Education bill to be signed into law on time in 22 years. They did lose some political battles, including failed attempts to add strict new language related to arming teachers, as Caitlin Emma explains. Another bid to boost transparency on drug prices also fell short, per Alice Miranda Ollstein. Still, when we asked her today, Rep. Rosa DeLauro (D-Conn.) couldn't think of a single thing House Republicans got in the bill that she didn't otherwise want. DeLauro noted that the legislation now includes a boost for Pell Grants and said she was "very pleased" that "anti-busing" language, which has been part of appropriations legislation since at least 1974, was left out, Caitlin reports.

Not-so-veiled threat: That won't sit well with House conservatives, who already complain they were rolled in the first minibus, H.R. 5895 (115). Rep. Mark Walker (R-S.C.), who leads the influential Republican Study Committee, warned today that conservatives may oppose the final Defense and Labor-HHS-Education package if they can't bring home policy wins. "Unless this is done, many of our members will find it difficult to support this funding," Walker wrote in a statement just before leaders announced the deal. What exactly does RSC want? Here's your handy cheat sheet. (Walker's not alone: Rep. Robert Aderholt (R-Ala.), who sat on the Defense and Labor-HHS-Education conference committee, told us today: "Certainly, there's a lot of disappointments in this bill.")

Boxing them in: So far, GOP leaders aren't worried that House Republicans would reject the bill en masse if it means it hamstringing the Pentagon. "If they want to vote against Defense, that's up to them," Rep. Tom Cole (R-Okla.) said today. The same goes for Trump, who hasn't yet said whether he'll sign the massive funding deal. In fact, party leaders strategically crafted the package to avoid Trump's veto, by attaching a short-term funding bill through early December. If he refuses to sign that, "You effectively shut down the whole government," Cole explained.

GOOD THURSDAY EVENING! Reach out: jscholtes@politico.com (@jascholtes) and sferris@politico.com (@sarahnferris).

Doc of the day — A report from Democrats on the House Budget Committee breaks down the proposed $5 trillion in cuts from the House GOP's budget resolution.

#DailyBudgetFact — In a recent face-to-face poll in Puerto Rico, 55 percent of respondents say they believe rebuilding the island is not a priority for the U.S. government.

APPROPRIATIONS

'HOLDING PATTERN': So the three-bill package is off to Trump. And odds look good for enactment of that defense-domestic duo. But what about the four-bill bundle, H.R. 6147 (115)? Spending leaders say it's stalled out right now, as Jen reports for Pros.

Make it happen: Shelby goaded his underlings during the conference committee meeting today. "We're this close on these bills. Let's wrap it up, if there's any way to do it," Shelby told negotiators about coming to agreement on the package that includes Interior-Environment, Financial Services, Transportation-HUD and Agriculture. Then after the meeting, the chairman laid it plain for reporters. "There are a bunch of riders that we're not planning to take," he said, referring to House Republicans' insistence on including partisan language that stands little chance of surviving the Senate.

What's the holdup: Even though disputes over the Interior-Environment title are often blamed for slowing progress on the package, issues remain in several of the bills. As Ryan McCrimmon reports, the spat over cell-grown meat is hanging over the Agriculture title. And Democrats are still fighting off Rep. Tom Graves' (R-Ga.) beloved "grandkids" fund in the Financial Services portion.

WHERE THINGS STAND: Congress is closer than it's been since 2009 to actually complying with its decades-old spending structure. But with 12 bills, three packages and three conference committees, it can be tough to track the status of individual bills. Here's where things stand:

— **Headed to the White House:** Energy-Water, Military Construction-VA and Legislative Branch.

— **Headed to final passage on House and Senate floor:** Labor-HHS-Education and Defense.

— **Still in negotiations:** Transportation-HUD, Agriculture, Interior-Environment and Financial Services.

— **Still waiting for House and Senate vote:** Homeland Security, H.R. 6776 (115), S. 3109 (115), State-Foreign Operations, H.R. 6385 (115), S. 3108 (115), and Commerce-Justice-Science, S. 3072 (115).

HOMELAND SECURITY

A LONG COMMUTE: Tensions are high in meetings with FEMA Administrator Brock Long right now. And not just because one of the most spectacular hurricanes in U.S. history is about to make landfall. Daniel Lippman and Eliana Johnson report today that the DHS inspector general has opened an investigation into whether taxpayers have footed the bill for inappropriate use of government vehicles for Long's commutes back to his home in Hickory, N.C., according to current and former administration officials.

Internal drama: According to one of those people, Long has been clashing with Homeland Security Secretary Kirstjen Nielsen, who allegedly asked the administrator to resign over the issue.

TAX

PRICE OF PERMANENCE: We know taking the "temporary" out of tax cuts is not cheap. If Congress follows through on making a slew of recent tax cuts permanent, we're talking $3.15 trillion from fiscal 2029 to 2038, according to a new Urban-Brookings Tax Policy Center estimate out this week. As Toby Eckert explains, the report goes a decade beyond the JCT's cost estimate.

A 'dynamic' defense: Supporters of making the cuts permanent say the move would give taxpayers more certainty, in turn boosting the economy. To that, the Tax Policy Center says the new plan for permanency, H.R. 6760 (115) , would probably boost GDP by about 0.5 percent in 2026, 0.4 percent in 2028 and 0.1 percent in 2038. And that means billions, not trillions. The economic revving is estimated to provide a total of $71 billion from fiscal 2019 to 2028, and $157 billion from fiscal 2029 to 2038, "offsetting a modest portion of the revenue loss as projected under conventional scoring," the group says.

POLITICAL STRATEGY

JUST TOUT THOSE ECONOMIC GAINS: Speaker Paul Ryan rallied House Republicans this morning for a private pep talk on holding the House in the midterms. The gist: Laser focus on talking up economic gains, guys. "Selling what we've done to voters over the next eight weeks is my top priority," Ryan told the conference, citing the unemployment rate, jobless claims, wages and GDP growth, according to his prepared remarks. "I know everyone in this room will help amplify that message and carry us to victory." However, as Rachael Bade explains, that strategy is harder executed with Trump's approval rating on the decline.

Stick to the script: Besides his waning popularity, Trump's tendency to veer off message on economic issues is also problematic for Republican lawmakers reliant on a unified campaign strategy to give them an edge over the droves of Democrats expected to flip GOP-held districts throughout the country. Ben White and Nancy Cook report that White House aides and Republicans close to the administration think it's a losing endeavor to try to push the president to stick to his economic talking points. And Trump's trade battles aren't helping much either.

Related: In an opinion piece for POLITICO Magazine, National Review editor Rich Lowry writes about how an economic boom is a terrible thing to waste.

EARMARKS

— Democrats weighing earmarks revival if they take back the House. Roll Call.

— Rettig takes over IRS amid budget challenges, regulatory crunch. POLITICO Pro.

— GOP teachers launch statehouse bids to demand more school funding. POLITICO Pro.

— U.S. recovery eludes many living below poverty level, Census suggests. The New York Times.

— Congress moving ahead on spending to avert shutdown. The Associated Press.

WE'RE COUNTING: Federal funding runs out in 17 days (Sept. 30) and the National Flood Insurance Program expires in 78 days (Nov. 30).

To view online:
https://subscriber.politicopro.com/newsletters/budget-appropriations/2018/09/first-minibus-is-out-the-door-340324

Stories from POLITICO Pro

Congress sends first minibus to Trump in race to avoid catch-all spending bill Back

By Sarah Ferris | 09/12/2018 07:18 PM EDT

The House on Thursday overwhelmingly cleared a spending package that marks Congress' first concrete step toward avoiding the kind of catch-all omnibus that President Donald Trump has said he won't sign this fall.

The House voted 377-20 to send the president a fiscal 2019 bipartisan funding deal that House and Senate leaders reached earlier this week to fund the Department of Veterans Affairs, as well as nuclear programs, energy projects, congressional operations and military construction.

Senators voted 92-5 on Wednesday to adopt the package.

In that chamber, just two Republicans opposed the bill: Jeff Flake (R-Ariz.) and Rand Paul (R-Ky.). Three Democrats were also opposed: Kirsten Gillibrand (D-N.Y.), Elizabeth Warren (D-Mass.) and Ed Markey (D-Mass.).

The three-bill package, H.R. 5895 (115), contains a $5 billion funding increase for veterans services — making for the VA's largest-ever budget — to help pay for major infrastructure upgrades at health care facilities nationally, as well as the rollout of a new e-health records system.

Nuclear weapons programs also got a nearly half-billion dollar boost, bringing the total nuclear weapons program to $11.1 billion.

The Army Corps of Engineers, the Capitol Police and the Department of Energy's Office of Research would also see substantial increases. The legislation also includes millions of new dollars for a new paid internship program across Capitol Hill.

Trump is expected to sign the bill, about two weeks ahead of the looming Sept. 30 deadline.

The White House in a statement on Wednesday night congratulated the House and Senate on reaching a conference agreement and said the minibus "aligns with many of the Administration's priorities, providing the necessary funding to implement President Donald J. Trump's historic reforms at the Department of Veterans Affairs, including those enacted in the VA MISSION Act, and to modernize and strengthen our nuclear deterrent. "

The statement added that Trump "looks forward to signing this legislation and continuing to work with Congress to enact Fiscal Year 2019 funding for the Department of Defense, Department of Homeland Security, and other agencies, while continuing to show fiscal restraint."

If enacted, it will be the first time since 2009 that the Department of Energy receives its budget on time.

Senate Appropriations Chairman Richard Shelby (R-Ala.) said Wednesday night that he had spoken to Vice President Mike Pence about the importance of Trump signing the spending package into law, rather than holding out to use the measure as leverage in his attempt to secure more money for a wall along the U.S.-Mexico border.

"I believe he will sign this bill," Shelby said. "This is progress. This is our goal. We're not there yet, but this is something that hasn't happened in years and years."

Those three bills, however, make up just one-tenth of annual spending. Even if the minibus is signed on time, dozens of other agencies could face budgetary uncertainty on Oct. 1.

Democrats have cheered the finished bill, which bucks some of the Trump administration's most severe proposed cuts to renewable energy programs, science research and the embattled Advanced Research Projects Agency-Energy. It also blocks funding for a Yucca Mountain nuclear waste site.

"House Democrats stood firm for our values and rejected both insufficient funding levels and partisan riders," Rep. Nita Lowey (D-N.Y.), the top Democrat on the House Appropriations panel, wrote in a statement this week.

But GOP leaders won out in a budget battle related to a veterans health care program — an issue that stalled negotiations for weeks this summer.

Democrats wanted billions of new dollars to fund veterans health, which is newly under Congress' purview. The program was previously funded automatically, outside of the budget caps.

House Republicans, backed by the White House, refused to boost the spending caps only months after this year's gigantic budget deal, H.R. 1892 (115).

The bill includes $500 million to fund the VA Community Care program through next year, though Democrats say that total cost will be more like $1.6 billion.

The program will also require an additional $8 billion in fiscal 2020 and $9 billion in fiscal 2021, according to Sen. Patrick Leahy (D-Vt.), the top Democrat on the Senate Appropriations Committee.

Leahy said his own proposal, which would have lifted the spending caps, was "met with strong opposition from House Republican leadership and the administration," and was left out.

To view online click here.

Back

Congress dares Trump to shut down the government in new spending deal Back

By Sarah Ferris | 09/13/2018 01:20 PM EDT

GOP leaders believe they've found a way to thwart President Donald Trump's latest shutdown threats: Send him a funding bill that's impossible to resist.

Capitol Hill leaders on Thursday announced a mammoth fiscal 2019 spending deal that achieves one of the Trump administration's top priorities — the Pentagon's first on-time spending bill since 2008. But there's a catch.

The same package also funds some of the government's most sprawling agencies at levels that are billions of dollars more than Trump requested. And if Trump refuses to sign it, much of the government, including parts of the Pentagon, would shutter.

"You effectively shut down the whole government," Rep. Tom Cole (R-Okla.), a senior appropriator, said of the funding deal he helped shape.

Spending leaders from both parties detailed the strategy for the first time Thursday, just 17 days before government spending runs out. The Senate is expected to easily approve the package next week.

Under the tactic, lawmakers will vote on a two-bill spending package that funds the Pentagon as well as health, labor and education programs. There's also a new third component: Spending leaders said that the package will include temporary funding for every other agency facing a funding lapse on Sept. 30.

If approved, the bill would keep those government operations open until Dec. 7, about a month past the looming midterm elections.

Longtime appropriators of both parties said that strategy effectively ties the administration's hands — forcing Trump to decide between signing a spending bill with domestic funding levels he detests, or forcing a potential funding crisis at the Pentagon.

"The president will have to sign this bill or shut down the government, because it contains the continuing resolution," said Rep. Rosa DeLauro (D-Conn.), one of the top Democratic negotiators on the package.

Trump himself has cheered Congress' progress on the Pentagon spending bill, which would break the military's nearly decadelong stop-and-go funding cycle. On domestic funding, however, Trump's deputies have chided Congress for overspending.

It's not just Trump with complaints about the massive domestic bill. House conservatives, too, are livid about funding increases, as well as a lack of conservative policy wins at a time when the GOP controls all levels of government.

"Most of the Democrats will vote for this and smile very big," Rep. Mark Meadows, chairman of the House Freedom Caucus, told reporters Thursday. "It's a Democrat 'Labor-HHS' bill."

The Republican Study Committee, an influential group of about 170 GOP lawmakers, also released a statement Thursday that suggested its members would be willing to oppose the upcoming package — even if it means voting against the Pentagon cash.

House GOP leaders aren't worried about the Republican whip count, according to lawmakers and aides, in part because of the politically toxic prospect of voting against the military's budget just weeks ahead of election day.

"If they want to vote against Defense, that's up to them," said Cole, the lead negotiator on the domestic package. He quoted his Democratic colleague, Sen. Patty Murray (D-Wash.) about how both parties' negotiators decided to work together: "We can have a deal, or we can have a fight, but we can't have both."

Precise details on funding and language remain under wraps until the final text is rolled out. But negotiators said that the final package would largely strip out partisan language favored by House Republicans.

That means lawmakers rejected attempts to defund Planned Parenthood or destabilize Obamacare, as well as a slew of other perennial conservative riders.

"Certainly, there's a lot of disappointments in the bill," said Rep. Robert Aderholt (R-Ala.), who was one of the GOP negotiators on the package.

Lawmakers have planned for weeks to pair the broadly popular Defense bill with the typically contentious Labor-HHS-Education bill. That unprecedented combination allowed the package to soar through the Senate for

the first time in 22 years, while kick-starting formal conference negotiations on both for the first time since 2007.

Senate Appropriations chief Richard Shelby (R-Ala.), one of those to originally pitch the strategy, called it the "linchpin" of Congress' spending bill successes so far this year. "One, the top priority for Republicans; the other, the top priority for Democrats. Both important to all Americans," Shelby said.

At the White House, asked by the press pool about the spending deal, deputy press secretary Lindsay Walters responded:

"We look forward to reviewing the bill when it's released."

To view online click here.

Back

DeLauro: No ban on federal funds for guns in education spending deal Back

By Caitlin Emma | 09/13/2018 12:35 PM EDT

Rep. Rosa DeLauro (D-Conn.) today said she's "disappointed" that a fiscal 2019 appropriations package doesn't include language specifying that federal education funds can't be used to buy guns for schools.

"We missed an opportunity, in my view," she said.

DeLauro and Sen. Patty Murray (D-Wash.) had been pushing for such language. A House and Senate conference committee met today to discuss the Labor-HHS-Education and Defense minibus, H.R. 6157 (115).

At issue is whether school districts can tap into funds under the Every Student Succeeds Act — known as Student Support and Academic Enrichment Grants — to purchase guns and firearms training.

Education Secretary Betsy DeVos has said she won't take a position because Congress didn't authorize her to make such decisions. Democrats argue that it's her responsibility to reject such proposals and they fought for appropriations language to make it clear the ESSA grant can't be used for guns.

A number of education groups also urged conferees today to include language specifying that federal education funds can't be used to buy guns for schools.

"There is no conclusive research or evidence to indicate that arming teachers will make schools safer," the groups wrote in a letter. "On the contrary, research does indicate that the over-hardening of schools diminishes school safety and has a negative impact on school climate."

The groups signing on include the National PTA, AASA: The School Superintendents Association and the National Association of Elementary School Principals.

The ESSA grant program was created with the intention of promoting access to a well-rounded education, ensuring safe and healthy students and supporting the effective use of technology.

To view online click here.

Back

Negotiators drop drug price transparency from minibus Back

By Alice Miranda Ollstein | 09/13/2018 01:27 PM EDT

House and Senate negotiators on a massive minibus spending package, H.R. 6157 (115), today rejected bipartisan language that would have required drug companies to disclose product prices in advertisements.

The transparency requirement, which earlier won unanimous support in the Senate, would have marked Congress' strongest effort to address rising pharmaceutical costs since the Trump administration unveiled its plan to curb the cost of prescription drugs. The administration is preparing its own rule that would require drugmakers to display prices on ads.

Appropriators assembling the giant spending bill to fund the Pentagon, HHS and other agencies said Thursday the requirement pushed by Senate Minority Whip Dick Durbin could disrupt progress on the underlying bill and possibly improve odds for a government shutdown.

"I would hope we would not blow this thing up when we've come so close," said Senate Appropriations Chairman Richard Shelby. "This might come about someday, but not on today's bill."

Durbin said the language, also promoted by Republican Chuck Grassley, amounted to "the very least Congress can do" on rising drug costs and would "put patients before pharma." Grassley, in a tweet, called the decision to punt on the measure "embarrassing."

Experts have questioned how pharmaceutical companies could place a single price on drugs they promote when consumers pay wildly different amounts depending on their insurance coverage and manufacturers extend discounts to different payers.

Even Democrats who supported the language urged Durbin to drop it and save the fight for another day.

"In a normal authorization bill I would eagerly and strongly support it," Vermont Sen. Patrick Leahy said. "But I have to join with Senator Shelby and keep to our agreement. Senator Shelby has had to give up some of the things he wanted just as I have had to give up some of the things I wanted."

To view online click here.

Back

Government funding deal will include Pell increase, DeLauro says Back

By Michael Stratford | 09/13/2018 04:08 PM EDT

The deal between House and Senate negotiators over a government spending measure that includes education funding will have a boost for Pell Grants, according to a top Democratic appropriator.

Rep. Rosa DeLauro (D-Conn.), the ranking member on the House Appropriations subcommittee overseeing education, said today that an increase in the maximum Pell Grant will be part of the final deal, the details of which are still being hammered out.

It's not clear yet how much the measure, H.R. 6157 (115), would increase the Pell Grant. But the Senate last month passed a bill that calls for a $100 boost, bringing the maximum Pell Grant to $6,195.

The House Appropriations Committee, meanwhile, voted earlier this year to advance an education funding bill that would keep the maximum Pell Grant at its current level of $6,095.

Legislative text for the funding deal, which combines funding for the Departments of Defense, Labor, Health and Human Services, and Education, is expected by the end of the week.

Congressional spending leaders also said today that they plan to tie the measure to a stopgap funding bill to keep the rest of the government open through Dec. 7.

To view online click here.

Back

Longtime 'anti-busing' rider dropped from education spending deal Back

By Caitlin Emma | 09/13/2018 03:56 PM EDT

A fiscal 2019 appropriations package has dropped a decades-old rider that would prohibit the use of federal funds for transportation costs for school desegregation.

Rep. Rosa DeLauro (D-Conn.) said she was "very pleased" that the "anti-busing" language, which has been part of appropriations legislation since at least 1974, was left out.

A House and Senate conference committee met today to discuss the Labor-HHS-Education and Defense minibus, H.R. 6157 (115).

The appropriations language emerged amid widespread backlash to the 1971 Supreme Court ruling in *Swann v. Charlotte-Mecklenburg County*, which deemed busing an appropriate tool to aid in desegregation.

Some elected officials — like former Vice President Joe Biden, who was then a senator — sought to appease white constituents who bristled at the thought of their children being bused into African-American neighborhoods. Lawmakers said they supported desegregation but opposed busing as a means to that end.

Civil rights groups and Rep. Bobby Scott (D-Va.), the top Democrat on the House education committee, have fought to remove the language.

In 2017, Scott called the language "a relic of an ugly history when states and school districts across the nation resisted meaningful integration of public education for decades after the Supreme Court's ruling in *Brown v. Board of Education*."

To view online click here.

Back

Spending bill for IRS, agriculture, transportation held up by policy disputes Back

By Jennifer Scholtes | 09/13/2018 04:59 PM EDT

Spending leaders might not work out differences in a four-bill package that funds agriculture, transportation, the EPA, the IRS and more before federal funding runs out on Sept. 30.

If conferees are unable to reach a compromise by the end of the month, Congress is expected to clear a continuing resolution to drag out current funding levels for those measures until early December.

During a conference committee meeting Thursday, negotiators from both parties said several policy issues are holding up the fiscal 2019 legislation, H.R. 6147 (115), that would fund the departments of Agriculture, Interior, Transportation, and Housing and Urban Development, as well as the IRS and environmental programs.

"There are a bunch of riders that we're not planning to take," Senate Appropriations Chairman Richard Shelby (R-Ala.) told reporters after the meeting, referring to the position of Senate negotiators, who have vowed to keep the bills clean of policy disputes despite attempts by House Republicans to include partisan language.

Earlier in the day, appropriators signed off on a backup plan for any funding bills that aren't signed into law by the Sept. 30 deadline. Crafting a legislative package President Donald Trump would be hard-pressed to reject, spending leaders have coupled a Band-Aid stopgap with the two-bill bundle, H.R. 6157 (115), that includes funding for the departments of Defense, Labor, Health and Human Services, and Education.

But Shelby said there is still hope negotiators will zero in on a deal on the four-bill package by month's end, at least avoiding a continuing resolution for those measures.

"Don't give up on these yet. I don't think anybody wants a CR," the chairman told reporters.

House conservatives are increasingly adamant GOP leaders include Republican-backed policy language in any spending bills on the move this month, after Congress cleared a conference report, H.R. 5895 (115), for Trump's signature Thursday that was seen as largely bipartisan.

"Coming off the conference report of the last minibus, House Republican priorities were shut out across the board," Republican Study Committee Chairman Mark Walker (R-N.C.) said in a statement Thursday. "In the next round of appropriations, conservatives are looking for the conferenced legislation to reflect conservative policy riders such as the ones in the House bill. Unless this is done, many of our members will find it difficult to support this funding."

While negotiators say the vast majority of the sticking points are related to the Interior-Environment portion, an Appropriations aide confirmed that issues remain on other measures in the package as well.

"I am truly disappointed that even as we have made so much progress on Defense and Labor-HHS-Education, we have been unable to do the same with this set of four bills," said Rep. Nita Lowey (D-N.Y.), ranking Democrat on the House Appropriations Committee, during the meeting. "If we are to have any hope of avoiding a continuing resolution on these bills, House Republicans must drop their insistence on poison pill riders. ... Until that happens, we will be forced to keep the important domestic priorities in these bills in a holding pattern."

Rep. Mike Quigley (D-Ill.), ranking member on the House Appropriations Financial Services Subcommittee, took aim during the meeting at language subcommittee Chairman Tom Graves (R-Ga.) included in the House's version to set aside $585 million that can't be spent until the federal deficit reaches zero or there is a budget surplus.

"For us to try to address this issue through a subcommittee will do one thing, which is just squash any meaningful effort to fund its elements of government," Quigley said. "So it's not that we don't need to address it. Trying to do it now is far less meaningful and completely destructive to the issues we're concerned about."

Several disputes remain over language in the Agriculture bill as well, including a provision regarding the federal dispute over cell-based meat and another that would effectively block public disclosure of certain data from retailers on food stamps transactions.

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Back

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By Jennifer Scholtes | 09/13/2018 04:59 PM EDT

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Back

Trump's FEMA chief under investigation over use of official cars Back

By Daniel Lippman and Eliana Johnson | 09/13/2018 05:11 AM EDT

Federal Emergency Management Agency Administrator Brock Long is the target of an ongoing Department of Homeland Security inspector general investigation into whether he misused government vehicles during his commutes to North Carolina from Washington, according to three people familiar with the matter, including current and former administration officials.

The actions by Long, the U.S. government's lead disaster official as the country braces for Hurricane Florence, have been called into question by the inspector general over whether taxpayers have inappropriately footed the bill for his travel, an issue that has tripped up a number of current and former top Trump administration officials.

Long's travel habits triggered a clash between him and his boss, Homeland Security Secretary Kirstjen Nielsen, in recent weeks, clouding their relationship just as senior aides close to President Donald Trump prepared for

hurricane season — a task that's attracted extra scrutiny in the wake of the disaster that befell Puerto Rico in the aftermath of last year's Hurricane Maria.

The IG is investigating whether Long misused government resources and personnel on trips back home to Hickory, North Carolina, on the weekends, said two of the officials. The IG's interest was drawn after one of the vehicles — a black Suburban — was involved in an accident, according to one of the officials.

Long's routine absences from the office due to frequent six-hour drives between North Carolina and Washington also drew Nielsen's attention, this person said. Nielsen had raised the issue of Long's in-office schedule with him in recent months, this person added.

At a meeting in late August, Nielsen confronted Long about his travel, though people familiar with the meeting gave conflicting accounts about whether she took the step of asking him to step down over the issue.

One of the officials said Nielsen asked Long to consider resigning, though he declined to do so and remains in his role. The program to support the FEMA administrator "was never intended for this purpose," said the official.

Long did not respond to requests for comment from POLITICO but addressed the IG investigation at a FEMA briefing on Thursday morning, saying his office was working closely with the inspector general's office "to make improvements to make sure we are running programs and policies according to regulation."

"Bottom line is, we'll continue to fully cooperate with any investigation that goes on and own up to any mistakes and push forward and keep going," Long said.

"I would never intentionally run a program incorrectly," he added. "Doing something unethical is not part of my DNA, and it is not part of my track record in my whole entire career. We will work with the OIG."

Jessica Nalepa, FEMA's director of external affairs, said questions about specific IG investigations should be directed to DHS' IG office and that FEMA fully cooperates with all investigations conducted by the IG. The DHS IG's office and the White House did not respond to requests for comment.

"All questions about any potential investigation by the Office of the Inspector General should be directed to the IG. At this time, we are fully focused on preparing for, responding to, and recovering from Hurricane Florence and the storms in the Pacific," said DHS press secretary Tyler Houlton. "The secretary is confident in the leadership at FEMA and their proven disaster management ability."

Long started using a staff driver to get him home to North Carolina at the beginning of his tenure at FEMA last year. On the weekends Long spent in North Carolina, aides were put up in a hotel at taxpayer expense, according to one of the current officials.

DHS employees must be authorized to access government vehicles for personal use, including travel to a residence outside Washington, according to one of the officials. But a former DHS official said Long, as administrator, is entitled to have a contingency aide accompany him so he can have secure communications in case of a national emergency.

The former official added that Long "never asked for it and believed access to secure communications to be part of a presidential directive." FEMA recently scaled back the use of the contingency team for cost-saving purposes, and Long now drives himself or flies to North Carolina.

Former FEMA Administrator Craig Fugate, who served under President Barack Obama, said he could remember using government cars for commuting purposes only in seven instances during the eight years he held the job. In those emergency or extreme cases, Fugate said, it was deemed appropriate for a FEMA aide to brief him face-to-face as a driver took him from his home in Gainesville, Florida, to the Jacksonville airport for outbound flights to Washington, where his presence was required.

Long previously worked at an emergency management consulting firm and also served as director of Alabama's Emergency Management Agency.

The Trump administration has come under intense criticism for its response to the damage Hurricane Maria did to Puerto Rico. Almost 3,000 people died in the natural disaster, many more than the earlier official tally of 64 people. Trump said this week that his government's response to the disaster in Puerto Rico "was an incredible, unsung success."

Marc Caputo and Rebecca Morin contributed to this report.

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Tax Policy Center: $3.15T long-term cost to make tax cuts permanent Back

By Toby Eckert | 09/12/2018 04:28 PM EDT

Making recent tax cuts for individuals and non-corporate businesses permanent would cost $3.15 trillion from fiscal years 2029 to 2038 and modestly boost GDP, according to an estimate released today.

The long-term static projection by the Urban-Brookings Tax Policy Center goes beyond a cost estimate by Congress' Joint Committee on Taxation. Using its official 2019-2028 budget window, which would only capture three years' worth of costs, JCT put the plan's price tag at $631 billion.

The legislation, H.R. 6760 (115), is part of a package of tax and personal savings bills the House Ways and Means Committee is scheduled to vote on Thursday.

The individual and business tax cuts, part last year's GOP tax overhaul, H.R. 1 (115), were scheduled to expire at the end of 2025 to keep the overhaul's cost down.

Supporters say making the cuts permanent will mean certainty for taxpayers and keep the economy hot.

"This will create over 1.5 million new jobs, continue to raise wages, and boost long-run GDP," Ways and Means Chairman Kevin Brady (R-Texas) said when the legislation was introduced Monday.

Taking account of the macroeconomic effects of extending the tax cuts, the TPC said it "projects the bill would have little effect on the economy through 2025, but would increase GDP by about 0.5 percent in 2026, 0.4 percent in 2028, and 0.1 percent in 2038."

"The resulting macroeconomic feedback would boost revenues by a cumulative total of $71 billion over 2019-28, and by $157 billion over 2029-38, offsetting a modest portion of the revenue loss as projected under conventional scoring," the group added.

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GOP's second round of tax cuts would cost $657B, official estimates show Back

By Brian Faler | 09/11/2018 12:06 PM EDT

House Republicans' plans for a second round of tax cuts would cost $657 billion, new estimates show.

The projections by the Joint Committee on Taxation are sure to fuel complaints over the proposal's cost, which would come on the heels of last year's $1.5 trillion tax cut, and in the face of warnings the government's budget deficit will soon top $1 trillion.

The costliest provisions would extend temporary breaks for individuals due to expire at the end of 2025, with plans to make permanent lower rates running $522 billion and a beefed up child credit costing $179 billion.

Those costs would be partially offset by plans to extend various restrictions on itemized deductions, most notably a controversial new $10,000 cap on state and local tax write-offs. That would save $318 billion, the estimates show.

The JCT projections actually understate the plan's long-term price tag because most of the cost would fall outside of the agency's budget window.

The nonpartisan office estimates costs over the next 10 years. But the legislation would not even begin to extend temporary provisions until 2026, so only three years' worth of costs show up in the official 2019-2028 window.

House Republicans unveiled plans yesterday for their so-called Tax Cuts 2.0, a trio of measures designed to highlight for voters ahead of the November elections the GOP's commitment to lower taxes.

The bills are H.R. 6760, H.R. 6757 and H.R. 6756.

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Ryan urges Republicans to tout economic gains Back

By Rachael Bade | 09/13/2018 09:02 AM EDT

With the Republican majority hanging in the balance, and a Democratic wave building before their eyes, Speaker Paul Ryan encouraged House Republicans on Thursday to hyper-focus on selling the party's one major bright spot: a booming economy.

In a closed-door meeting Thursday morning — House Republicans' last political conference before Election Day — the retiring speaker told members to spend the final sprint of the midterm elections tuning out the drama of Washington and preaching economic gains.

"The unemployment rate is under 4 percent; jobless claims are lowest in 50 years; wages are up 3 percent; GDP is growing," Ryan told the conference, according to his prepared remarks. "Selling what we've done to voters over the next eight weeks is my top priority. I know everyone in this room will help amplify that message and carry us to victory," he added later.

Ryan vowed to help them, promising that "I am going to spend the next 54 days ... spend[ing] time in almost every battleground district until the last vote is counted."

Still, that's easier said than done when President Donald Trump's poll numbers are tanking, dragging Republicans down with him. Republican strategists have long said that if Trump's approval ratings stayed above 40 percent, the party had a serious shot at keeping the House.

But after a bruising August — including the conviction of Trump's former campaign chairman and his personal lawyer's campaign-law-violation guilty plea — Trump's numbers have sunk to the mid-to-upper 30s. At the same time, Democrats have grown their lead on the congressional ballot, with more than 14 percent of voters saying in a recent Quinnipiac University poll that they prefer a Democrat-controlled Congress over a GOP reign.

For months now, Republican leaders have been hammering rank-and-file members to weather the storm by shouting their legislative victories — tax reform, repeal of the individual mandate, rebuilding the military, opioid relief — at the top of their lungs. And on Thursday, National Republican Congressional Committee Chairman Steve Stivers reiterated those same points in a "what you should be doing" presentation at the political huddle.

Stivers ticked off "common mistakes" candidates make and warned them to be on guard. Run a hyperlocal campaign, he told them. Keep raising money like you're behind. Don't wait to engage with constituents.

Ryan told colleagues to "be focused in on the issues that matter to voters and the success of the economy" — and, of course, paint Democrats as too extreme. Whether that can stifle the allure of Democrats promising to be a check on Trump's White House is another thing entirely, however.

"Democrats want to bring dysfunction to Washington, and have gone far left with out-of-touch ideas like single payer health care and abolishing ICE," he said.

Ryan has done just about as much as a speaker could possibly do to help his colleagues. During the 35 months he's been speaker, he's visited 40 states and more than 150 cities, donated about $100 million to the NRCC this cycle and raised $200 million. Despite initial concerns that his demand to be home in Wisconsin with his kids on the weekends would cramp his fundraising prowess, Ryan has shattered records, surpassing even ex-Speaker John Boehner.

Earlier this week, Ryan helped raise $100,000 for vulnerable Rep. John Culberson (R-Texas), who faces a formidable Democratic opponent. He also helped rally the base at campaign-style north Dallas event for House Rules Chairman Pete Sessions, who's found himself in a competitive race. The event, not surprisingly, centered on tax reform.

Next week, during the one-week recess, Ryan will head to the West Coast to help incumbents and candidates in California, Arizona and Colorado. And he plans to be on the road all of October.

But the question remains: is it enough?

History is against the House Republicans — and, at times, so it seems is the White House. Midterm elections for the president's party are typically bloodbaths, averaging a loss of about 30 seats. Add Trump's penchant for drama and the scandal constantly surrounding the White House, and the picture looks grim.

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The one thing Trump can't sell: A booming economy Back

By Ben White and Nancy Cook | 09/12/2018 01:00 PM EDT

In an alternate universe, President Donald Trump would be heading into the midterms relentlessly touting his stewardship of a strong economy with results that include historically low unemployment, strong economic growth, sky-high enthusiasm among small businesses and shattered records for job openings.

Instead, the president is repeatedly muddling that message with easily debunked falsehoods or hyperbole about the state of the economy while pressing on with unpopular trade wars that frustrate establishment Republicans and business groups worried about price increases. His undisciplined approach — coupled with his obsessing about the Russia investigation, Hillary Clinton and the 2016 election — is damaging what many Republicans say should have been a political slam dunk for the GOP heading into the fall.

The result is that one of the White House's most critical projects for the midterm elections — getting Americans to credit Trump and the party with a hot economy — is in danger of failing. White House aides and Republicans close to the administration think it's a losing endeavor, at this point, to try to push the president to stay on that message when he's proven time and time again that he prefers his own method of communicating.

"The economy is the admission ticket for Republicans," said Josh Holmes, former chief of staff to Mitch McConnell, the Senate's majority leader. "But it is clearly not the only thing that matters, and in a news cycle increasingly driven by the president, an awful lot of new things are entering the lexicon of everyday Americans."

Polls show voters rate the economy highly, but approval ratings for both Trump and the GOP remain mired in deeply negative territory. Surveys also show sharp skepticism over Trump's trade battles with Canada, Mexico, China and Europe. That means a booming economy could be turning into a political bust for the party.

"It's just harder to drive a sustained message of economic enthusiasm with the shadow of a trade war looming over those efforts," said Kevin Madden, a partner at Hamilton Place Strategies and spokesman for Mitt Romney's 2012 campaign. "Too much political capital was left on the field. Small business enthusiasm, coupled with tax reform and regulatory relief, could have yielded broader political benefits heading into a tough mid-term cycle if there was a more focused message."

Just this week, as the White House rolled out a fresh push to tout the strong economy, Trump tweeted that economic growth was higher than the jobless rate for the first time in 100 years. It was actually the first time in 12 years. And he suggested that if Hillary Clinton had won the White House, the economy would be sharply contracting right now, an assertion not supported by any available facts or mainstream economists.

The claims follow months in which Trump claimed the GOP tax cut was the biggest in history. It wasn't. And he repeatedly suggested the U.S. economy is now stronger than at any time in history. It isn't.

White House Council of Economic Advisers Chairman Kevin Hassett, who took to the briefing room on Monday to argue that Trump's economy is much more than just a continuation of trends that began a decade ago under President Barack Obama, wound up having to explain why Trump tweeted his false claim about GDP and unemployment.

And he came away from the appearance frustrated that the press doesn't cover Trump's successes on the economy more positively.

"This is a historically good economy, one of those special moments that we see every now and then. If you don't agree that there is enough economic data to support this then you are a science denier as much as a denier in any other area," Hassett said in an interview while traveling in Ireland this week. "The treatment of the president is very hostile. I suppose that if we all became saintly, perfect beings that maybe there is a chance that someone might cover things positively. But it doesn't look like it to me."

Inside the White House, part of the problem stems from a long-standing lack of cohesive strategy on messaging and communications — a quandary that Trump tried to solve by bringing on a former Fox News executive, Bill Shine, as the deputy chief of staff for communications.

One senior administration official also said that Trump, as a former businessman and not politician, does not always bask in or relish his administration's successes, or boast about them enough since he's often so eager to move onto the next thing and does not always realize how hard-fought victories can be in government.

A former administration official said that Trump usually zeroes in on touting the economy on days when new economic data comes out, such as jobs or GDP numbers.

His Twitter stream this week, with less than two months until the midterms, has focused on the impending hurricane, a tell-all book by Bob Woodward, the NFL anthem controversy, North Korea, trade with China, Hillary Clinton — and the economy.

Republican congressional leaders continue to believe the economic message is the most potent one heading into the midterms and plan to keep up the drumbeat of that message — especially in swing suburban districts where House seats are in play. Leaders including McConnell and Speaker Paul Ryan gently brought that up at a meeting at the White House last week, where much of the discussion centered on the economy, said a person briefed on it.

"Would it be terrific if the only thing people cared about was the economy?" Holmes asked. "Yeah. But things like immigration, while not important to everyone, are very important to driving base turnout and focusing on things like that are an important part of the mix."

Polling also suggests that when the economy is bad, it is by far the top issue on people's minds. When it's good, it takes a back seat to other concerns such as health care.

Outside the White House, Trump's seeming inability to just stick to strong economic facts to make his case without resorting to inaccurate superlatives or contrasts to Obama is also frustrating economic conservatives who want the president to stay laser-focused on what he's done on taxes and regulation rather than fight with a former president, or the Canadians or anyone else.

"As is often the case, the president is his own worst enemy here," said David Bahnsen, chief investment officer of The Bahnsen Group, a wealth-management firm. "The deregulatory efforts are indeed laudable and pro-

growth for us free-enterprise advocates. But how many times has the president talked about 10 percent business investment growth, or capital expenditures. Instead his messaging is that Canada is ripping off Americans. It's exasperating."

Polling data show just how challenged Trump is in getting wider credit for the strong economy. A Quinnipiac poll out this week showed 70 percent of Americans rate the economy as "excellent" or "good," matching an all-time high. But that's not translating into any higher support for the president.

The same poll shows him with just a 38 percent approval rating. And 60 percent of respondents in the poll said they believe Trump is dishonest, underscoring the potential damage he does when he says untrue things about the economy. Both figures are similar to a recent CNN survey that pegged Trump's approval rating at 36 percent with just 32 percent describing the president as honest.

Democrats now enjoy a near-double-digit lead in generic ballot surveys asking which party people plan to vote for in the fall, suggesting a run of very strong economic data on growth, job openings and confidence are not boosting the GOP's prospects this fall.

Part of the problem, according to pollsters, is that for many Americans, even a strong economy won't change their opinions about the president.

"Americans made up their mind pretty quickly about Trump's presidency and many aspects of the verdict have been negative and strong," said Karlyn Bowman, who studies polling data for the American Enterprise Institute.

Bowman also noted that while the economy is strong, negative feelings about the U.S. financial system lingering from the 2008 financial crisis and Great Recession persist, further frustrating efforts by the White House to have some of the glow of the economy rub off on the president.

"Given the depths public opinion sank to after the crash and the public's conviction that our financial system isn't more secure than it was then, perhaps it shouldn't surprise us that he's not getting a lot of credit."

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An Economic Boom Is a Terrible Thing to Waste Back

By Rich Lowry | 09/12/2018 08:39 PM EDT

President Donald Trump is showing it's possible to preside over a period of peace and prosperity, and still be notably unpopular.

Over the past several months, Trump has opened even more of a wedge between the largely benign material conditions in the country and his own political standing, which is precarious and appears to be sliding backward. This isn't how it's supposed to work.

Republican politicos believed, reasonably enough, that last year's tax cuts would stoke growth and create a good-news backdrop for Republicans in the midterms. The substantive part of this theory has worked swimmingly, with headlines just over the past week about middle-class incomes increasing over $61,000 for the

first time, blue-collar jobs growing at their fastest clip in 30 years, and small-business confidence reaching an all-time high.

The only flaw in their theory is that the drumbeat of good news has coincided, lately, with a drop in Trump's numbers. In much of the recent polling, he's dipped back under 40 percent after a steady, monthslong run of being at about 43 percent in the RealClearPolitics polling average.

He hasn't done this with any spectacular misstep. There has been no great national crisis. Trump hasn't launched a major war that's gone badly, or presided over a financial crisis, or signed a law remaking a swath of American health care and botched its rollout.

What Trump has done, predictably, week after week, is mess up the easy stuff.

Getting, say, Kim Jong Un to disarm is extremely difficult, and no one has managed to do it yet, which is why Trump's approach of high-level personal diplomacy—while almost certainly misbegotten—should be evaluated with a touch of modesty.

It's all the other things that could be handled without a hiccup by a 25-year-old junior communications staffer that are hurting.

It's not hard—through gritted teeth and insincerely, if necessary—to say the appropriate things about an American hero upon his passing.

It's not hard to limit your tweets on the morning of September 11, for just a few hours, to the topic of the anniversary of the attacks and leave commentary on a recorded cable TV show for some other time.

It's not hard to avoid attacking your own attorney general in public, repeatedly and in an escalating fashion meant to inflict the greatest possible humiliation.

It's not hard to avoid throwing around the word "TREASON" loosely or to muse about changing the libel laws to exact legislation retribution on your critics.

Granted, it's harder to build a cohesive White House team, given a certain level of palace intrigue that surrounds any president, but it ought to be easy to exclude volatile C-list stars from the your old reality show and generate enough coherence to stem nonstop self-serving, backbiting leaks (let alone attacks on you in anonymous op-eds).

Any president grapples with the fact that he can't control events; Trump grapples with the fact that he can't control himself. He has dispensed with, to paraphrase Burke, the decent drapery of the American presidency, the norms devoted to investing the holder of the office — whether he deserves it or not—with a certain majesty.

Trump just let's it all hang out. This is gratifying to his core supporters, even as it creates a wearisome cycle of ceaseless controversies.

It not as though any one thing—the Stormy Daniels affair, the Cohen plea deal and the Manafort conviction, the security-clearance controversy, the Omarosa book, the anonymous op-ed, the Woodward book—is as consequential as it's portrayed in any given news cycle, but one damn thing after another adds up.

Trump has an amazing ability, through the force of his personality and his instinct for the mediagenic provocations, to blot out the sun. He wouldn't be president without this quality. It's just that, given the positive state of the country, less blotting and more sun are called for.

Some caveats: Presidential popularity means something different in the age of Trump. He won election in 2016 with an approval rating of 38 percent, so a return to that level may be less debilitating for him than prior presidents.

It's not as though he's creating controversies on his own in an otherwise placid political environment. He is confronted with an inflamed opposition, an extremely hostile press corps and a wide-ranging, aggressive special counsel investigation.

While the economy is a positive, the tax-cut package is in the rearview mirror and not a highly emotive issue, so it makes sense for Trump to inject other topics—immigration, anthem protests, etc.—into the campaign.

Finally, although it seems that Democratic voters will be highly motivated to vote against any Republican this year, it is still possible that garden-variety Republicans will manage to distinguish themselves from Trump.

All that said, we might be the peak of the business cycle, and yet the president who is presiding over the good times—and pushed for and signed the tax package that has boosted the recovery further—isn't enjoying their full political benefit.

An economic boom is a terrible thing to waste.

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Rettig takes over IRS amid budget challenges, regulatory crunch Back

By Aaron Lorenzo | 09/12/2018 09:59 PM EDT

Veteran tax lawyer Chuck Rettig has an overflowing plate awaiting him as IRS commissioner after the Senate confirmed him Wednesday for the agency's top job.

While assessing budget needs and reviewing its information technology and security weaknesses, Rettig will also need to immediately make sure the IRS is ready for the upcoming filing season and continue the guidance assembly line that's producing rules and regulations for the new tax cuts law which took effect this year.

Rettig could also find himself in an uncomfortable position if Democrats take control of the House and try to force the release of President Donald Trump's tax returns to lawmakers, as some have threatened to do.

"People used to sometimes ask, 'How complicated is tax administration? People file or they don't file,'" said former IRS commissioner John Koskinen, Rettig's immediate predecessor. "I'd tell them to just sit in my office for a day, any day of the week, and look at the range of issues."

The Senate voted 64-33 to approve Rettig's nomination, which Trump announced in February, giving the IRS a full-time leader for the first time since November, when Koskinen exited the post at the end of his five-year term. David Kautter has been serving as acting IRS commissioner in addition to his duties as the Treasury Department's top tax policy official.

Preparing for next year's tax filing is likely to consume much of Rettig's early attention, according to Koskinen.

The upcoming filing season is particularly fraught considering the lower personal and business tax rates and myriad other changes under the Tax Cuts and Jobs Act, which Trump signed at the end of last year. No one wants a filing mess-up on their watch, especially with all the moving parts in play this season, said a former IRS official who spoke on condition of anonymity because of current job sensitivities.

The agency, along with Treasury and the OMB, is still in the midst of preparing many crucial regulations, notably for some complex international provisions of the new law. Some commissioners have been more hands on than others when it comes to rulemaking, and while it's not clear where Rettig may fall on that spectrum, he's at least expected to take stock of how the process is progressing and who's involved in the effort for the IRS as taxpayers seek clarity as soon as possible.

Improving data security and combating tax-related identity theft are also part of Rettig's portfolio, and he is certain to keep close tabs on those issues. As Kautter and others have noted, the IRS is subjected to more than 2 million attempted cyberattacks a day.

Outdated information technology systems at the IRS will also garner Rettig's attention. Part of the system crashed on the last day of this year's tax filing season. Though it was traced to a newer piece of equipment, parts of the overall setup at the IRS infamously date to the 1960s.

As an initiative is under way to install a more modern, agency-wide case management system for taxpayers, Koskinen said it's important that IT staffers continue coordinating with the agency's business staff to optimize the end product.

To support all of this, the IRS will need sufficient resources from Congress, which has starved the agency of funding, cutting it by some 20 percent since 2010. Increases this year and next year are tied to implementing the new tax law, and largely fail to address chronic underfunding for the agency.

Rettig, at his confirmation hearing in June, said he wouldn't be shy about pushing to boost spending for the IRS, which stands to get between $11.3 billion and $11.6 billion for the 2019 federal fiscal year.

Koskinen, who clashed frequently with Republicans in Congress, mostly over the aftermath of a political targeting controversy during the Obama administration, expects his successor to have an easier time securing better spending levels for the agency.

"A new commissioner with a clean slate will be able to have meaningful discussions with members of Congress, particularly the appropriators, about the challenge of underfunding the IRS," Koskinen said.

Rettig, a tax controversy specialist who's been with the same California law firm for more than 35 years, is the first tax lawyer to helm the IRS since the late 1990s, when a series of business management executives began leading the agency following a 1998 law that restructured IRS operations.

Congress is again contemplating a raft of changes to how the IRS operates, and Rettig has a chance to weigh in now that he's confirmed. Among provisions he signaled support for at his Finance Committee confirmation hearing is funding for employee training, language to regulate paid tax preparers, and authority for a more competitive and accelerated hiring process known as streamlined critical pay, which the agency has previously used to bring on new IT employees.

Rettig will also get the chance to surround himself with new deputies, should he choose to make changes, and select a handful of tax technicians from within and outside the IRS to help guide decisions, the former IRS official said. (Tax attorney Michael Desmond is still awaiting confirmation as IRS chief counsel, the only other political appointee at the agency.)

The new commissioner is also expected to take the measure of the agency's legislative and public affairs staff to ensure their effectiveness in advocating his vision for the agency, the former IRS official said.

While Rettig's confirmation wasn't in doubt, it was long coming, most recently due to some Senate Democratic opposition not connected to Rettig's professional credentials. Oregon Sen. Ron Wyden, the top Democrat on the Finance Committee, and some of his colleagues protested a recent Treasury decision to stop most donor disclosure requirements for nonprofit groups, as well as a legal limit on the federal deduction for state and local taxes imposed this year. Both policy changes were made without Rettig's involvement.

Wyden and 30 other Democrats, along with the chamber's two independents, voted against Rettig's confirmation. Another 15 Democrats voted for him, as did every Republican voting.

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GOP teachers launch statehouse bids to demand more school funding Back

By Kimberly Hefling | 09/13/2018 05:00 AM EDT

This year's unrest among red-state teachers unhappy with cuts to school funding and low pay has produced a mini-wave of GOP legislative candidates on the November ballot who insist they're ready to stand up to their fellow Republicans on education issues.

About 40 Republicans have joined the mostly Democratic "educator spring" — the hundreds of current and retired teachers, professors and school administrators running for office, following walkouts and protests last spring that halted school in red states like Oklahoma, West Virginia, Kentucky and Arizona.

GOP candidates cite many of the same concerns as their Democratic peers: reduced state spending on education, dismal teacher salaries and unease about the future of America's schools. And they say they'll rebuke Republican governors and lawmakers to obtain the education support they want. Many of the contenders new to politics are even teachers union members, the traditional province of the Democratic Party.

One is Becki Maldonado, an English teacher and Oklahoma legislative candidate who proudly wears her American Federation of Teachers pin when she knocks on doors. She's gotten used to the surprised looks when she tells voters she's a Republican.

Don't "judge a book by its cover," says Maldonado. "As a Republican, I kind of think outside the box."

The National Education Association, the nation's largest teachers union, estimates that the roughly 40 Republicans are among the approximately 550 current or retired educators from both parties running for state legislative seats this fall.

Teachers unions are longtime donors and political power brokers within the Democratic Party, and the party often claims education as a defining issue. But these GOP candidates have gone so far as to take advantage of teachers union campaign training, which is open to members of both parties.

Maldonado said she decided to run for a state Senate seat on the first day of Oklahoma's teacher walkout, after she met with legislators and didn't think they could relate to what she described. She said she's taught in a

school where her classroom had 36 students — and not enough desks. A priority if elected, she said, would be to help the state come up with alternative sources of revenue beyond oil and gas taxes.

"I really realized that they were not aware of what the common people of Oklahoma were going through and their needs," Maldonado said of state legislators.

Similarly, Scott Lewis, the superintendent of schools in Ohio County, Kentucky, said his motivation to run as a Republican in a state House seat in his western Kentucky district was the passage of legislation signed by Gov. Matt Bevin, a Republican, that watered down retirement benefits for starting teachers. The move help stir teacher walkouts across the state, with educators chanting, "We'll remember in November" on the Capitol grounds in Frankfort.

With starting teaching salaries in his district around $36,000, Lewis said it's already tough to recruit quality applicants. He's also fed up that his district is getting nothing from the state for textbooks and professional development — not to mention his frustration with the negative rhetoric he says is too often directed at teachers.

Lewis said on education issues, he differs some from the mainstream views of the Republican Party. He also opposes charter schools, for example. But Lewis said he opposes abortion rights, and otherwise has views in line with much of the Republican Party.

"We need to treat teachers like professionals and not just like they're not important, which is what I think they feel like," Lewis said. "I think it's time we stood up for public education."

Chris Ackerley is a Republican math teacher and state legislative candidate in Arizona who previously served a term in the state legislature before losing his seat in 2016. He said the "RedforEd" movement in his home state brought about positive changes in school funding. But he's dismayed that the result seems to be partisan bickering.

Ackerley said a big challenge ahead is ensuring that the state keeps its promise to increase teacher salaries and fund career and technical education programs.

But Ackerley, a member of the Arizona Education Association teachers union, acknowledged that beyond education, he doesn't really agree with a lot of the union's positions.

"Once you start going off going into other areas we don't see eye to eye," he said. Tax policy is one, he said.

Vera Miller, a Republican music teacher running for a House seat in West Virginia, said her experience as a teacher makes her "absolutely different" than most Republicans, in part, because she considers herself a moderate with "middle-of-the-road" views that have been shaped by working with children.

"I don't live in a bubble. I see the real world around me. I see hungry children," Miller said. "Really, the only ticket a lot of our children have in West Virginia is a good education, so I'm a supporter of public education."

The Democrats seeking office have had a higher profile. That includes Jahana Hayes of Connecticut, a first-time candidate for Congress who was named National Teacher of the Year in 2016.

Rep. Tim Walz, a Democrat running for governor in Minnesota, also worked as a teacher, as did Tony Evers, the Wisconsin superintendent of public instruction taking on Wisconsin Gov. Scott Walker, a Republican. Sen. Elizabeth Warren, (D-Mass.) who is running for a second term, worked as an elementary school teacher and law professor.

Seizing on the trend, the Democratic Legislative Campaign Committee sent out an August memo showcasing its candidates, titled "Teachers and state Democrats are taking Republicans back to school."

But there are Republican teachers in office, too. State Rep. Steve Harshman, the Republican speaker of the House in Wyoming, is a teacher and coach — and NEA member. Rep. Virginia Foxx, (R-N.C.), the chairwoman of the House education committee, was a community college administrator and school board member.

Travis Brenda, a Republican math teacher in Kentucky, already succeeded in pulling off a big political upset this campaign season. In the state's May primary, he unseated Jonathan Shell, the state's GOP House majority leader.

Recognizing the momentum for educators in general, the NEA organized training sessions in four cities that were attended by current and potential teacher candidates from both parties.

Carrie Pugh, the NEA's political director, said Republican and Democratic candidates had similar questions during the training, which was open to all members, and it shouldn't be a surprise that Republicans attended. Many of the offices the educators seek are local and nonpartisan, she said.

"Our members reflect where they reside," Pugh said.

A big concern for the candidates is finding the time to manage a campaign in between school demands, she said. Another is whether they'll be able to manage or even keep their jobs, given the time demands if they are elected. The sessions help the teachers with public speaking, making campaign plans and setting policy priorities.

"How to structure your campaign works the same way, whether you are Republican, Democrat or Independent," said Alicia Priest, president of the Oklahoma Education Association.

Priest said the union's membership in Oklahoma is about half Republican and half Democratic and the union welcomes Republican educators — especially given that Republicans hold a supermajority in both state legislative chambers.

Chris Jankowski, a political consultant who is the former president of the Republican State Leadership Committee, which works to elect Republicans to state offices, said while there's no shortage of teachers who are Republican, typically those who run are liberal Democrats.

Jankowski said the GOP suffers from an image of not being quite as strong on education as Democrats, but Republican teachers carry credibility that can help them compete for support from Democratic and independent voters.

"It's a really positive trend and our party should be on the lookout for candidates," Jankowski said.

As Toni Hasenbeck, a Republican middle school teacher from rural Elgin, Okla., campaigns after school in the evenings, she says voters often tell her when it comes to education spending, they want more transparency and more assurances that legislators will be good stewards of the money.

"That's exactly how I feel. It's a big responsibility," Hasenbeck said. "I've always been for paying teachers more and spending more on education. I wish in Oklahoma, we would spend our money like those things were a priority."

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Subject: Budget & Appropriations: A lose-lose election for December spending work — Tester's in trouble — How the border wall plays out on the campaign trail

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BUDGET & APPROPRIATIONS

10/31/2018 04:40 PM EDT

By JENNIFER SCHOLTES (jscholtes@politico.com; @JAscholtes), SARAH FERRIS (sferris@politico.com; @sarahnferris)

GAMING IT OUT: Over the past four decades, Congress has had a pretty solid record of not shutting down the government during the lame duck. The last (and only) time that happened was in 1982. This year, however, a fiercely partisan campaign season is prompting many on Capitol Hill to assume the worst for a December funding showdown.

All eyes on the House: Lawmakers must pass seven unfinished spending bills within just four weeks of returning on Nov. 13 from their midterm campaign break. Those measures will invoke a slew of policy fights, including the ugliest of them all: the battle over President Donald Trump's demand for $5 billion to build his border wall. Aides from both parties predict it'll be particularly tricky in the House, when the current GOP majority will eventually need to strike a deal with Democrats to get any funding bills passed through the Senate. But bruising Election Day defeats could provoke one party to resist any deal making and instead play the blame-game with a partial funding lapse, as Sarah reports for Pros today.

'Perfect time for a shutdown'? Democratic leaders have made clear that, if they win back the House, they'd like to finish up spending bills before heading home for the holidays. But

that would require deal making with Republicans on the Hill and in the White House — negotiations that could go sour if the GOP experiences a shellacking on Nov. 6. Some conservatives are already agitating for a shutdown if the GOP is about to lose the House. One House conservative aide told us, "It would be the perfect time for a shutdown," because there would be no harm done to the Pentagon or key health programs, since they were already funded back in September.

Predicting a punt: The most likely scenario, according to multiple aides and former aides, is that Congress will agree to push back spending decisions until next spring. In fact, that was the outcome in three of the last four post-midterm lame ducks. (The only time lawmakers were able to clear an omnibus, rather than a stopgap funding bill, was back in 2014 . The three other sessions — in 2010, 2006 and 2002 — have all resulted in at least one continuing resolution.) But even a CR would require Trump's signature, which — once again — brings the fate of the border wall into play.

GOOD WEDNESDAY AFTERNOON — AND HAPPY HALLOWEEN! Reach out: jscholtes@politico.com (@jascholtes) and sferris@politico.com (@sarahnferris).

DOC OF THE DAY

The Department of Transportation's inspector general said in a report released today that the department's grant process is not to blame for the collapse of a pedestrian bridge in Florida this year. More from Tanya Snyder.

#DAILYBUDGETFACT

Federal spending on interest payments is expected to more than triple between 2017 and 2028, according to the Committee for a Responsible Federal Budget. Total spending on interest could reach $1 trillion within a decade.

QUOTE DU JOUR

Former Federal Reserve Chair Janet Yellen lamented rising deficit spending in an economic conference on Tuesday, saying: "If I had a magic wand, I would raise taxes and cut retirement spending."

CAMPAIGNS

TESTER'S IN TROUBLE: Sen. Jon Tester (D-Mont.) — ranking Democrat on the Homeland Security spending subcommittee that matters more than ever in the age of the border wall —

looks to have lost his lead in the last week leading up to the midterms. As Burgess Everett reports from Montana , the race is statistically tied, according to new Republican polling viewed by POLITICO. Trump's own campaign against the incumbent, coupled with a deluge of outside cash, has helped tip the scale toward Tester's challenger.

Election day is almost here. Have you made your POLITICO Playbook Election Challenge picks yet? Don't miss your chance to compete against the nation's top political minds in the POLITICO Playbook Election Challenge by correctly picking the winning candidates in some of the most competitive House, Senate and gubernatorial races in the country. Win awesome prizes and eternal bragging rights. The contest closes at 6 a.m. on November 6. Sign up today. Visit **politico.com/playbookelectionchallenge** to play.

IMMIGRATION

COUNT 'EM ON ONE HAND: Our Charlie Mahtesian and Steven Shepard tick through the five crucial races today that will determine the future of the immigration debate, including what the candidates think about that $25 billion border wall.

FINANCIAL SERVICES

FREDDIE RAKES IT IN: Freddie Mac reported third-quarter earnings of $2.6 billion today, a slight increase over its $2.4 billion haul from the second quarter, Katy O'Donnell reports. That means the Treasury will be getting $2.6 billion richer come December since the mortgage giants are still relinquishing most of their surpluses despite long ago making up for the money they borrowed during the housing crisis.

HEALTH CARE

WORK REQUIREMENTS FOR WISCONSIN: The feds announced the go-ahead this afternoon for Wisconsin to impose work requirements on some Medicaid recipients, and to institute new copays and premiums. As Dan Diamond explains , CMS rejected Gov. Scott Walker's proposal to drug test all Medicaid applicants, instead allowing the state to ask recipients if they have used drugs in the past or if they are in recovery. CMS Administrator Seema Verma is expected to skip the local victory tour since Walker is in a tough race for reelection.

MEDICAID EXPANSION? MAYBE NOT: Medicaid expansion is no done deal in Montana, where the tobacco industry is spending tens of millions of dollars to defeat the ballot measure that would use a $2-per-pack tax increase on cigarettes to fund the growth of the program,

Sarah Owermohle reports. New polling found support and opposition running at around 41 percent of registered voters, with Republican support falling to 24 percent.

AGRICULTURE

STRAIGHT FROM THE [FARMER'S] MOUTH: In our latest installment of "The Midterm View" video series, Eugene Daniels visits Iowa's 3rd Congressional District and Minnesota's 8th, two regions hit hard by retaliatory tariffs. Iowa farmer Bill Shipley, who says his farm hasn't been profitable in half a decade, favors trade relief over the kind of aid the Trump administration has promised with its $12 billion infusion. "What they're offering to pay us is a help, but it's not what we want," Shipley said. "We want trade. We want to export our product."

TAX

IN THE BLACK: The IRS debt collection program is actually turning a profit these days. As Aaron Lorenzo explains, Sen. Chuck Grassley (R-Iowa) released new data this week showing that the private partnership yielded a $22.3 million profit by the end of fiscal 2018, since starting in April 2017. Revenues have totaled $88.8 million, while program costs ran $66.5 million since inception.

BRADY PROPOSES TIT-FOR-TAT ON TECH TAX: House Ways and Means Chairman Kevin Brady (R-Texas) warned today that lawmakers will essentially consider retaliatory taxes on foreign tech companies to "level the playing field in the global market" as the U.K. moves to tax U.S. tech empires like Google and Facebook, Aaron reports.

TRANSPORTATION

A RE-IMAGINED GAS TAX: If Republicans can hang onto the House, Rep. Sam Graves (R-Mo.) may become one of the most important chairmen for implementing Trump's 2019 agenda. Graves is the current favorite to take over for retiring Rep. Bill Shuster (R-Pa.) as House Transportation chairman, Sam Mintz reports for Pros today. Graves and his top competitor, Rep. Jeff Denham (R-Calif.), have both endorsed moving away from the gas tax. But Sam explains that Graves has been more outspoken in favor of a vehicle-miles-traveled fee to make sure electric cars are also paying their share. He said he's also open to increasing the gas tax, upping tolls or creating a tire tax.

READ UP!

— Trump launches early blame game on markets and the economy. POLITICO.

— In echo of Flint, Mich., water crisis now hits Newark. The New York Times.

— U.S. steps up scrutiny of funds for asbestos exposure victims. The Associated Press.

— Pentagon girds for audit backlash that may echo $435 hammer era. Bloomberg Government.

— That Big Mac and Coke now come with a side order of inflation. Wall Street Journal.

WE'RE COUNTING

Government funding runs out in 37 days (Dec. 7) for the departments of State, Homeland Security, Commerce, Agriculture, Transportation, Interior, Justice and HUD, as well as science programs, foreign operations and agencies like the IRS and EPA. Funding runs out in 334 days (Sept. 30) for the departments of Education, Energy, Labor, Defense, Veterans Affairs and HHS, plus water projects, the Legislative Branch and military construction. The National Flood Insurance Program expires in 28 days (Nov. 30).

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Subject: Day Ahead: Macron addresses Congress — Massive opioids package gets markup — SCOTUS hears travel ban arguments

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POLITICOPRO
Day Ahead

04/25/2018 05:10 AM EDT

By CAITLIN OPRYSKO (coprysko@politico.com; @CaitlinOprysko)

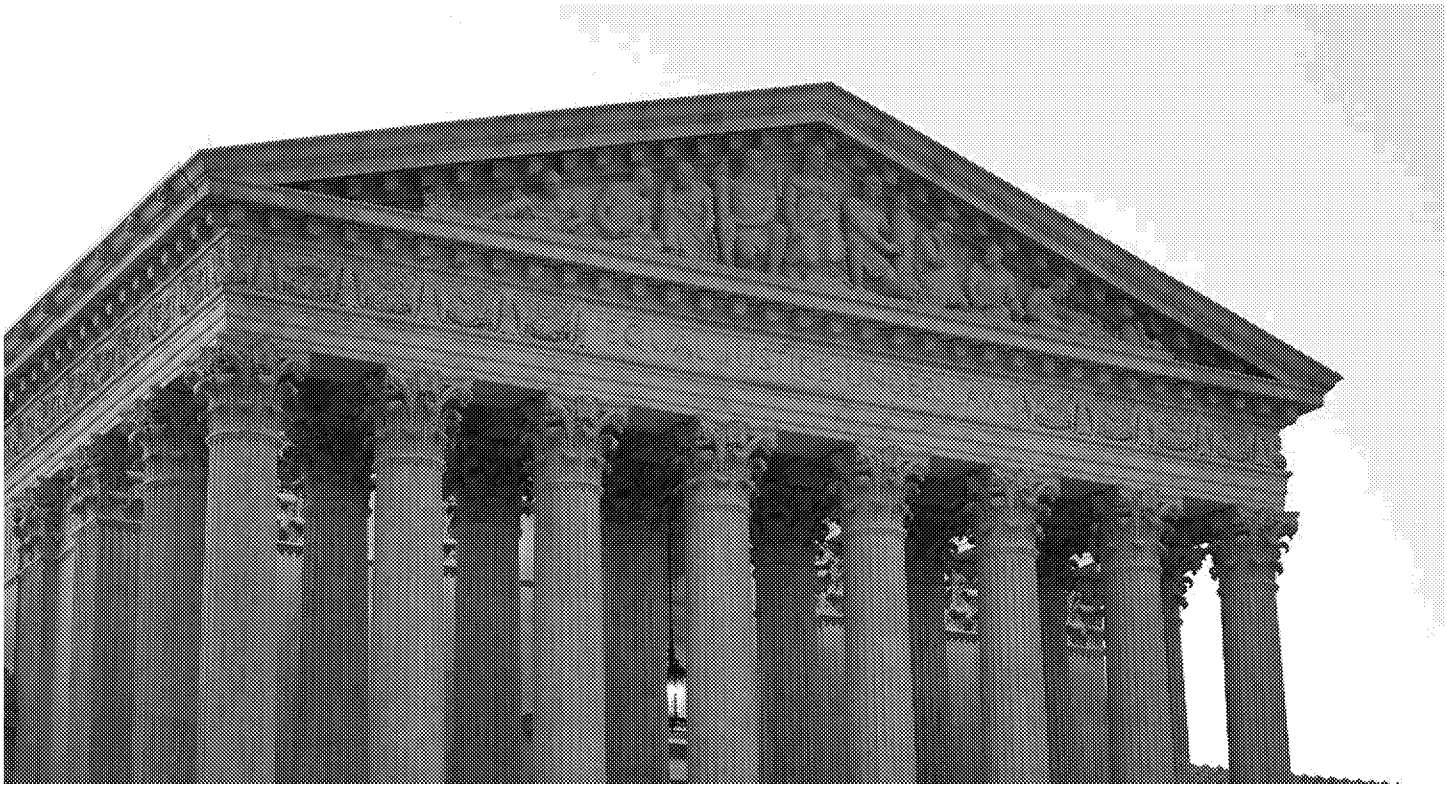
DRIVING THE DAY — French President **Emmanuel Macron** will address a joint session of Congress this morning, making him the first foreign leader to do so since 2016, per PBS NewsHour. Macron said he will use his speech to call for a continued American presence in Syria, saying Sunday he would "advocate for multilateralism."

After Macron departs the Capitol, lawmakers will return to their usual business, with a House subcommittee planning to mark up more than 60 bills aimed at tackling the opioid crisis.

Across the street, the Supreme Court will hear the first oral arguments in a case to determine whether the latest iteration of President **Donald Trump** 's travel ban is illegal or unconstitutional. While the version of the ban the court will consider this morning is watered down significantly from the directive issued in Trump's first week in office, "Opponents say the changes in the current version of the policy are largely cosmetic and do nothing to change their view that the new versions are inspired by the same anti-Muslim sentiment that led to the earlier orders," POLITICO's Josh Gerstein and Ted Hesson report.

Welcome to Day Ahead. Send thoughts and tips to coprysko@politico.com (@CaitlinOprysko).

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



The Supreme Court will hear oral arguments on the Trump administration's travel ban. | Getty

HOUSE FLOOR

The House will convene at 9 a.m. for legislative business and recess immediately. Lawmakers will reconvene at 10:30 a.m. in a joint meeting for Macron's speech.

After the speech, lawmakers will consider H.R. 3144 (115), which would require agencies responsible for the Federal Columbia River Power System to operate in a manner consistent with the current operations plan.

Lawmakers will also consider two bills under suspension of the rules: H.R. 5447 (115), which would set up a new licensing arrangement for music played on digital platforms, and H.R. 4744 (115), which would allow the U.S. to impose sanctions over human rights abuses in Iran.

First votes are expected between 1:15 p.m. and 2:15 p.m. Last votes are expected between 3:45 p.m. and 4:45 p.m

SENATE FLOOR

The Senate will convene at noon and consider **Mike Pompeo**'s nomination to be secretary of State.

MARKUP SPOTLIGHT

— 9:45 a.m. Senate Commerce markup of four bills, including S. 2511 (115), which would establish an assessment and acquisition program at NOAA for unmanned maritime systems, and S. 2343 (115), which would direct the FCC to establish a task force on precision agriculture technology. The committee will also take up eight nominations, including Vice Adm. **Karl Schultz** to be commandant of the Coast Guard; Vice Adm. **Charles Ray** to be vice commandant of the Coast Guard; **Patrick Fuchs** and **Michelle Schultz** to be members of the Surface Transportation Board; and **Rebecca Kelly Slaughter** to be a Federal Trade Commissioner. 253 Russell.

— Noon. House Administration markup of nine resolutions, including two that would amend the congressional members' handbook and the congressional committees' handbook. 1310 Longworth.

— 1 p.m. House Energy and Commerce subcommittee markup of more than 60 opioid response bills and H.R. 5554 (115), which relates to user fees for animal drugs. 2123 Rayburn.

— 2 p.m. House Judiciary meeting to ratify subcommittee assignments and mark up three bills: H.R. 3356 (115), which would promote programs aimed at reducing recidivism rates for released prisoners; H.R. 68 (115), which would revise and reauthorize the Juvenile Accountability Block Grant Program; and H.R. 1689 (115), which would place limits on state and federal governments' eminent domain authority. 2141 Rayburn.

— 3:30 p.m. Senate Rules markup of S. Res. 355 (115), a resolution that would lower post-cloture debate time for certain nominations. 301 Russell.

COMMITTEE HEARINGS

— 11:30 a.m. House Ways and Means subcommittee hearing on the jobs gap. 1100 Longworth.

— 11:30 a.m. House Small Business hearing on infrastructure. 2360 Rayburn.

— 1 p.m. House Appropriations Legislative Branch Subcommittee hearing on the 2019 GAO budget. Comptroller General **Gene Dodaro** testifies. HT-2, U.S. Capitol.

— 1 p.m. House Appropriations Defense Subcommittee closed hearing on the 2019 Pentagon budget. Secretary **Jim Mattis** and Chairman of the Joint Chiefs of Staff **Joseph Dunford** testify. H-140, U.S. Capitol.

— 1:30 p.m. House Appropriations Agriculture-FDA Subcommittee member's day hearing. 2362-A Rayburn.

— 2 p.m. House Appropriations Transportation-HUD Subcommittee hearing on the FHA budget for 2019. 2358-A Rayburn.

— 2 p.m. Senate Appropriations Energy-Water Subcommittee hearing on the 2019 budget for the Nuclear Regulatory Commission. Chairwoman **Kristine Svinicki** and Commissioners **Jeff Baran** and **Stephen Burns** testify. 430 Dirksen.

— 2 p.m. House Financial Services subcommittee hearing on HUD and rental reform. 2128 Rayburn.

— 2 p.m. Joint Economic Committee hearing on the innovation economy. 216 Hart.

— 2 p.m. House Natural Resources hearing on NEPA and environmental law. 1324 Longworth.

— 2 p.m. House Ways and Means subcommittee hearing on opioids and the international mail system. 1100 Longworth.

— 2 p.m. House Appropriations Legislative Branch Subcommittee hearing on the 2019 Library of Congress budget. Librarian of Congress **Carla Hayden** testifies. HT-2, U.S. Capitol.

— 2 p.m. House Homeland Security subcommittee hearing on the future of U.S. Customs and Border Patrol. Commissioner **Kevin McAleenan** testifies. HVC-210, U.S. Capitol.

— 2 p.m. House Appropriations Labor-HHS-Education Subcommittee hearing on the 2019 workforce pipeline budget. 2358-C Rayburn.

— 2:30 p.m. Senate Appropriations Commerce-Justice-Science Subcommittee hearing on the 2019 DOJ budget. Attorney General **Jeff Sessions** testifies. 192 Dirksen.

— 2:30 Senate Commerce subcommittee hearing on the Marine Mammal Protection Act. 253 Russell.

— 2:30 p.m. Senate Indian Affairs hearing on two bills, H.R. 597 (115) and H.R. 1491 (115), concerning tribal land trusts. 628 Dirksen.

— 2:30 p.m. Senate Judiciary hearing on five judicial nominees. 226 Dirksen.

— 3 p.m. House Appropriations Financial Services Subcommittee member's day hearing. H-309, U.S. Capitol.

— 3 p.m. House Appropriations Legislative Branch Subcommittee hearing on the 2019 budget for the House of Representatives. HT-2, U.S. Capitol.

— 3 p.m. Senate Homeland Security hearing on the nomination of **Christopher Krebs** to be DHS undersecretary for national protection and programs. 342 Dirksen.

— 3:30 p.m. Senate Appropriations Legislative Branch Subcommittee hearing on the 2019 GAO and CBO budgets. Dodaro and CBO Director **Keith Hall** testify. 138 Dirksen.

— 3:30 p.m. Senate Small Business hearing on cybersecurity. 428-A Russell.

Check out POLITICO Pro's calendar for a complete listing of committee events.

POTUS HAPPENINGS

1:45 p.m. Trump meets with Apple CEO **Tim Cook**. Oval Office.

VPOTUS DIGEST

3:30 p.m. (CT) Vice President **Mike Pence** arrives in Milwaukee, Wis., to deliver the keynote address for an America First Policies event on tax cuts. Later, he will participate in a campaign event for Gov. **Scott Walker**.

ON THE HORIZON

RONNY ON THE ROPES: Trump on Tuesday stood by his pick to lead the sprawling Department of Veterans Affairs. Senators scrapped White House physician Rear Adm. **Ronny Jackson** 's confirmation hearing — which was planned for today — after allegations of misconduct began swirling late Monday, and Trump appeared to give Jackson an out Tuesday, telling reporters "I really don't think personally he should do it, but it's totally his ... decision." Trump met with Jackson in the Oval Office last night, according to a White House official, who called the meeting "positive" and said Jackson isn't planning on withdrawing from consideration.

TRADE WAR DETENTE? Treasury Secretary **Steven Mnuchin** will jet to China in the coming days to try to strike a trade deal, Trump said on Tuesday. Mnuchin "will be going to China in a few days to negotiate on trade," Trump said at the start of a White House meeting. "I think China is very serious. We're very serious. We have no choice but to be very serious. You know we've put on very substantial tariffs. And that will continue unless we make a trade deal." The dispute began when the White House targeted about $50 billion worth of Chinese exports for tariffs as punishment for alleged intellectual property theft, leading China to issue a retaliatory tariff threat of the same amount and Trump to in turn ask for possible tariffs on another $100 billion of Chinese goods. Pro's Doug Palmer has more.

SENATE FARM BILL 'CLOSE': The leader of the Senate Agriculture Committee on Tuesday sounded an optimistic note on the progress of his chamber's farm bill, Pro's Catherine Boudreau reports.

Chairman **Pat Roberts** (R-Kan.) noted he and ranking member **Debbie Stabenow** (D-Mich.) have no "major" disagreements, but wouldn't reveal a specific timeline for the bill's release. Stabenow during a hearing with USDA Secretary **Sonny Perdue** called for the secretary to begin staffing up USDA agencies ahead of any farm bill, saying that "USDA has to have enough staff to implement the farm bill quickly."

FOR THE ROAD

WHERE IN THE WORLD IS TRUMP'S CABINET:

— Acting Secretary of State **John Sullivan** participates in meetings and briefings at the State Department.

ON THE CALENDAR:

— 10 a.m. The Supreme Court begins oral arguments in the case of Trump's third version of the travel ban.

— 10:30 a.m. Macron addresses a joint session of Congress.

— 11:30 a.m. Sen. **Tina Smith** hosts the eighth annual Minnesota Congressional Delegation Hotdish Competition.

— 3 p.m. GWU's Elliott School of International Affairs hosts a town hall with Macron.

CORRECTION: The April 24 edition of Day Ahead misstated the purpose of H.R. 3144. The bill would codify the 2014 Biological Opinion until 2022, while the NEPA and the environmental impact statement processes continue.

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EMD PERFORMANCE MATERIALS

Why This Matters

- Liquid Crystals (LCs) for industrial use are imported into the US and have a **variety of applications**, such as displays, smart windows, smart antennas, and imaging systems, that are utilized by the military, healthcare sector, and high-tech industry, for example.
- We manufacture LC single components in Germany under EU regulations for environmental and employee protection and export them worldwide. We then blend LC single components into mixtures in China, Japan, Korea, and Taiwan under local regulations for environmental and employee protection.
- We neither manufacture LC singles nor blend LC mixtures in the US **in part because of the uncertainty surrounding EPA regulations and timelines**.
- Current business demands and three-year projections estimate that our LC mixture importation will stay **well within the limits** placed on production by Low Volume Exemptions (LVEs).
- We are concerned about the **potential negative impact** of failing to deliver our LC mixtures **on the Administration and our customers**. For example, we are unable to supply our LC mixtures for equipment for military applications, as well as Foxconn, which recently announced the building of a display manufacturing plant and plans for 13,000 jobs in Wisconsin.

- **Low Volume Exemptions (LVEs)**
  - **Our request:** Full standard volume limit approvals for our LVE submissions to meet existing and future customer demands.
    - Among others, existing customers include ChemImage, which has requested an LC mixture whose availability impacts the future supply chain of **mission-critical military sensors**.
    - Qualification-stage customers include **Cardinal Glass Industries** and **Foxconn**.
  - We recognize EPA has concern regarding the PBT (persistent, bioaccumulative and toxic) risk of some of our LC singles across the low-, medium-, and high-risk classifications. This concern consists of potential environmental exposure in waterways as well as human health hazards related to worker exposure.
  - Since September 2016, we have submitted two batches of LVE applications. We have received:
    - Full standard volume limit approval for non-PBT LC singles.
    - Lower amount approvals for low- and medium-risk PBT LC singles.
    - Denials for all high-risk PBT LC singles.
  - We understand these denials and lower-amount approvals were related to EPA's concerns regarding potential environmental exposure in waterways and human health hazards related to worker exposure.
  - Rather than risk additional denials, we **opted to halt submissions** and **engage with EPA** about a path forward to address these concerns.
  - We are hopeful that we can **mitigate EPA's concerns** as well as **reach agreement on a protocol moving forward**. We have submitted a series of LVE applications for more than a dozen companies around the US.

- **Product Stewardship Program**
  - **Our request:** Complete the Product Stewardship Program Letter of Exchange.
  - EPA staff have been **open and innovative** in trying to reach a resolution.
  - We have been in discussions with EPA since March 2017, and in June 2017 **EPA proposed a Product Stewardship Program (Letter of Exchange)** for our LCs portfolio.
  - In December 2017, we reached an agreement with EPA regarding environmental exposure mitigation. In January 2018, EPA requested additional information about volume expectations, and we responded. On February 5, EPA informed us that the agency would like additional information on how to mitigate downstream customers' worker exposure through engineering controls. We have collected this information and will provide it to EPA the week of February 19.
  - Our technology requires that our customers adopt the **same EHS standards** we use in our manufacturing processes, including a **closed system, clean rooms, and worker PPEs**, to mitigate exposure and maintain the integrity of the LCs.
  - Additionally, the high value of the LCs ensures that customers will take all measures to reach **maximum usage and avoid wastage**.
  - We believe this Product Stewardship Program should allow EPA to award LC LVE approvals with full volume limits. Under the guidance of this program, the processing, use, and disposal of these LC mixtures **will not present any unreasonable risk of injury to human health or the environment**.

- **Pre-Manufacture Notices (PMNs)**
  - **Our request:** Engage in a detailed discussion with EPA regarding PMN risk assessments and the application of the Product Stewardship program to the PMN process.
  - The LC industry is an area of ongoing innovation, growth, and potential in the US. While LVEs allow us to meet early levels of demand, growth may result in the need to shift to PMNs for these approvals.
  - Without **transparency** and an **established strategy and guidance from EPA for PMNs**, industry cannot evaluate approval requirements, resulting in **high-risk investment without certainty of approval**, ultimately stifling manufacturing and technology development in the US.
  - **Clear expectations** for PMNs will allow us to work with many innovative companies, including Cardinal Glass Industries and Foxconn, to manufacture their goods in the US.

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From: POLITICO Pro Day Ahead [politicoemail@politicopro.com]
Sent: 6/28/2018 9:11:16 AM
To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: Day Ahead: Trump attends Foxconn groundbreaking — House holds vote to chastise DOJ, FBI — Pence, Nielsen meet with Latin American leaders on border crisis

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POLITICOPRO
Day Ahead

06/28/2018 05:09 AM EDT

By CAITLIN OPRYSKO (coprysko@politico.com; @CaitlinOprysko)

DRIVING THE DAY — President **Donald Trump** will see one of the fruits of his labor today, as he travels to Mount Pleasant, Wis., to speak at the groundbreaking of a new $10 billion plant for Taiwanese tech manufacturer Foxconn. The company, which is known for building Apple products, pledged to bring its operations to the U.S. at the outset of Trump's presidency, which the president held up as an example of how he would bring jobs back to America from overseas. But Pro's Doug Palmer points out the irony of the trip taking place the same week the White House is expected to announce it crackdowns on some foreign tech investments in the U.S.

On the Hill: The House is set to vote on its second wave of appropriations today, looking to send its defense spending bill to the Senate to put the chamber a third of the way through its appropriations cycle before recessing for July Fourth.

The chamber will also vote today on a resolution that would formally scold the Justice Department and FBI for what Republicans say is slow-walking requested documents related to special counsel **Robert Mueller**'s Russia probe. At around the same time, Deputy Attorney General **Rod Rosenstein** and FBI Director **Christopher Wray** will testify in front of the House Judiciary Committee to discuss how their respective departments handled themselves during the 2016 elections.

In the Senate, leaders are still hoping to head home for recess with a bipartisan farm bill under their belts. **Marco Rubio** is holding up action on the bill, threatening to block amendments until a provision regarding trade promotion in Cuba is scaled back or removed to his satisfaction. Majority Leader **Mitch McConnell** has filed cloture on the bill, meaning that barring a deal on timing, the earliest senators could vote is Friday.

Good Thursday morning and welcome to Day Ahead. Send thoughts and tips to coprysko@politico.com (@CaitlinOprysko).

Trump will attend the groundbreaking of Foxconn's new plant in Wisconsin. | Getty

HOUSE FLOOR

The House convenes at 9 a.m. to resume consideration of H.R. 6157 (115), the fiscal 2019 defense appropriations bill, and H. Res. 970, which would "insist" that the Justice Department comply with document requests and subpoenas issued by the Intelligence and Judiciary committees regarding possible FISA violations.

Lawmakers are also set to vote to go to conference on H.R. 5895 (115), the fiscal 2019 "minibus" comprising Energy-Water, Legislative Branch and Military Construction-VA spending.

First votes expected between 9:45 and 10:45 a.m., and last votes are expected between 11:30 a.m. and 12:30 p.m.

SENATE FLOOR

The Senate convenes at 9:30 a.m. to resume consideration of the farm bill, H.R. 2 (115). Roll call votes on amendments are possible throughout the day.

MARKUP SPOTLIGHT

— 9 a.m. House Intelligence closed markup of an intelligence authorization bill for fiscal years 2018 and 2019, and other matters. HVC-304, U.S. Capitol.

— 10 a.m. House Foreign Affairs markup of three resolutions and two bills, including one that would seek to improve security at U.S. embassies, H.R. 4969 (115), and another to address state-sponsored cyber activities against the United States, H.R. 5576 (115). 2172 Rayburn.

— 10 a.m. Senate Judiciary markup of S. 2245 (115) , concerning trade and investor visas for New Zealanders; S. 2823 (115), concerning music licensing; and eight nominees. 226 Dirksen.

COMMITTEE HEARINGS

— 10:30 a.m. Senate Appropriations markup of the fiscal 2019 Defense and Labor-HHS-Education spending bills. 106 Dirksen.

— 8:30 a.m. House Armed Services subcommittee hearing on Army and Marine Corps depot policy. 2212 Rayburn.

— 9:30 a.m. House Judiciary oversight hearing on Justice Department and FBI actions regarding the 2016 election. Deputy Attorney General **Rod Rosenstein** and FBI Director **Chris Wray** testify. 2141 Rayburn.

— 9:30 a.m. Senate Finance hearing on **Chuck Rettig**'s nomination to lead the IRS followed by votes on four nominations: **Jeffrey Kessler** to be an assistant Commerce secretary; **Lynn Johnson** to be assistant HHS secretary for family support; and **Elizabeth Copeland** and **Patrick Urda** to be judges of the U.S. Tax Court. 215 Dirksen.

— 10 a.m. Senate Banking hearing on corporate governance. 538 Dirksen.

— 10:30 a.m. Senate Foreign Relations subcommittee hearing on four ambassador nominations: **Donald Lu** to be ambassador to Kyrgyzstan; **Randy Berry** to be ambassador to Nepal; and **Alaina Teplitz** to be ambassador to both Sri Lanka and the Maldives. 419 Dirksen.

Check out POLITICO Pro's calendar for a complete listing of committee events.

POTUS HAPPENINGS

10:30 a.m. (CT) Trump participates in a roundtable with supporters. Milwaukee, Wis.

11:05 a.m. (CT) Trump gives remarks at a breakfast with supporters. Milwaukee, Wis.

11:50 a.m. (CT) Trump departs Milwaukee en route to Mount Pleasant, Wis.

12:20 p.m. (CT) Trump arrives at Foxconn site to participate in a groundbreaking event. Mount Pleasant, Wis.

12:50 p.m. (CT) Trump arrives at the Opus Building. Mount Pleasant, Wis.

12:55 p.m. (CT) Trump tours the Foxconn facility. Mount Pleasant, Wis.

1:15 p.m. (CT) Trump gives remarks at the Foxconn facility. Mount Pleasant, Wis.

1:35 p.m. (CT) Trump departs Mount Pleasant en route to Milwaukee.

1:55 p.m. (CT) Trump arrives at General Mitchell International Airport. Milwaukee, Wis.

2:05 p.m. (CT) Trump departs Milwaukee en route to Washington, D.C.

5:05 p.m. Trump arrives at the White House. Washington, D.C.

VPOTUS DIGEST

Vice President **Mike Pence**, **Karen Pence** and DHS Secretary **Kirstjen Nielsen** are on foreign travel in Guatemala with the presidents of Guatemala, El Salvador and Honduras to discuss the immigration crisis on the U.S.-Mexico border.

ON THE HORIZON

A NEW FACE AT SCOTUS: Senate Republicans are planning to waste no time getting Trump's next Supreme Court pick confirmed, report Burgess Everett and Elana Schor. After famously blocking a Supreme Court nominee under President **Barack Obama** for the better part of an election year, McConnell and Judiciary Chairman **Chuck Grassley** are looking to have retiring Justice **Anthony Kennedy** 's replacement installed on the high court before November's midterms. Republicans are "expected to execute a lightning strike confirmation despite their razor thin majority of 51 senators, which is effectively down to 50 as Sen. **John McCain** (R-Ariz.) recovers from brain cancer," Burgess and Elana write. Thanks to McConnell's decision last year to eliminate the judicial filibuster, "the GOP can unilaterally confirm a new justice without any Democratic support." Grassley said Wednesday that it usually takes around two months to get a nominee in front of his panel once a new justice is picked, giving the GOP more than enough time to confirm before midterms.

SENATE DRIVERLESS BILL MAY EXPAND: A handful of high-profile accidents involving semi-autonomous cars has spurned conversations on the Senate Commerce Committee about

whether the panel's driverless cars legislation should be reworked, Pro's Tanya Snyder reports . A committee aide told reporters Wednesday that staff are "re-assessing" whether to address the Level 2 class of driverless cars — defined as "partially automated" cars that can steer, accelerate and brake autonomously in certain circumstances, but require drivers to respond to traffic signals and lane changes — in S. 1885 (115), which sets out regulations for the emerging technology. The conversations about Level 2 inclusion "appear to be happening only at the staff level so far," Tanya writes.

BOLTON TEASES TRUMP-PUTIN MEETING: White House national security adviser **John Bolton** on Wednesday said that he anticipates Russia's interference in U.S. elections to be broached when Trump meets with President **Vladimir Putin** next month. During a press conference with a Russian news outlet following his own meetings with Putin and his top advisers, Bolton said he expects the issue, which he called an "act of war" before he joined the White House, "will be a subject of conversation between the two presidents," POLITICO's Louis Nelson writes. In their meetings Wednesday, the U.S. and Russian delegations talked about arms control, but not whether Russia would be allowed back into the G-7.

Bolton said the date and location of the meeting would be revealed today, though it's widely expected to take place during the second week of July when Trump goes to Europe for the NATO summit.

THIRD TIME'S THE CHARM?: After a turbulent stretch that saw the firing of Trump's first VA secretary stemming from ethics inquiries, and his replacement pick withdraw amid misconduct allegations, former acting VA Secretary **Robert Wilkie**'s prospects for confirmation seem sunny, Pro's Arthur Allen reports. At Wilkie's confirmation hearing Wednesday, no senator strongly objected to his service and the top Democrat on the committee, Sen. **Jon Tester** , predicted as much. "I as others believe you are going to be confirmed," he said. Wilkie "promised the panel to vigorously implement the MISSION Act to expand care for veterans and gave reassuring answers to Democrats on issues of VA privatization and racial bias," Arthur writes.

FOR THE ROAD

WHERE IN THE WORLD IS TRUMP'S CABINET:

— 1 p.m. Secretary of State **Mike Pompeo** meets with Israeli Ambassador Ron Dermer and later holds an event with Ivanka Trump to unveil the 2018 Trafficking in Persons Report and honor those who have made an impact on fighting human trafficking.

— Defense Secretary **James Mattis** is on foreign travel to Alaska, China, South Korea and Japan from June 24-29.

— 2:25 p.m. Energy Secretary **Rick Perry** participates in a discussion at the World Gas Conference on the role of gas in an integrated Americas.

— 7 p.m. OMB Director **Mick Mulvaney** delivers remarks at the Competitive Enterprise Institute's annual dinner and reception.

ON THE CALENDAR:

— 8:30 a.m. The World Gas Conference continues with remarks from Senate Energy and Natural Resources Chairwoman **Lisa Murkowski** and Perry.

— 9 a.m. Public Citizen and the O'Neill Institute for National and Global Health Law hold a conference on affordable medicines featuring remarks from Sens. **Cory Booker** (D-N.J) and **Tina Smith** (D-Minn.) and Rep. **Jan Schakowsky** (D-Ill.).

— 10:30 a.m. The Information Technology and Innovation Foundation and the Fourth Amendment Advisory Committee hold a discussion on encryption with Rep. **Suzan DelBene** (D-Wash.) and more.

—- 12:30 p.m. White House trade adviser **Peter Navarro** participates in a discussion hosted by the Hudson Institute on Chinese threats to technology and intellectual property.

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Greenwire -- The Leader in Energy and Environment News

Read today's Greenwire on the web

GREENWIRE

AN E&E NEWS PUBLICATION

GREENWIRE — Wed., March 28, 2018

READ FULL EDITION

1. NATIONAL PARKS:

A 'national disgrace' gets a rehab, but donations spark worry

Arlington House, the former home of Confederate Gen. Robert E. Lee, closed last week for repairs of its broken windows, rotting wood and peeling paint. But the $12 million donation behind the fixes strikes critics as a troublesome trend.

TOP STORIES

2. FUEL ECONOMY:

Trump admin to toss Obama fines for CAFE violations

3. WATER POLLUTION:

Ruling arms greens for battle against coal ash

4. EPA:

Top GOP donor helped company get Pruitt meeting — records

POLITICS

5. NATIONAL LABS:

Perry to scientists: 'You're awesome'

6. EPA:

Pruitt foes buy ad time during Trump's favorite TV shows

NATURAL RESOURCES

7. SEA-LEVEL RISE:

Higher tides could harm freshwater turtles — study

8. NATIONAL PARKS:

Joshua Tree fire burns historic palm tree oasis

9. GREAT LAKES:
Here's a $200K idea: Keep out carp with stinging bubbles

10. WILDLIFE:
Mama bears stick with cubs longer to thwart hunters — study

LAW

11. TRANSPORTATION:
Judges toss NEPA challenge to D.C.-area flight paths

12. COAL ASH:
Lawsuit cites 180 more sick or dying workers after spill

13. AUTOS:
U.S. drivers sue BMW over emissions-cheating allegations

ENERGY

14. TRADE:
Energy sector gets tariff relief, hopes for more

15. RENEWABLES:
Saudi Arabia plans world's biggest solar project

16. NATIONAL LABS:
Los Alamos lost toxic waste containers for a week

AIR AND WATER

17. CALIFORNIA:
Water tunnels could cost households $5 a month

18. WATER POLLUTION:
Potomac River could soon be clean enough for a swim — report

19. AIR POLLUTION:
Foxconn plant could amplify Wis. smog problem

20. DRINKING WATER:
Top Snyder aide under fire for text to Flint activist

TRANSPORTATION

21. ELECTRIC VEHICLES:
NTSB investigates fatal Tesla crash

STATES

22. LOUISIANA:
Emergency quarantine declared over cane-devouring insect

23. ILLINOIS:
Chemical spill at medical clinic sends 15 to hospital

24. WYOMING:

After bison bounce back, state plans hunt

25. CALIFORNIA:

Sewage leak brings Dodgers' spring training to smelly end

INTERNATIONAL

26. THAILAND:

Famous beach from movie closes to revive sea life

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Subject: Up for climate debate — Emails: EPA scientists concerned about smog decision — Wall partially blocked by Sierra Club suit

May 28, 2019 View in browser

MORNINGENERGY

BY **KELSEY TAMBORRINO**

With help from Eric Wolff

QUICK FIX

— **A climate change-focused Democratic debate** is gaining traction on the campaign trail and elsewhere in the party, with nearly two dozen Democratic lawmakers adding their support in interviews with POLITICO last week.

— **EPA scientists expressed significant concerns** with the agency's decision to exempt areas of Wisconsin from smog limits, according to new emails reported by The New York Times.

— **A federal judge partially blocked the president's border wall** plan in a lawsuit brought by the Sierra Club and the Southern Border Communities Coalition.

WELCOME TO TUESDAY! Hope everyone had a relaxing holiday break. I'm your host, Kelsey Tamborrino. Bracewell's Frank Maisano knew that in 1868, Gen. John Logan, commander-in-chief of the Grand Army of the Republic, first designated May 30 as Memorial

Day. For today: Which former House Budget chairman also served in a total of four Cabinet-level and White House positions? Send your tips, energy gossip and comments to ktamborrino@politico.com.

DRIVING THE DAY

DEBATE TEAM: Support is growing for a presidential debate focused primarily on climate change as Democrats seek to differentiate themselves on an issue that is a top priority for the party's voters. At least five presidential candidates have endorsed the idea first proposed by Gov. Jay Inslee, and nearly two dozen Democratic lawmakers endorsed the idea in interviews last week, Pro's Anthony Adragna reports.

A climate-focused debate may force Democrats to confront disagreements over thorny issues like the role of natural gas and nuclear power in combating climate change, although some moderates say they are eager to see a wider discussion of the issue that has so far been dominated by the left.

"I actually think the politics has been pretty clouded of the Republicans portrayal of the Green New Deal as every Democrat's solution," said Rep. Scott Peters (D-Calif.), a member of the more centrist New Democrat Coalition who has not yet endorsed a presidential candidate. "I think the planet would be better served if we had an honest discussion about what Democrats are really talking about."

The Democratic National Committee is non-committal on the idea . And some lawmakers told Anthony they're concerned it would only reinforce internal Democratic divisions. "If you're going to try to get everybody [united], you need to be talking about all the things that people care about," said Rep. Don Beyer (D-Va.). Read more.

By the way: The DNC and NBC News recently adopted a rule to evenly divide top-tier candidates across two nights in the first Democratic presidential primary debates in June. Democrats getting at least 2 percent support in the polling average will be randomly and

evenly split between the two nights, which will each feature 10 candidates, POLITICO's Zach Montellaro and Steven Shepard report.

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AROUND THE AGENCIES

OFF ROADING: The Interior Department said in a court filing Friday it will appeal a judge's ruling that blocked the land swap that allowed the department to build an access road through the Izembek National Wildlife Refuge in Alaska, Pro's Alex Guillén reports. A judge previously ruled in March that Interior failed to explain why it had reversed course on the policy after the Obama administration rejected the road. Interior said Friday it will appeal that decision to the U.S. Court of Appeals for the 9th Circuit.

EMAILS: STAFFERS OBJECTED TO EPA'S SMOG MOVE: New emails show EPA scientists raised objections to last year's move by former Administrator Scott Pruitt to exempt most of southeastern Wisconsin from federal limits on smog, The New York Times reports. Pruitt's decision in the spring of 2018 was a reversal from EPA's own earlier recommendation, and came at the same time then-Republican Gov. Scott Walker was campaigning on promises to bring a planned $10 billion Foxconn factory to the area where pollution levels already exceeded federal limits.

Hundreds of emails and internal documents released Friday to the Sierra Club and Clean Wisconsin under the Freedom of Information Act show agency scientists complained "that conclusions in support of the decision, which could not be supported by data, were being demanded by top Trump administration officials," the Times reports.

"I do not see a sound technical basis for the areas we are being directed to finalize in Wisconsin," Jennifer Liljegren, an EPA physical scientist, wrote in an email dated April 11, 2018. "I will need the wordsmithing of the legal and policy experts if we are really going to do this — I am still in disbelief."

— **The Times also reported this weekend** on the Trump administration's efforts to undermine the science on which climate change policy rests across federal agencies. Most recently, the shift has evident at the United States Geological Survey, where James Reilly has ordered scientific assessments use only computer-generated climate models that project the impact of climate change through 2040, instead of through the end of the century. Read more.

TO THE NORTH: Energy Undersecretary Mark Menezes and other senior Energy Department officials headed to Vancouver on Monday for the Clean Energy and Mission Innovation ministerials, bringing together energy ministers from more than 20 countries "to accelerate progress toward a clean energy future."

U.S. officials will hold bilateral meetings on the sidelines of the event to discuss "advancement of clean energy through technology and innovation globally," according to DOE. Side events today will focus on nuclear energy and energy storage, according to the agenda.

POLITICO LAUNCHES NEW GLOBAL PODCAST: Trade. Technology. The environment. The globe is beset by profound challenges that know no political bounds. Are our world leaders up to the task of solving them? POLITICO's newest podcast, "Global Translations" presented by Citi and launching on June 6, goes beyond the headlines, uncovering what's really at stake with the most pressing issues, the political roadblocks for solving them, and the ideas that might propel us forward. Subscribe to receive the first episode at launch.

BEYOND THE BELTWAY

JUDGE HALTS BORDER WALL AFTER GREENS SUE: A federal judge partially blocked President Donald Trump's plan to fund construction of a wall along the U.S.-Mexico border Friday, issuing a preliminary injunction in a lawsuit brought by the Sierra Club and the Southern Border Communities Coalition that immediately halts a $1 billion transfer of Pentagon counterdrug funding to cover expansions and enhancement of border barriers. But the order only limits construction in specific border areas in Texas and Arizona and does not prevent the administration from tapping other funding sources to advance those projects, POLITICO's Josh Gerstein reports.

NEW REPORT EXAMINES 2050 PATHS: The Center for Climate and Energy Solutions will release today the results of a year-long effort with the RAND Corporation and the University of Maryland's Joint Global Change Research Institute to look at the potential pathways for decarbonizing the U.S. economy by 2050.

The report outlines three different scenarios for reducing U.S. greenhouse gas emissions 80 percent by 2050 — one where there is "strong international pressure" in the form of carbon tariffs; another where U.S. states implement ambitious climate policies; and one where "increased urbanization, generational shifts, and technological breakthroughs lead to strong market demand for low-carbon consumption products and services."

"The individual scenarios are interesting, but what's most valuable are the insights you draw as you construct them and as you look across them," said C2ES President Bob Perciasepe, a former EPA deputy administrator, in a statement. "One of my key takeaways is that companies understand the urgency and magnitude of this challenge and are committed to working with others to deliver durable solutions." Read the report.

2020 WATCH

KLOBUCHAR PROMISES 'OVERHAUL' OF RFS WAIVERS: Sen. Amy Klobuchar , long a proponent of the Renewable Fuel Standard,

promised over the weekend to make substantial changes in how the program issues exemptions to small refiners, calling EPA's current program "misguided." Klobuchar, who is making a swing through Iowa, also said she would seek a legislative change to allow year-round sale of 15 percent ethanol fuel, a move that failed to advance out of committee last Congress.

THE GRID

— "Democratic donnybrook could jeopardize must-win Senate seat," POLITICO.

— "The Smithsonian's renewed fossil hall sends a forceful message about climate change," The Washington Post.

— "Placing power lines underground is an expensive way to reduce fire danger," Los Angeles Times.

— "As North Dakota oil soars, so does waste of natural gas," Associated Press.

— "Biden under pressure from environmentalists on climate plan," The Hill.

— "Rick Perry's greatest success in Trump's Washington: invisibility," CNN.

HAPPENING THIS WEEK

TUESDAY

1:30 p.m. Center for Climate and Energy Solutions release "Pathways to 2050: Alternative Scenarios for Decarbonizing the U.S. Economy," 918 F St. NW.

WEDNESDAY

Noon Institute for Carbon Removal Law and Policy webinar on "Forests in the Carbon Removal Portfolio."

FRIDAY

11:45 a.m. Carbon Utilization Research Council, the Global CCS Institute, and the Carbon Capture Coalition host "Underground Edition: CO2 Storage" briefing, U.S. Capitol Visitor Center.

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Subject: News Clips - 29 March 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Fuel Economy Standards

Politico - California regulator gets meeting with EPA air chief ahead of expected battle over car rules

E&E Climatewire - Wehrum, Nichols huddle ahead of high-stakes auto decision

Washington Examiner - Conservative groups urge Scott Pruitt to block California from setting own car pollution rules

Washington Examiner - EPA pressed to slow down on rolling back Obama-era vehicle fuel standards

The Conversation - Why EPA's U-turn on auto efficiency rules gives China the upper hand

The Hill - Trump administration picks new fight with California

Reuters - U.S. high-octane gasoline demand may drop if fuel efficiency rules change

Washington Post - Trump officials prepare to undo fuel-efficiency targets despite some automakers' misgivings

Administrator Pruitt's Housing

ABC News - EXCLUSIVE: More Cabinet trouble for Trump? EPA chief lived in condo tied to lobbyist 'power couple'

Politico - Pruitt's landlord's spouse was also campaign donor

Washington Examiner - Scott Pruitt rented a condo co-owned by wife of energy lobbyist: Report

The Hill - Pruitt lived in condo co-owned by energy lobbyist's wife: report

Climate Talking Points

Daily Caller - HuffPo's 'Scoop' On EPA's Climate Change Talking Points Was A Nothingburger

CNN - EPA talking points downplay role of human activity in climate change

The Hill - Internal EPA memo tells staffers how to downplay climate change

Washington Post - EPA staffers get talking points playing down human role in climate change

Campaign Against Administrator Pruitt

Washington Examiner - Environmental groups aim to 'boot' Scott Pruitt over 'wasteful spending' at EPA

E&E Climatewire - Greens push Pruitt to quit in big letters

Washington Post - Enough is enough. Scott Pruitt needs to go. (*Opinion)

Superfund

The Intercept - Trump's Nominee to Oversee Superfund Program Spent Decades Fighting EPA Cleanups On Behalf of Polluters

Reuters - Panel to weigh MDL treatment for Gold King Mine spill cases

Litigation

BNA - Outcome of EPA Rule Delay Case Could Upset Trump Deregulatory Plan

BNA - Advocates Urge EPA to Go Big in Court-Ordered Chemical Spill Rule

General

The Hill - EPA pushes informal policy to deal with polluters outside courts

Politico - EPA reinstates pay caps for staffers on hurricane duty after DHS ends 'surge' program

BNA - Chemical Makers Worry Steep New EPA Fees Could Stifle Innovation

Reuters - Exclusive: Trump advisers urge him to leave biofuel reforms to Congress - sources

E&E Greenwire - 5 things to know about EPA rollback of Obama rules

Politico - Stepp recused from major air decision affecting Foxconn plant in Wisconsin

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Politico
https://www.politicopro.com/energy/whiteboard/2018/03/california-regulator-gets-meeting-with-epa-air-chief-ahead-of-expected-battle-over-car-rules-911863
California regulator gets meeting with EPA air chief ahead of expected battle over car rules
By Alex Guillen, 3/28/18, 5:15 PM

EPA air chief Bill Wehrum and California Air Resources Board Chairwoman Mary Nichols met on Tuesday, just days before EPA is expected to announce controversial plans to revise auto emissions standards, according to a CARB spokesman.

The spokesman declined to share any details about their discussion. Nichols, coincidentally, held Wehrum's job for part of the Clinton administration.

EPA Administrator Scott Pruitt is also in California this week, but did not meet with Nichols. According to an EPA press release, Pruitt toured the March Air Force Base Superfund in Riverside, as well as an almond processing facility. He also attended discussions with farmers alongside Republican congressmen.

EPA and California have been in talks since President Donald Trump a year ago directed EPA to revisit the standards for model years 2022-2025. The state previously said it was willing to negotiate potential changes if EPA would commit to setting new goals for cars through 2030. It is not clear that those talks ever gained any traction, and state officials have said they are willing and able to defend the stricter standards.

A CARB spokesman said last week that EPA's expected decision could place the single national standard in jeopardy.

WHAT'S NEXT: EPA is expected to announce by next week that it will explore ways to relax vehicle emissions rules for model year 2022-2025. The move likely will provoke an extended battle with California, which gets special treatment under the Clean Air Act to pursue tougher rules.

E&E Climatewire
https://www.eenews.net/climatewire/stories/1060077709/search?keyword=EPA
Wehrum, Nichols huddle ahead of high-stakes auto decision
By Camille von Kaenel, 3/29/18

Top officials from U.S. EPA and California met face to face this week as the agency and the Golden State appear ready to brawl over climate rules for cars.

Bill Wehrum, EPA's air chief, met with Mary Nichols, the chairwoman of the California Air Resources Board, on Tuesday in California, according to ARB spokesman Stanley Young. It was the latest in a series of meetings to negotiate changes to Obama-era targets for limits on greenhouse gas emissions from cars made from 2022 to 2025.

California has had no input into the Trump administration's document explaining EPA's intent to reverse course on the Obama targets, Young said, and the Wehrum meeting this week did not change that. The draft decision is under review at the Office of Management and Budget. The administration is facing an April 1 deadline to make its decision, and the document is expected to be released publicly by next week.

EPA is expected to decide that the Obama-era targets for 2022 to 2025 are "inappropriate" and propose revisions in the months to come, according to people familiar with the draft decision. That would force a split with California, which has vowed to use its special "waiver" authority under the Clean Air Act and require cars meet the Obama rules in 13 states that have signed on to its program. The fight could lead to a drawn-out legal battle over states rights' and environmental protection.

"We are troubled about the rumors that the EPA has found the standards to be too aggressive and that they need to be weakened," said Young. "We have not seen the document in question."

Wehrum has tried to strike a conciliatory tone, participating in talks with California. EPA Administrator Scott Pruitt has had tougher words for the state. He told Bloomberg that California should not "dictate" car rules to the rest of the country and that it is not the "arbiter" of the issues. Some saw that as a threat to California's waiver.

Pruitt was also in the Golden State yesterday. He did not hold a meeting with Nichols.

Yesterday, Pruitt toured the March Air Force Base Superfund site and a major almond processing facility in Turlock. He also talked with farmers, according to EPA. The agency said the visit was part of his effort to repeal and replace the Obama-era Waters of the U.S. rule.

Conservatives want waiver repealed
Meanwhile, the battle of the vehicle rules is heating up. A group of 11 conservative groups urged Pruitt to repeal California's Clean Air Act waiver in a letter yesterday.

The letter argues that the White House should pre-empt California because the Energy Policy and Conservation Act makes setting fuel economy targets the job of the federal government. It also complains that California is using its Clean Air Act waiver to replace gasoline-powered vehicles with electric ones and channeling taxpayer money toward that goal.

"The American people deserve better, and, if you do not act fast, come April 1, people across the state of California will be facing unrealistic and costly mandates which threaten their basic right to choose," the letter says.

The signatories of the letter include representatives from the American Consumer Institute, Less Government, the Taxpayers Protection Alliance, Consumer Action for a Strong Economy, American Commitment, FreedomWorks, the Competitive Enterprise Institute, Americans for Tax Reform, the 60 Plus Association, Frontiers of Freedom, and the Center for Freedom and Prosperity.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/conservative-groups-urge-scott-pruitt-to-block-california-from-setting-own-car-pollution-rules
Conservative groups urge Scott Pruitt to block California from setting own car pollution rules
By Josh Siegel, 3/28/18, 5:53 PM

A coalition of conservative groups urged Environmental Protection Agency Administrator Scott Pruitt on Wednesday to revoke California's ability to set its own strict fuel-efficiency standards for vehicles.

“The EPA has a responsibility to American citizens, but not one to promote solutions that require expensive taxpayer-funded infrastructure spending and subsidies, particularly at questionable environmental gains,” the groups wrote in a letter to Pruitt. “The American people deserve better, and if you do not act fast, come April 1, people across the state of California will be facing unrealistic and costly mandates which threaten their basic right to choose.”

The 11 groups on the letter include the Competitive Enterprise Institute, FreedomWorks, and Americans for Tax Reform.

The EPA is expected to say this week that the Obama administration’s rules on fuel economy for cars and light-duty trucks, such as pickups and sport utility vehicles, must be revised for model years 2022-2025, although the agency won’t immediately propose new requirements.

The EPA under Pruitt has long been expected to ease the rules, negotiated with the auto industry in 2011, that would require automakers to nearly double the average fuel economy of new cars and trucks to 54.5 miles per gallon by 2025.

California Attorney General Xavier Becerra, a Democrat, said Tuesday he is prepared to sue the EPA if it begins relaxing the fuel efficiency standards. California is a leader on combating human-induced carbon emissions that contribute to climate change. The state is the nation’s largest market for zero-emission, electric vehicles.

Federal law since 1967 has allowed California, because of severe air pollution problems caused by smog, to set its own fuel efficiency regulations that can be tougher than the national standards. Other states can follow California’s standards instead of the national rules. Those states account for about one-third of the U.S. auto market.

California could move to formally separate its rules from the national program if EPA weakens the standards.

That means California and other states that follow its tougher rules would require automakers operating in those states to follow the more stringent state regulations, even if the EPA weakens the national standard, creating a patchwork of regulations.

Pruitt told Bloomberg this month that "California is not the arbiter of these issues" and suggested the state should comply with the national standards.

He can revoke California's waiver to get it to follow whatever new rules he tries to establish, but that has never been done before.

"No waiver has ever been revoked, and it's not clear exactly what the process would be to do that, which poses an entirely different challenge we haven't seen before," Dave Cooke, a senior vehicle analyst at the Union of Concerned Scientists, told the Washington Examiner.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/epa-pressed-to-slow-down-on-rolling-back-obama-era-vehicle-fuel-standards
EPA pressed to slow down on rolling back Obama-era vehicle fuel standards
By Josh Siegel, 3/28/18, 5:07 PM

Global automakers and advocates are warning the Environmental Protection Agency to slow down as it prepares to declare that stricter President Barack Obama-era fuel-efficiency rules for vehicles are "not appropriate."

Top executives at Ford Motor Co., in anticipation of the EPA's decision, urged the Trump administration on Tuesday to not roll back the Obama standards, which would require automakers to nearly double the average fuel economy of new cars and trucks to 54.5 miles per gallon by 2025. The company encouraged the agency to preserve one national program vehicle emissions program by not revoking California's waiver that allows the state to adopt stricter efficiency standards.

Automakers worry that if the national rules are significantly weaker than state standards, they would face a patchwork of regulations, creating uncertainty.

"We support increasing clean car standards through 2025 and are not asking for a rollback," said Ford Executive Chairman Bill Ford and CEO Jim Hackett, in an op-ed published on Medium. "We want one set of standards nationally, along with additional flexibility to help us provide more affordable options for our customers."

That careful wording follows the rhetoric used by other automakers that have called for more flexibility than what the Obama administration set for 2025, but are still seeking an overall increase in efficiency standards from current and previous levels.

Robbie Diamond, president and CEO of Securing America's Future Energy, told the Washington Examiner he hopes EPA takes steps to begin broader negotiations with California, rather than declaring an intent to weaken the standards.

His group is a nonprofit that seeks to reduce the U.S.' demand for oil through improved vehicle efficiency.

“We are sort of in the opening moments in a prize fight,” Diamond said. “The fighters have not entered the ring, everyone is talking and laying out positions, and we hope when the EPA makes their statement, it leaves room to continue the discussion. We are asking the administration to overlook ideology and reach an agreement with California.”

The EPA is expected to say this week that the Obama administration’s fuel-economy rules for cars and light-duty trucks, such as pickups and sport utility vehicles, must be revised for model years 2022 to 2025, although the agency won’t immediately propose new requirements.

California, which can set its own fuel-efficiency standards that other states may follow, could move to formally separate its rules from the national program if EPA weakens the standards.

The state’s attorney general, Xavier Becerra, a Democrat, said Tuesday he is prepared to sue the EPA if it relaxes the fuel efficiency standards. California is the nation’s largest market for zero-emission electric vehicles, and is aiming to reduce its carbon dioxide emissions by 40 percent by 2030.

“Basically, right now, the states and federal program are aligned,” said Dave Cooke, a senior vehicle analyst at the Union of Concerned Scientists. “If the federal government moves to change the standards, California and the states that follow them are no longer going to accept compliance with a program that is different from their own."

The Obama administration, seeking to cut greenhouse-gas emissions from oil, set the 2022 to 2025 efficiency standards in 2011 with the support of automakers, which were involved in the negotiations.

The rules required the EPA to conduct a midterm evaluation of whether the market could still meet the standards.

It did so in 2016, before the Trump administration took over, and determined that the standards remained attainable.

Automobile trade associations complained the comment period for the midterm review had been rushed and that the requirements were too strict.

With relatively low fuel prices, less fuel-efficient SUVs and light trucks have continued their strong sales, while consumer demand for hybrid-electric and more fuel-efficient models has suffered, so manufacturers are having difficulty hitting the fuel-efficiency targets, automakers say.

“If electric vehicle sales went up much higher, and gas prices were higher, automakers would be well positioned to meet the higher standards,” Gloria Bergquist, vice president of public affairs at the Alliance of Automobile Manufacturers, told the Washington Examiner.

The Trump administration this week proposed revoking an Obama-era rule that increased penalties for automakers that violate fuel efficiency standards by more than 150 percent.

The auto industry had petitioned for scrapping the rule, arguing that it would cost more than $1 billion to comply.

But Bergquist tried to downplay expectations that EPA Administrator Scott Pruitt may significantly weaken the fuel efficiency standards.

“It's about the process, not about the standards,” Bergquist said. “We keep saying don't pre-judge what the standards are going to be under the Trump administration.”

Bergquist said the auto alliance, which represents 12 of the largest car manufacturers, remains “optimistic” that California and the EPA can reach an agreement.

“We still believe if California really wants to reduce greenhouse gas emissions to the maximum possible level, it would come to the table and have discussions and look at what consumers are buying and what's realistic,” Bergquist said.

To come to an agreement, the EPA could propose tougher rules for 2026 to 2030, as carmakers adapt to technological changes, in exchange for weakening the standards for the 2022 to 2025 vehicles.

Pruitt, however, recently dismissed that possibility, saying, “That’s not something we’re terribly focused on right now."

He told Bloomberg that, "California is not the arbiter of these issues," and suggested the state should comply with the national standards.

He can revoke California’s waiver to get it to follow whatever new rules he tries to establish, but that has never been done before.

“No waiver has ever been revoked, and it’s not clear exactly what the process would be to do that, which poses an entirely different challenge we haven’t seen before,” Cooke said.

Other advocates said the onus is on the EPA to compromise with California.

“The federal government can take away California’s waiver, and then we all just go to court. And by going to court, the auto industry will have an uncertain regulatory environment when it is already dealing with technological uncertainty, which would be bad for consumers, our environment, and national security,” Diamond said.

The Conversation
https://theconversation.com/why-epas-u-turn-on-auto-efficiency-rules-gives-china-the-upper-hand-93840
Why EPA’s U-turn on auto efficiency rules gives China the upper hand
By Greg Dotson, 3/29/18, 6:30 AM

The Trump administration is poised to ease pollution and efficiency rules for new passenger cars and trucks, giving automakers a reprieve from more stringent Obama-era standards. But in the process, it could yield global leadership in the auto sector to the Chinese.

Environmental Protection Agency Administrator Scott Pruitt is expected to announce a plan to relax existing tailpipe standards that apply through 2025, scrapping the previous target of an average of 36 miles per gallon. Pruitt is also expected to deny the state of California its historic ability to adopt tailpipe standards that are more ambitious than the federal government’s.

One might think of this as another case of industry versus environmentalists. After all, the automakers are calling for eased regulatory burdens and “harmonized” standards across the states and the federal government. Environmentalists decry the move as undermining our nation’s efforts to cut carbon pollution.

But the EPA’s expected proposal defies the simple narrative that businesses and environmentalists are butting heads. Over the last half century, tailpipe emissions rules have helped the nation develop a vibrant, globally competitive automotive sector. As a former senior energy congressional staffer and now a law professor, I have learned that well-designed environmental standards can spur innovation and give our domestic companies a “first-mover advantage.”

As a policy professional, I met countless times over two decades with car makers, their suppliers, technologists, environmental advocates and entrepreneurs. In my view, reversing course on the EPA’s tailpipe standards threatens to yield this competitive advantage to other nations.

Parts suppliers versus car makers

Some segments of the auto industry understand the importance of emissions standards. A recent survey done on behalf of a clean transportation industry group found that 95 percent of auto parts suppliers agreed that more ambitious standards encourage innovation and investment in the U.S.

These companies overwhelmingly want the EPA standards maintained or even strengthened and are letting policymakers know that any relaxation will cost U.S. manufacturing jobs. Suppliers of pollution control technologies have told the EPA that weakening the standards could strand current investments and jeopardize new investments in domestic manufacturing of clean car technologies.

These parts suppliers employ hundreds of thousands of workers and their market is expected to grow to US$23 billion by the end of the decade. In their own words, the industry group Manufacturers of Emission Controls Association said its members continue "to grow and add more jobs in response to environmental regulations." In 2017 alone, these manufacturers invested over $3 billion in developing technologies that reduce emissions from mobile sources.

Developed and made in America

The landmark Clean Air Act, passed in 1970 and strengthened in 1990, has two key policy features that have spurred innovation and economic activity in the auto manufacturing sector.

First, the act says that EPA standards for cars and trucks take effect after the period "necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period." This even-handed approach ensures that the auto manufacturers have the time they need to develop pollution control technology, and that the EPA can set standards stringent enough to require the development and deployment of new technology.

This "technology-forcing" approach has brought innovation to an industry that hasn't always embraced it – from the industry's well-known resistance to catalytic converters decades ago to today's reluctance to adopt available technology to improve the efficiency of conventional internal combustion engines.

Second, Congress has preserved the ability of California to set its own tailpipe standards – an authority the state has exercised since before the EPA was created in 1970. Other states may opt-in. In the case of California's greenhouse gas standards for cars and trucks, 13 states have decided to do so, creating a combined market pull of approximately 30 percent of the nation's annual new passenger car and truck sales.

The world can then follow. This "California effect" occurs as jurisdictions within and outside of the United States trade up to more stringent emissions standards to achieve their benefits and simplify compliance.

Under this virtuous cycle, the U.S. leads with tougher standards that drive research, technology development, commercialization and manufacturing. That technology is then sold to the world.

California vs. China

China, however, is leap-frogging the U.S. policy.

In 2010, the Chinese government designated "new energy vehicles" – essentially those that plug in to electrical outlets – as a "strategic emerging industry." Officials have done this not only to reduce urban smog but also as a tool for industrial development. It helps Chinese industry capture domestic market share while establishing Chinese automakers as global leaders in the technology; it also develops their domestic battery-making sector.

California also requires automakers to supply a growing number of plug-in vehicles. But that program, which has seemed ambitious domestically and has shared goals and approaches with China, simply is not at the same scale as China's.

This has created an opportunity that China seeks to capitalize on in the coming decades. China's recently adopted goals for plug-in vehicles overtake California's program by requiring an aggressive deployment of plug-in vehicles beginning in

2019 with a target of 7 million new plug-in cars sold per year by 2025. The Chinese government is even openly discussing the appropriate date to discontinue sales of internal combustion engine vehicles within China.

By comparison, automakers will be able to comply with California's zero emission vehicle requirement if just 8 percent of new cars sold in 2025 are electric. If 2 million new cars continue to be sold in California in 2025, that would amount to just 160,000 electric vehicle sales annually.

China's policies are being reflected in corporate decisions. Even as Daimler teams with a Chinese partner to invest $2 billion in a manufacturing plant in China, Chinese automaker Geely has accumulated nearly 10 percent of Daimler's stock reportedly in a bid to secure its electric and autonomous vehicle technology. Ford has committed to a $765 million investment to jointly build electric vehicles with a Chinese partner.

Given the essential need to reduce carbon pollution from the transportation sector, I see the policy rationale for fuel efficiency and pollution reduction mandates in the years to come as ironclad.

From an economic point of view, clean car technology represents a tremendous opportunity for the nation willing to step up and lead as the world transitions in the decades to come. While it may still be an open question as to which country will benefit the most from this transition, the forthcoming EPA decisions could tilt the playing board away from U.S. companies.

The Hill
http://thehill.com/policy/energy-environment/380693-trump-adminsitration-picks-new-fight-with-california
Trump administration picks new fight with California
By Miranda Green and Timothy Cama, 3/28/18, 3:47 PM

The Trump administration is picking a new fight with California, this time over global warming and emissions standards for cars.

Environmental Protection Agency (EPA) Administrator Scott Pruitt is expected this week to declare that having the nation's auto fleet meet an average 54.5 mpg standard by 2025 is too strict, two people familiar with the matter confirmed to The Hill.

The decision could have huge ramifications for California, which negotiated the target with the Obama administration in 2011 after winning a waiver from the Clean Air Act to impose its own in-state fuel economy standards.

If Pruitt decides the standard is too high, the EPA is likely to lower the target and could even seek to eliminate California's waiver.

In California, the fight is seen as just the latest attack on a state that prides itself as ground zero for resistance to President Trump ever since Democratic nominee Hillary Clinton defeated Trump there by more than 4 million votes.

"The Trump administration certainly is looking for every opportunity to stick to it California," Rep. Jared Huffman (D-Calif.) told The Hill Wednesday.

California is seeking to reduce its carbon dioxide emissions by 40 percent by 2030, a goal that would be in jeopardy if it cannot hold cars to a high fuel standard.

"You're really attacking California's environmental identity," said Ann Carlson, a professor of environmental law at the UCLA.

California in the 20th century witnessed firsthand the negative effects of air pollution through crippling smog. High vehicle emissions paired with the state's unique geography consistently rank it atop the list of states with the worst air quality.

Since the administration announced formally in August that the EPA was considering rewriting the rule for cars and light trucks made between 2021 and 2025, California representatives have taken a wait-and-see approach. But in the lead up to the decision's deadline on Sunday, Golden State representatives are starting to take a combative stance.

"We are troubled about the rumors that the EPA has found the standards to be too aggressive and that they need to be weakened," said Stanley Young, spokesman for the California Air Resources Board, the state agency responsible for emissions rules. "We feel strongly that weakening the program will waste fuel, increase emissions, and cost consumers more money."

The fight over emission standards would be just the latest battle between Trump and California, where the president's policies on immigration in particular have prompted Attorney General Jeff Sessions to warn that there is "no secession" from the United States.

On Monday night, Commerce Secretary Wilbur Ross's decision to add a question about legal residence to the 2020 census sparked new talk of a lawsuit from California Attorney General Xavier Becerra (D), who has already launched dozens of legal challenges against the administration.

Becerra said California is prepared to sue if the EPA moves to weaken the vehicle emissions standards.

"We are going to do everything that can been done to defend these standards," Becerra told Reuters Tuesday. "So far, when we have been challenged on environmental standards we have had a good record in court. We haven't lost a case."

Pruitt has taken a combative approach, arguing the Obama administration gave California too much say in the standards.

"California is not the arbiter of these issues," Pruitt told Bloomberg News this month, adding that it "shouldn't and can't dictate to the rest of the country what these levels are going to be."

If California were allowed to target a higher fuel efficiency standard than the rest of the country, it would create real problems for automakers that would prefer one national standard.

It's also likely that other states would follow California's lead.

Twelve states currently follow California's rules on greenhouse gases from cars. Together, the bloc amounts for about a third of the nation's car market.

Companies don't want to be left with the choice of either making different vehicles for different states or letting California set the de facto national rules.

"That might mean that certain vehicles can't be sold in California," said Gloria Bergquist, spokeswoman for the Auto Alliance.

Bergquist argued that retaining one standard for the whole country is "better for everyone."

Andrew Linhardt, the Sierra Club's deputy director for clean transportation, said the EPA's biggest challenge in arguing to change the fuel efficiency standards will be in showing that doing so is legal.

The Clean Air Act requires the EPA to grant California a waiver if the state has "compelling and extraordinary circumstances," which the Obama administration said it does. A change of course would require the EPA to demonstrate that the circumstances are no longer there.

"[California] has always said they'd be willing to look at new data, but that data doesn't exist and EPA knows that," Linhardt said. "Again they would have to directly contradict previously findings that they did less than two years ago. The automakers had huge amounts of input into that. It's hard for me to foresee where that technical data would be coming from."

Carlson expects California to sue if the EPA revokes its waiver, and the case is likely to get appealed all the way to the Supreme Court.

"The really important substantive question is, does California have 'compelling and extraordinary circumstances' to issue standards that are more stringent than the federal government's," she said.

Becerra said the law is on California's side.

"Threats are par for the course for California in this administration," he told reporters last month. "At the end of the day, they can threaten. But what they can do under the law is something else."

Reuters
https://www.reuters.com/article/us-autos-emissions-octane/u-s-high-octane-gasoline-demand-may-drop-if-fuel-efficiency-rules-change-idUSKBN1H434U
U.S. high-octane gasoline demand may drop if fuel efficiency rules change
By Stephanie Kelly, 3/28/18, 4:27 PM

NEW YORK (Reuters) - U.S. demand for high octane gasoline could decline if the Environmental Protection Agency (EPA) changes fuel efficiency rules established under the Obama administration, analysts said.

The rules, negotiated with automakers in 2011, sought to double average fleet-wide fuel efficiency to about 50 miles (80 km) per gallon by 2025.

The EPA plans to declare by April 1 that the rules are "not appropriate," thereby allowing the Trump administration to reopen vehicle emissions rules, two officials briefed on the matter said on Friday.

Changes to the fuel efficiency rules could lead to more gasoline usage, said Andrew Linhardt, deputy legislative director for transportation with the Sierra Club in Washington.

"More gasoline usage means more CO2, more pollutants in the air, dirtier air, and causing more climate change," Linhardt said.

In recent years automakers have manufactured more models that operate better with premium gasoline, said Sandy Fielden, director of oil and products research at Morningstar Commodities in Austin, Texas.

Premium gasoline, which has higher levels of octane, extends the mileage for a gallon of gas, thereby making it more efficient. The increased use of premium gasoline has raised octane demand, said Patrick DeHaan, head of petroleum analysis at GasBuddy in Chicago.

Sales of premium gasoline as a percentage of total motor gasoline have steadily risen since 2011, data from the U.S. Energy Information Administration showed.

In 2011, premium gasoline sales were 8.97 percent of total motor gasoline sales by U.S. prime suppliers, the data showed. In 2016, the most recent annual data available, premium gasoline's market share increased to 11.52 percent.

(For a graphic on premium gasoline's market share, see: tmsnrt.rs/2I7Xa6I)

The RBOB futures contract on the New York Mercantile Exchange gained $0.0005 to $2.014 a gallon by 2:10 p.m. EDT (1810 GMT)

Premium gasoline for physical delivery on the Gulf Coast traded at 6 cents a gallon above the futures contract on NYMEX, traders said. By comparison, M2 conventional gasoline traded 10.50 cents below the futures benchmark.

If the EPA were to ease fuel efficiency rules, manufacturers could reduce produce of vehicles with higher-performance engines, Fielden said.

"That would increase the amount of regular gasoline versus premium and that would have a negative or neutral effect on this increase in the octane demand in the market," Fielden said.

Washington Post
https://www.washingtonpost.com/national/health-science/trump-officials-prepare-to-undo-fuel-efficiency-targets-despite-some-automakers-misgivings/2018/03/29/d4043b74-32b0-11e8-8abc-22a366b72f2d_story.html?utm_term=.11789987661e
Trump officials prepare to undo fuel-efficiency targets despite some automakers' misgivings
By Juliet Eilperin and Brady Dennis, 3/29/18, 8:28 AM

Top Trump administration officials are engaged in a heated debate over how to undo federal fuel-efficiency targets for cars and light trucks, as manufacturers voice concern that a major rollback of an Obama-era rule could go too far and fracture the nation's auto market.

The internal negotiations over relaxing carbon-emission limits for cars and SUVs slated to be sold in model years 2022-2025 underscore the challenge officials face in trying to fulfill President Trump's 2017 promise to ease the regulatory burden on Detroit.

Some of the same companies that had pressed for action now worry that they will be forced to comply with two standards: the stricter specifications that California imposes on its massive auto market and a separate requirement for the rest of the country.

Within the next few days, several administration officials say, the Environmental Protection Agency will announce that it has concluded automakers cannot meet the fuel-efficiency guidelines set by the previous administration. Under those guidelines, cars and light trucks would have to average more than 50 miles per gallon (mpg) overall by 2025.

But the more difficult issue is what the replacement will be — a point of intense wrangling among EPA, the National Highway Traffic Safety Administration and the White House. The talks have been complicated by the fact that California sets the pace for nearly 35 percent of the nation's auto market, with tailpipe requirements followed by a dozen states and the District.

California has threatened to press ahead on its own if the administration weakens the federal targets significantly, prompting some automakers to lobby for the current standards to mainly be kept. The current federal requirement for the 2018 model year is 38.3 mpg. By 2025, it would rise to roughly 51 mpg.

On Tuesday, Ford Motor Co. Executive Chairman Bill Ford and Chief Executive Jim Hackett wrote a Medium post calling for "one set of standards nationally, along with additional flexibility" that would allow Ford to sell lower-emissions vehicles that U.S. consumers could afford.

"We support increasing clean-car standards through 2025 and are not asking for a rollback," they wrote.

Company officials plan to meet with EPA Administrator Scott Pruitt by early next week to discuss the potential new standards. General Motors Chief Executive Mary Barra met with Pruitt and Transportation Secretary Elaine Chao earlier this month.

Margo Oge, a former senior EPA official who helped to negotiate the Obama administration's guidelines with California and the auto industry, said that multiple companies have privately shared the concerns that Ford just raised publicly. Rather than change the 2025 thresholds, the automakers want more options for meeting them given the significant sums manufacturers have already invested.

"I don't think they were expecting that the Trump administration would roll back the standards" to the degree that now seems likely, Oge said. "Sometimes you dance with the devil, then you don't really like the dance."

Officials at the Alliance of Automobile Manufacturers, whose members produce 70 percent of the cars and light trucks sold in the United States, say low gasoline prices in recent years have created a disconnect between what sort of vehicles federal policymakers expect to be sold and what Americans are actually buying. Alliance spokeswoman Gloria Berquist noted that the government had previously predicted future sales would be two-thirds cars and one-third light trucks, while the current ratio is the reverse.

"We're caught between these standards and the marketplace, and they're not aligning," Berquist said.

Within the administration, NHTSA Deputy Director Heidi King has repeatedly pressed for a significant reduction in future mileage levels. The agency has offered a range of numbers in negotiations, according to individuals who spoke on the condition of anonymity because no final decision has been reached, with the lowest proposal being 34.5 mpg by 2025.

On Wednesday, the agency unveiled a proposed rule that would freeze the civil penalties automakers must pay if their fleets fail to meet federal fuel-efficiency requirements. The fine had been slated to rise from $5.50 to $14 for every tenth of a mile per gallon by which companies missed the standards for model year 2019 vehicles.

NHTSA spokeswoman Karen Aldana said officials are still working on a fuel-efficiency-standards package, which she said she cannot discuss until it is "final and publicly released."

Bill Wehrum, assistant administrator for EPA's Office of Air and Radiation, and White House energy and environment adviser Michael Catanzaro have continued to talk with California officials about the prospect of a compromise — but have yet to show them any specific proposal or the supporting data and analysis, according to the California Air Resources Board. Wehrum met with CARB Chair Mary Nichols on Tuesday.

"We have not seen the document in question, and California had no input into its content," board spokesman Stanley Young said in an email. "We feel strongly that weakening the program will waste fuel, increase emissions and cost consumers more money. It's not in the interest of the public or the industry."

California Attorney General Xavier Becerra (D) said the state has no intention of backing down on its plans to increase fuel-efficiency goals over time: "We're prepared to take whatever action, legal or otherwise, that we must to protect our economy, our environment and the public health of people of California."

Beyond the health and climate-related benefits of more stringent emissions standards, he noted, many businesses in California and elsewhere already have made major investments in preparing to build vehicles that meet the guidelines set under the Obama administration.

"What we do, we do because we think it's the right thing," Becerra said. "We're not interested in participating in a race to the bottom."

Pruitt has taken a harder line against California's autonomy in recent months. Asked by Sen. Kamala D. Harris (D-Calif.) in a hearing in January whether he would promise to continue to grant the state's waiver under the federal Clean Air Act, which allows it to put stricter standards in place, Pruitt declined, vowing only to "review" the issue.

In the weeks since, he has said in media interviews that California should not be able to dictate standards for the rest of the nation and that the state is "not the arbiter of these issues."

ABC News
http://abcnews.go.com/Politics/exclusive-cabinet-trouble-trump-epa-chief-lived-condo/story?id=54095310
EXCLUSIVE: More Cabinet trouble for Trump? EPA chief lived in condo tied to lobbyist 'power couple'
By John Santucci, Matthew Mosk, and Stephanie Ebbs, 3/29/18, 11:22 AM

For much of his first year in Washington, President Trump's EPA Administrator Scott Pruitt occupied prime real estate in a townhouse near the U.S. Capitol that is co-owned by the wife of a top energy lobbyist, property records from 2017 show.

Neither the EPA nor the lobbyist, J. Steven Hart, would say how much Pruitt paid to live at the prime Capitol Hill address, though Hart said he believed it to be the market rate. The price tag on Pruitt's rental arrangement is one key question when determining if it constitutes an improper gift, ethics experts told ABC News.

"I think it certainly creates a perception problem, especially if Mr. Hart is seeking to influence the agency," said Bryson Morgan, the former investigative counsel at the U.S. House of Representatives Office of Congressional Ethics. "That's why there is a gift rule."

Hart confirmed to ABC News in a brief interview that Pruitt had lived in the flat, which is owned by a limited liability company that links to an address listed to Hart and his wife Vicki Hart, a lobbyist with expertise in the healthcare arena. Steven Hart said Vicki Hart co-owns the condo. He said his wife was not the majority owner, but would not identify her partners.

"I have no ownership interest," he said. "Obviously, I know the owners."

Vicki Hart does no lobbying involving the EPA, her husband said. Her website says she previously worked as a senior health policy advisor for two Senate Majority Leaders before establishing her firm in 2002.

Steven Hart served in the Reagan Justice Department and became, according to his website, is one of the nation's top fundraisers, donating more than $110,000 to Republican political candidates and committees last election cycle, records show.

In 2010, the newspaper Roll Call referred to the Harts as a "lobbyist power couple."

Mr. Hart is the chairman and CEO of Williams and Jensen, a firm that reported more than $16 million in federal lobbying income in 2017, according to the Center for Responsive Politics. Among his many clients are the NRA and Cheniere Energy Inc., which reported paying Hart's firm $80,000 a year.

Hart's firm specifically lobbied on "issues related to the export of liquefied natural gas (LNG), approval of LNG exports and export facilities." The firm also lists on its website that it lobbies on other EPA policies like the Clean Air Act.

Cheniere Energy Inc. owned the only active Liquid Natural Gas export plant in the United States at the time. Liquid natural gas exports was on the agenda for discussion during Pruitt's December 2017 trip to Morocco, according to an agency press release.

On the trip, Pruitt pitched "the potential benefit of liquefied natural gas (LNG) imports on Morocco's economy," the release said.

The revelations about Pruitt's living situation come as more questions are being raised by members of Congress about his travel habits. The Morocco trip was one of Pruitt's most expensive. ABC News has learned that Pruitt, his head of security, and an additional member of his staff, Samantha Dravis, all flew first class on the trip.

The EPA inspector general expanded an audit of Pruitt's travel to include the Morocco trip in response to a request from Sen. Tom Carper, the ranking Democrat on a committee with oversight of EPA. Carper specifically asked the agency watchdog to look into whether Pruitt's activities on the trip were "in line with EPA's mission 'to protect human health and the environment."

Both environmental groups and members of Congress pointed out that the jurisdiction over natural gas exports typically falls to the Department of Energy - not the EPA.

A spokeswoman for Cheniere Energy declined to comment.

Another lobbying client of Hart's, the railroad Norfolk Southern, spent $160,000 last year on lobbying Congress on "issues affecting coal usage, oil production, and transportation, including EPA regulation."

Norfolk Southern also declined to comment when reached by ABC News.

Morgan, an ethics expert in private practice in Washington, D.C., said the lobbying connection only further muddies the living arrangement. He said the rental agreement could create ethics problems for Pruitt even if he did reimburse his landlord for rent.

"What are the terms of the rental agreement?" Morgan asked. "It's not just a question if he is paying market rent. Was he given the ability to end it immediately? Would someone come after him if he were not to pay rent?"

Morgan said the most recent guidance from the Office of Government Ethics "emphasized that executive branch officials should decline even a permissible gift if it could cause the public to question their integrity or impartiality."

EPA spokesman Jahan Wilcox declined to answer questions about the arrangement.

Vicki Hart reached on her cell phone, said she would call back to discuss the matter but never did.

Steven Hart declined to address details of the rental agreement, saying it was a private matter and up to Pruitt to decide whether they should be made public.

The White House has not responded to a request for comment from ABC News.

Politico
https://www.politicopro.com/energy/whiteboard/2018/03/pruitt-landlords-spouse-was-also-campaign-donor-915765
Pruitt's landlord's spouse was also campaign donor
By Alex Guillen, 3/29/18, 1:10 PM

EPA Administrator Scott Pruitt lived in a Capitol Hill townhouse rented from the spouse of a lobbyist with natural gas and automotive clients, ABC News reported today.

The lobbyist, J. Steven Hart, donated to Pruitt's political campaigns to be Oklahoma's attorney general, according to a POLITICO review of campaign finance records. Hart is president, chairman and CEO of the lobbying firm Williams and Jensen.

The apartment near the Capitol is owned by a limited liability company in which Hart's wife, health care lobbyist Vicki Hart, is a minority owner, Hart told ABC, declining to identify her partners. It is not clear what Pruitt paid for the space, or whether Pruitt still resides there when in Washington, D.C. Hart said he thought Pruitt had paid market-rate rent.

Oklahoma records show Hart gave a total of $1,750 to Pruitt's AG campaigns between 2010, when he was first elected, and 2012. Pruitt was reelected in 2014 before he was appointed to run EPA.

Hart's clients include Cheniere Energy, a natural gas company pushing to increase exports. Pruitt traveled to Morocco in December to promote U.S. LNG as an energy source for the country.

Hart also represents the American Automotive Policy Council, a group made up of Fiat Chrysler, Ford and General Motors. All three are involved in EPA's expected decision to revisit auto emissions standards. And EPA is helping prosecute Fiat Chrysler for alleged cheating on emissions testing.

Neither EPA nor Hart immediately returned requests for comment.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/scott-pruitt-rented-a-condo-co-owned-by-wife-of-energy-lobbyist-report
Scott Pruitt rented a condo co-owned by wife of energy lobbyist: Report
By Josh Siegel, 3/29/18, 2:07 PM

Environmental Protection Agency Administrator Scott Pruitt spent some of his first year in office living in a Washington townhouse that is co-owned by the wife of an energy lobbyist, according to a report Thursday.

The EPA and the lobbyist, J. Steven Hart, would not tell ABC News how much Pruitt paid to rent a condo in the townhouse near the U.S. Capitol, though Hart said it was the market rate.

Hart, the CEO of Williams and Jensen, has clients with business relevant to the EPA's regulatory efforts, including Cheniere Energy Inc. and railroad company Norfolk Southern. Cheniere is the largest natural gas exporter in the U.S.

Hart's company lobbied on "issues related to the export of liquefied natural gas (LNG) approval of LNG exports and export facilities," according to its website. The firm also says it lobbies on issues related to the Clean Air Act, which EPA administers.

Hart is a prominent Republican donor who served in the Justice Department during the Reagan administration. He donated to Pruitt's campaigns to be attorney general of Oklahoma, according to campaign finance records.

The condo that Pruitt occupied is owned by a company that lists Vicki Hart, the lobbyist's wife, as an owner. Steven Hart said his wife was not the majority owner of the condo.

Vicki Hart is also a lobbyist, but she does no lobbying before the EPA, her husband said.

Pruitt has faced scrutiny during his tenure over his spending and travel habits.

The EPA inspector general is investigating Pruitt for his use of first-class and military flights and his frequent travel as administrator to his home state of Oklahoma, where he served as attorney general.

The internal watchdog is also probing whether Pruitt broke federal spending laws by using $25,000 in taxpayer money to install a secure phone booth in his office.

The Hill
http://thehill.com/policy/energy-environment/380817-pruitt-lived-in-condo-co-owned-by-energy-lobbyists-wife
Pruitt lived in condo co-owned by energy lobbyist's wife: report
By Timothy Cama, 3/29/18, 11:56 AM

Environmental Protection Agency (EPA) Administrator Scott Pruitt used to rent a Washington condo co-owned by the wife of a lobbyist with business ties to the agency, ABC News reported.

The condo in a townhouse near the Capitol is owned by a company that counts Vicki Hart as an owner, according to ABC.

The EPA and J. Steven Hart, Vicki's husband and an energy lobbyist, did not say how much Pruitt paid to rent the property for much of his first year in office, though he said he believed it was market rate. Vicki Hart did not respond to ABC's request for comment.

Vicki Hart is also a lobbyist, though her clients do not have business before EPA. Steven Hart, CEO of Williams and Jensen, has clients with EPA business, including Cheniere Energy Inc. and Norfolk Southern, and is a major Republican donor.

Bryson Morgan, the former investigative counsel at the House Office of Congressional Ethics, told ABC that the arrangement could create a problem, depending on whether Pruitt paid a low price for the rental.

"I think it certainly creates a perception problem, especially if Mr. Hart is seeking to influence the agency," he said. "That's why there is a gift rule."

The EPA did not respond to ABC's requests for comment.

Pruitt has been involved in a handful controversies in his time at EPA, including spending more than $100,000 in taxpayer funds on first-class travel and paying more than $40,000 to put a soundproof booth in his office.

Daily Caller
http://dailycaller.com/2018/03/28/huffington-post-epa-climate-change/
HuffPo's 'Scoop' On EPA's Climate Change Talking Points Was A Nothingburger
By Chris White, 3/28/18, 8:58 PM

A Huffington Post exclusive allegedly showing the EPA created talking points to downplay global warming actually indicates the agency is trying to emphasize the complexity of climate change research.

EPA's press office is directing employees to inform the public the agency promotes science and helps inform states on how to address "environmental emergencies," according to an internal email HuffPo obtained. The talking points also urged staff to tell members of the press the debate is ongoing, regarding how to address climate change.

"Human activity impacts our changing climate in some manner," according to an email Joel Scheraga wrote — an official who served under former President Barack Obama. "The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue."

"While there has been extensive research and a host of published reports on climate change, clear gaps remain including our understanding of the role of human activity and what we can do about it," another talking point states.

HuffPo characterized the email as an example of the EPA downplaying the importance of climate change research.

"The assertions made in the new EPA talking points are not rooted in science," HuffPo writer Alexander Kaufman wrote before noting "ninety-seven percent of peer-reviewed research" shows humans are contributing to global warming.

The report comes after EPA Chief Scott Pruitt suggested in an interview with The Daily Caller News Foundation's Michael Bastasch that Pruitt will reverse long-standing agency policy allowing regulators to rely on non-public scientific data in crafting rules. Such studies have been used to justify tens of billions of dollars-worth of regulations.

EPA regulators would only be allowed to consider scientific studies that make their data available for public scrutiny under Pruitt's new policy. EPA-funded studies would also need to make their data public. Several media outlets cast Pruitt's move as an attack on climate science.

The New York Times launched a two-pronged offensive against Pruitt's transparency policy that included an op-ed from two former EPA officials during the Obama administration. Pruitt's policy puts "profits of regulated industries over the health of the American people," the EPA officials said.

The Times also published an article focused on objections to Pruitt's policy, headlining "scientists see an attack on science." Pruitt's policy could expose confidential patient data and potentially strangle EPA's ability to issue new regulations, critics said.

CNN
https://www.cnn.com/2018/03/29/politics/epa-climate-change-talking-points/index.html
EPA talking points downplay role of human activity in climate change
By Veronica Stracqualursi, 3/29/18, 11:38 AM

The Environmental Protection Agency has circulated new talking points instructing staffers to say that "clear gaps" exist in understanding whether human activity contributes to climate change.

"While there has been extensive research and a host of published reports on climate change, clear gaps remain including our understanding of the role of human activity and what we can do about it," according to talking points obtained by HuffPost Wednesday and later confirmed to CNN by the EPA.

"Human activity impacts our changing climate in some manner," another talking point reads. "The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue."

The eight talking points were distributed to EPA communications directors and regional public affairs directors by the agency's Office of Public Affairs and sent internally via email by Joel Scheraga, that office's senior adviser for climate adaptation.

Without addressing the shift in the agency's approach to climate change, an EPA spokesperson said in a statement, "The talking points were developed by the Office of Public Affairs. The agency's work on climate adaptation continues under the leadership of Dr. Scheraga."

The talking points also include that the agency "promotes science that helps inform states, municipalities, and tribes on how to plan for and respond to extreme events and environmental emergencies."

The EPA has approached the issue of climate change differently under Administrator Scott Pruitt's leadership. Pruitt has acknowledged that climate change is a reality, but has questioned the extent to which it is caused by human activities and the authority of his agency to regulate it.

The last talking point in the email reads: "Administrator Pruitt encourages an open, transparent debate on climate science."

At the end of last year, the EPA removed references to climate change and the use of renewable energy from several of its web pages, according to an analysis by the Environmental Data and Governance Initiative. The phrase "climate change" did not appear in the EPA's draft four-year strategic plan, striking it as a priority.

A climate science special report published last year by the US Global Change Research Program -- made up of 13 federal agencies, including the EPA -- concluded that "it is extremely likely that human influence has been the dominant cause of the observed warming since the mid-20th century" and that "there is no convincing alternative explanation."

The Hill
http://thehill.com/policy/energy-environment/380692-internal-epa-memo-tells-staffers-how-to-downplay-climate-change
Internal EPA memo tells staffers how to downplay climate change
By Miranda Green, 3/28/18, 3:32 PM

The Environmental Protection Agency (EPA) sent staffers climate change talking points Tuesday, according to an email first obtained by HuffPost.

The list of eight "approved talking points" sent by the EPA's Office of Public Affairs encourages staffers to highlight a lack of evidence that ties humans to climate change.

"Human activity impacts our changing climate in some manner. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue," reads one of the points.

Another point mentions that "gaps" remain in science, bringing into question whether climate change is a direct effect of fossil fuel emissions.

"While there has been extensive research and a host of published reports on climate change, clear gaps remain including our understanding of the role of human activity and what we can do about it," reads the email sent from Joel Scheraga, EPA's Office of Policy senior advisor for climate adaptation.

Scheraga said the talking points were determined by Public Affairs Director Nancy Grantham and were developed at the request of the Cross-EPA Work Group on Climate Adaptation to develop consistent messaging on the topic.

Under Administrator Scott Pruitt, the EPA has questioned the exact impact humans have made on climate change.

While Pruitt has maintained that he believes in climate change, he has been reluctant to tie effects to humans as the agency works to roll back a number of environmental regulations that green groups argue will speed up global warming.

After he was confirmed, Pruitt worked quickly to approve a slew of EPA website changes that removed references to climate change and climate programs.

However, a number of federal studies, including from the EPA, have found evidence that humans are contributing to a warming globe. In November, a federal report from 13 agencies found that humans are the No. 1 cause of climate change — causing sea level rise, hotter temperatures and agriculture issues.

The final talking point on the EPA memo suggests how employees should refer to Pruitt's stance on the issue.

"Administrator Pruitt encourages an open, transparent debate on climate science," it reads.

A spokesperson for the EPA confirmed to The Hill that the talking points were "developed by the Office of Public Affairs," adding that the agency continues to address climate change.

"The Agency's work on climate adaptation continues under the leadership of Dr. Scheraga," the spokesperson said.

Washington Post
https://www.washingtonpost.com/news/energy-environment/wp/2018/03/28/epa-staffers-get-talking-points-downplaying-human-role-in-climate-change/?utm_term=.83028ae75b95
EPA staffers get talking points playing down human role in climate change
By Brady Dennis and Juliet Eilperin, 3/28/18, 6:19 PM

Environmental Protection Agency staffers received a list of "talking points" this week instructing them to underscore the uncertainties about how human activity contributes to climate change.

A career employee in the department's Office of Public Affairs distributed the eight talking points to regional staffers. The list offered suggestions on ways to talk with local communities and Native American tribes about how to adapt to extreme weather, rising seas and other environmental challenges.

Employees crafted the email, first disclosed Wednesday by HuffPost, on the basis of controversial — and scientifically unsound — statements that EPA Administrator Scott Pruitt has made about the current state of climate research.

"Human activity impacts our changing climate in some manner," reads one of the talking points. "The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue."

Another states that while there has been "extensive" research and numerous reports on climate change, "clear gaps remain including our understanding of the role of human activity and what we can do about it."

The list echoes pronouncements by Pruitt, who along with other Trump administration officials, has repeatedly highlighted uncertainty about the role humans have played in the warming of the planet. Pruitt also has pushed for a

government-sponsored exercise to scrutinize climate science and has wondered whether global warming "necessarily is a bad thing."

Such comments put Pruitt at odds not only with leaders of other countries but also the vast majority of climate scientists internationally. Even the government's own scientists have found that "it is extremely likely that human influence has been the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence."

Most experts agree that the burning of fossil fuels is a primary driver of climate change and that unless nations drastically reduce emissions of carbon dioxide, the world will increasingly face consequences in the form of sea-level rise, stronger storms and protracted droughts, longer wildfire seasons, and other environmental calamities.

"The EPA administrator should not be in the business of telling scientists what they should say publicly about basic scientific information," said Michael Halpern, deputy director of the Center for Science and Democracy at the Union of Concerned Scientists. "The implication is that EPA wants a political filter on all scientific information emerging from the government, especially if it has to do with climate change."

An EPA spokeswoman said in an email that "the talking points were developed by the Office of Public Affairs. The agency's work on climate adaptation continues."

Aside from the points that raise doubt about climate change, the list instructs regional officials to say the EPA "promotes science that helps inform states, municipalities and tribes on how to plan for and respond to extreme events and environmental emergencies." It also says the agency "recognizes the challenges that communities face in adapting to a changing climate" and "will continue to advance its climate adaptation efforts."

At other federal agencies, referring to climate change remains a sensitive topic.

Last week, according to an email obtained by The Washington Post, the Fish and Wildlife Service issued guidance with boldface language instructing staffers that the grant solicitations they send out "must not include any broad, generic phrases or terms that are known to be related to divisive political issues or otherwise have a political association, meaning, or inference."

The agency did not specify what qualifies as politically divisive. But it provided a single example, substituting what would typically be a reference to climate change with a longer term, in italics: "This program will fund research activities that broaden our understanding of the impacts of changing environmental conditions, such as data collection on the frequency of severe weather events."

Asked about the directive, Interior Department spokeswoman Heather Swift said in an email that Fish and Wildlife made the change "to improve the grants process and accountability."

"The goal of the policy is for applicants to get away from submitting forms with broad topics and instead submit more specific information about what they will use taxpayer funds for," she said.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/environmental-groups-aim-to-boot-scott-pruitt-over-wasteful-spending-at-epa
Environmental groups aim to 'boot' Scott Pruitt over 'wasteful spending' at EPA
By Josh Siegel, 3/28/18, 5:35 PM

Environmental groups on Wednesday started a campaign to oust Environmental Protection Agency Administrator Scott Pruitt, citing what they say is his propensity for "spending lavishly on himself."

The Sierra Club and National Resources Defense Council are among 10 groups aiming to unseat Pruitt, seeking to bring attention to recent revelations about his spending on first-class travel and personal security on foreign flights.

On Wednesday night, the campaign plans to project a message onto the EPA headquarters building in Washington calling for Pruitt to step down.

The projection will feature images criticizing Pruitt's "wasteful spending of taxpayer money on luxury travel, ongoing investigations of his actions while in office, and his dangerous policies that have imperiled public health."

The Sierra Club also plans to run "Boot Pruitt" ads on cable news networks, including "Fox & Friends" and MSNBC's "Morning Joe."

Pruitt spent more than $105,000 on first-class flights in his first year, according to documents the EPA provided to the House Oversight and Government Reform Committee.

A watchdog group last week released documents showing the EPA spent nearly $31,000 on Pruitt's security detail during a June trip to Italy.

The EPA inspector general is investigating Pruitt for his use of private and military flights and his frequent travel as administrator to his home state of Oklahoma, where he served as attorney general. The internal watchdog is also probing whether Pruitt broke federal spending laws by using $25,000 in taxpayer money to install a secure phone booth in his office.

Pruitt has deflected criticism of his travel habits by saying he faces "unprecedented" security threats from taunting travelers, which has prompted EPA career security staff to grant him waivers to sit in first class.

EPA spokesman Jahan Wilcox dismissed the campaign to unseat Pruitt on Wednesday, noting the Sierra Club had already deemed Pruitt "unfit to serve" before he was confirmed.

"A campaign funded by the Sierra Club running ads on MSNBC and 'Morning Joe' attempting to influence President Trump may not be particularly successful," Wilcox told the Washington Examiner. "But please don't take my word for it, spend your money. Administrator Pruitt is proud to advance President Trump's agenda on regulatory certainty and environmental stewardship."

E&E Climatewire
https://www.eenews.net/climatewire/stories/1060077707/search?keyword=EPA
Greens push Pruitt to quit in big letters
By Josh Kurtz, 3/29/18

An environmental group projected messages onto U.S. EPA headquarters last night calling on Administrator Scott Pruitt to resign.

The event escalated a campaign dubbed "Boot Pruitt" to sharpen public opinion against the conservative administrator. Among its complaints is Pruitt's past use of first-class airfare.

"Scott Pruitt," the message read, over pictures of pollution-belching smokestacks, "threatens our health/attacks science/spends $150K+ on luxury travel/puts polluters first/under 4 investigations."

The event was organized by the League of Conservation Voters.

"He's given us a million reasons why he's unfit," said Sara Chieffo, LCV's vice president of government affairs, standing in front of the agency's headquarters, across the street from the Trump International Hotel in downtown Washington, D.C. "Unfortunately, we can only list five on the EPA building."

The beamed-up message was accompanied by a link to a new website, BootPruitt.com, launched by 10 progressive groups to publicize their grievances against the administrator. It includes a petition calling on Pruitt to resign.

A dozen or so people moved around the sidewalk outside the building as the message flashed on the facade for more than half an hour. But they weren't protesters in the strictest sense.

The whole operation required a lot of bodies and resembled an advertising shoot. Two people were needed just to hold umbrellas over the equipment beaming the message on the building. There were cameramen and videographers recording the statements Chieffo made for a video and an LCV Facebook Live posting. Someone held a light. Someone else held cue cards.

Bustling around and directing the activity was Robin Bell of Bell Visuals, a company that specializes in projecting political messages on iconic Washington, D.C., structures.

Bell, someone confided, is expert at knowing where to stand on public property to legally use a private or government building to display political images.

"This is one of my favorite palettes," Bell told E&E News, gesturing toward the EPA building.

Whether the occupants of the building were affected by the after-hours activity was impossible to say. Jahan Wilcox, an agency spokesman, did not respond to an email last night requesting comment.

LCV and its partners see the push to get Pruitt to resign as a long-term campaign.

"This represents a much broader effort," Chieffo explained. "We see this as an ongoing effort."

When she was done recording her messages, Chieffo got welcome feedback from Bell.

"You killed it," he told her.

Washington Post
https://www.washingtonpost.com/opinions/scott-pruitt-needs-to-go/2018/03/28/8984cd26-32a0-11e8-8bdd-cdb33a5eef83_story.html?utm_term=.8822cb354ecf
Enough is enough. Scott Pruitt needs to go. (*Opinion)
By John Podesta, 3/28/18, 3:19 PM

The mission of the Environmental Protection Agency has always been to protect human health and the environment. But since taking the helm just over a year ago, EPA Administrator Scott Pruitt has made no secret that his personal mission is to do the opposite.

Time after time, Pruitt has ignored his agency's own data, analysis and recommendations in order to protect corporate polluters. He has given new meaning to the lobbyist revolving door, hiring people who have close connections to the industries that the EPA is supposed to regulate. And he wasted taxpayer money for his own personal comfort.

By now, it is clear that Pruitt is unfit for public office and needs to go.

Take, first, the "brief" meeting between Pruitt and a top Dow Chemical executive last March. Less than a month later, Pruitt announced he would refuse to ban the pesticide chlorpyrifos, produced by Dow, from being sprayed on food, despite a review from EPA scientists that found even trace amounts of chlorpyrifos can interfere with children's brain development. In refusing to go along with EPA experts' advice to ban chlorpyrifos, Pruitt rejected science, endangered children's health and benefited his industry friends all at once.

But that's not all. In January 2016, two employees of the agribusiness Syngenta assigned about 20 workers to work in a field recently treated with chlorpyrifos in Hawaii, exposing them to dangerous levels of the pesticide. Later that year, the EPA under the leadership of Gina McCarthy announced it would fine Syngenta about $4.9 million for its improper use of the chemical during the January incident.

But help for Syngenta was on the way when Pruitt became administrator. In October 2017, Pruitt hired Jeff Sands, a former Syngenta lobbyist, as his senior adviser for agriculture issues. In December, the White House counsel granted Sands an ethics waiver to ensure that he could continue to work on issues related to his former employer — including the issues that he had lobbied previously, such as the EPA's regulation of pesticides.

Then in February, the EPA reduced Syngenta's fine for violating pesticide regulations to $150,000 without explanation, requiring the company to spend an additional $400,000 on worker training. In all, the company saved about $4.4 million.

And then in March, Sands — perhaps feeling his mission accomplished — left the EPA.

No one knows why Pruitt decided to reduce Syngenta's fine. No one knows whether Sands's advice influenced that decision. But the timing raises serious questions, and Pruitt should immediately and proactively release all of the documents detailing his decision-making process.

In addition to throwing the EPA's doors wide open for corporate polluters, Pruitt has wasted taxpayer dollars. The extent of Pruitt's excess is still coming to light, but we do know that Pruitt spent $43,000 on a soundproof phone booth, which the Government Accountability Office is investigating, and almost $9,000 to install biometric locks in his office and to have it swept for listening devices. He also tried to spend $120,000 to hire a Republican political consulting firm to track press coverage of the EPA, but that deal failed after it was revealed that one of the firm's lawyers worked to monitor EPA employees critical of Pruitt or President Trump.

Meanwhile, Pruitt has made a habit of using taxpayer money to avoid ordinary citizens who want to criticize him. In response to questions from Trey Gowdy (R-S.C.), chairman of the House Oversight and Government Reform Committee, Pruitt was forced to release documents indicating that he spent more than $105,000 on first-class flights in his first year at the EPA alone. The Post recently reported that one week's worth of travel in June 2017 by Pruitt and his staff cost about $120,000, which the EPA inspector general is investigating.

Remarkably, even the White House is fed up with this behavior. Pruitt was recently scolded by the White House for the embarrassing stories around his preference for first-class travel.

Enough is enough. Pruitt has failed to demonstrate that he can lead the EPA without putting American lives at risk or wantonly wasting taxpayer money. It's time to give him the boot.

The Intercept
https://theintercept.com/2018/03/29/epa-superfund-scott-pruitt-peter-wright/
Trump's Nominee to Oversee Superfund Program Spent Decades Fighting EPA Cleanups On Behalf of Polluters
By Sharon Lerner, 3/29/18, 1:30 PM

THOUGH HE HAS openly disparaged much of his agency's mission, Environmental Protection Agency Administrator Scott Pruitt has remained steadfastly enthusiastic about Superfund, the federal program responsible for cleaning up some of the country's most contaminated industrial sites. The EPA budget brief released in February said the agency would "accelerate the pace of cleanups" and make an additional 102 Superfund sites and 1,368 brownfield sites "ready for use" by September 30, 2019. That move follows Pruitt's creation of a "Superfund task force," which laid out the program's priorities in July and, in December, issued a list of 21 sites to be fast-tracked for cleanup.

Yet even as he's offered up these promises, some of Pruitt's budgetary and hiring decisions have threatened the possibility that he'll be able to fulfill them. The EPA's proposed 2019 budget would cut the enforcement staff necessary to track down polluters and hold them accountable.

Perhaps even more undermining to the program are the people Pruitt has chosen to run it. First there was Albert Kelly, a former banker who had contributed to Pruitt's campaigns and whose bank had given him loans, appointed to head the Superfund task force last May despite the fact that he had no previous environmental experience. And now comes Trump's nomination for Kelly's boss at the office responsible for managing hazardous waste: Peter Wright, a man with an extensive history with Superfund — fighting EPA cleanups on behalf of polluters.

From the beginning, the government's efforts to remediate lead smelters, mines, paper mills, refineries, landfills, and the like under the Superfund program have been dogged by delays. Superfund was created in 1980 to remediate the most egregious industrial messes that companies were unable or unwilling to clean up themselves. At first, the program was mostly paid for by a tax on the chemical and oil industries. But the rate of cleanup got infinitely worse after 1995, when Congress allowed that tax to expire, leaving taxpayers to foot the bill. The number of completed Superfund cleanups (of sites not owned by the federal government) dropped from 80 in 2000 to 13 in 2013, according to a 2015 report by the Government Accountability Office. While presidential administrations have come and gone, hundreds of communities have awaited the removal of dangerous chemicals for decades as they languished on the ironically named "National Priorities List."

Scott Pruitt promised to fix that. But his first step was to appoint someone to head up his Superfund reform initiative whose experience with Superfund sites seemed to be limited to living near one. Like about half of the more than 1,300 Superfund sites, the Wilcox Oil site in Albert Kelly's hometown, Bristow, Oklahoma, was polluted by companies that no longer exist. It's been 96 years since Albert Rollestone sold Continental Petroleum, one of the companies that originally operated on the land that is now the Wilcox site. In the early 1900s, Rollestone shared a house with Kelly's grandfather, a banker whose fortune came partly from oil. Both men profited from the Bristow oil boom. Rollestone, whose bank eventually merged with one the elder Kelly ran, went on to live "on a prominent Easy Street corner," as the magazine Petroleum Age wrote at the time, and Kelly's community bank, now known as SpiritBank, remains in operation.

While Continental and the six other companies that originally operated on the land have long since ceased to exist, their pollution remained. On a chilly Tuesday last month, it took the form of black goo that had oozed up from the ground and hardened into tarry patches dotting Glen Jones's backyard. Jones, 73, hoped for a peaceful retirement on his 20-acre property when he bought it 14 years ago. That was before the EPA found elevated concentrations of lead, arsenic, 2-methylnaphthalene, and the carcinogen benzo(a)pyrene in the 125-acre swath of Bristow that includes his backyard and, in 2013, declared it a Superfund site.

For most of the past year, while the position above him has remained vacant, Kelly, the grandson of Rollestone's business associate, has been running the $1 billion program that oversees the cleanup of Superfund sites, including the one in Bristow. While Kelly is new to this professional world, Wright, Trump's nominee to head the EPA's Office of Land and Emergency Management, has an extensive track record with hazardous waste: For the last quarter-century, he has

defended companies responsible for some of the biggest of these industrial disasters, including Dow Chemical, where he has worked for more than 18 years, and Monsanto, where he worked for seven years before that.

The Senate has yet to schedule Wright's confirmation hearing. If confirmed, he would oversee emergency response as well as cleanups under the Superfund program, which is mostly used for abandoned industrial sites, and the Resource Conservation and Recovery Act, which is designed for sites that are still in use. Together, Dow and DuPont, which merged in 2017, are responsible for the remediation of nearly 200 Superfund sites and more than 300 sites being cleaned up under other laws, including the RCRA, according to DowDuPont's Securities and Exchange Commission filing. Monsanto is associated with at least 100 Superfund sites and seven RCRA sites, according to the EPA website. A spokesperson for Monsanto could not confirm the number of sites the company has been involved in remediating.

While Pruitt has promised to speed cleanups, as an attorney representing companies that have to pay cleanup costs, part of Wright's job has been to avoid liability. Among the complicated environmental messes Dow is now cleaning is Rocky Flats, where the company manufactured triggers for nuclear weapons. An EPA and FBI raid of the plant in 1989 led to discoveries that plutonium and tritium had leaked into local water — and spurred the environmental agency to add the site to the Superfund list that same year. Thousands of residents have since sued. In an emailed statement, Dow spokesperson Rachelle Schikorra noted that the EPA closed the Rocky Flats cleanup project in 2006 and that legal cases associated with historical operations of this site have settled.

But it is a mess in Michigan, surrounding Dow's headquarters in Midland, that is the company's "largest and most significant environmental matter," as Wright's bio on an industry consulting group webpage points out. The company has released highly toxic dioxins and furans into the Tittabawassee River and other local waters since at least the 1930s, and waste from its Vietnam War-era production of the herbicide Agent Orange added to the river's chemical stew. The contaminants have flowed into the nearby Saginaw River, the Saginaw Bay, and Lake Huron, ending up at least 50 miles from the plant where they originated.

Ethics experts say Wright should recuse himself from work on the Midland site. "You'd worry, potentially, that given the magnitude of the issue and its importance to Dow, that in this revolving-door situation he might favor Dow's point of view," said Bruce Green, director of the Louis Stein Center for Law and Ethics at Fordham University. "If I were in his confirmation hearing, I would ask whether he plans to recuse himself."

Kathleen Clark, a professor of legal and government ethics at Washington University School of Law, added that Wright's role as managing counsel at Dow would seem to trigger more sweeping restrictions on his work. "Legal ethics standards would make it a lifetime ban, if, as is almost certainly the case, he's learned confidential information from Dow about this," Clark said. She says the restrictions should go even further. "If he participated or had confidential information in the proceedings involving any of DowDuPont's other sites, he may need to recuse himself from government work on those as well."

In her statement, Dow's Schikorra said that Wright was unavailable to comment for this piece but described him as "directly involved in negotiating 14" cleanup agreements with the EPA. "Peter Wright has been the steadfast voice at the table on the mid-Michigan dioxin issues. His in-depth understanding of both regulations and real-world solutions was instrumental in resolving this highly complex legacy issue," Schikorra said.

Schikorra's statement also said that the company has made "tremendous progress in resolving the mid-Michigan dioxin issue" and noted that Dow is "working cooperatively with, and under the direction of regulatory agencies, to remediate and restore areas impacted by our historical operations. We are focused on resolution and remain committed to protecting the health and well-being of the communities in which we live and work."

While Wright has served as its managing counsel, Dow has argued against strengthening the cleanup standard for dioxin at the Michigan site, slowed the pace of the river's cleanup, and withheld results of its own research from the state. When the EPA tried to force the company to speed up its process, Dow fought back hard.

A decade ago, an EPA regional administrator named Mary Gade got fed up with the company's resistance to addressing the dioxins in Michigan. In January 2008, Gade, whose region included the Dow headquarters, decided to stop negotiating with the company, which had declined to do some testing requested by the state and the EPA. Gade instead tried to use her emergency powers to compel Dow to clean up the most contaminated waterways. Weeks after the decision to stop negotiating, Dow officials, including Peter Wright, met with Susan Bodine, then an EPA assistant administrator who worked at the agency's Washington headquarters. According to an emailed letter they sent Bodine after the meeting, the Dow officials requested her help putting matters "back on a constructive track." In May 2008, Gade said EPA headquarters had told her to resign or be fired; she resigned. Gade didn't return calls from The Intercept, but at the time of her ousting told the Chicago Tribune, "There is no question, this is about Dow."

Dow spokesperson Schikorra said no one at Dow had any role in Gade's departure from the EPA.

While Wright's nomination is pending, Susan Bodine is already back at the agency. After spending several years as a lobbyist, she was confirmed to run the EPA's enforcement office in December.

Tracking Down Polluters

Challenging as it is for the EPA to force known polluters to take full and prompt responsibility for cleanups, the agency's job is considerably more complicated when no company is clearly liable for the contamination. EPA workers with titles like "civil investigator" and "cost recovery expert" are tasked with sorting through the messiness that impedes cleanups in such instances. While it's easy to find celebrated titans of industry — in Bristow, for instance, pictures of Rollestone and the Kellys hang in the town square — it is considerably more difficult to follow the trail from defunct companies to existing, solvent ones, especially since corporations often purposefully confound it.

It has become standard corporate practice to dodge cleanup costs using a range of strategies, including bankruptcies, mergers, and corporate name changes. "To the extent that companies can confuse the matter, they do," said Leo Mullin, who worked at the EPA tracking down polluters of Superfund sites for 24 years before retiring in 2013. "Their basic line is, 'It's not me.'"

Monsanto, which produced several chemicals that have led to Superfund cleanups — including PCBs and glyphosate, the active ingredient in Roundup — undertook a dizzying corporate transformation in the 1990s, when Wright was serving as one of the company's environmental attorneys. In 1997, a spinoff company called Solutia acquired Monsanto's chemical business and liabilities and subsequently went bankrupt, while the profitable part of the company merged with Pharmacia and Upjohn and was ultimately acquired by Pfizer.

"In places where there was no institutional memory" of this elaborate series of maneuvers, "they got left off the hook," said Mullin.

"Under our agreements with Pharmacia and Solutia, today's Monsanto manages many of the legacy liabilities from the former Monsanto's operations before 1997," a spokesperson for the company wrote in a statement to The Intercept. "Where Monsanto has been determined to have responsibility relating to PCBs, we've met those obligations and we'll continue to do so. In addition, since the 1950s there has been and continues to be a Monsanto at our headquarters address here in St. Louis. The EPA knows where to find us."

The need for forensic accountability became more pressing in 1995, when Congress allowed the tax on the chemical and oil industries that had paid for cleanups to expire. Without replenishment, the "Superfund" for which the program was named was depleted by 2003. To cover the rest of the cost of the massive environmental damage, it had to rely on investigators like Mullin to track down polluters and force them to pay.

Mullin and his colleagues were trained to treat the defilement of the soil, air, and water as both a solvable mystery and a serious crime. "We had someone who was former SEC and DEA. We had two retired Philly cops, five ex-IRS people like myself, and a private investigator," Mullin said of the Philadelphia office where he and others scoured databases, pored over property records, and dug through historical documents in their efforts to nab companies that were trying to escape and minimize their environmental liability.

When done well, the work is extremely lucrative, accounting for one of the agency's few income streams. Mullin estimated that the projects his team worked on brought in more than $600 million during the 24 years he served as a forensic investigator in the Superfund program. During fiscal year 2016, Superfund enforcement cost the government $150 million, while bringing in more than $1 billion in responsible party commitments to perform cleanups and another $147 million in payment of government costs.

While the EPA's job of tracking pollution liability always involved some level of detective work, the corporate deceptions have become more sophisticated, fast-moving, and difficult to crack in recent years, according to Mullin. "The issue of buying and selling assets to get out of an industry — all that stuff can change in an instant now with the speed of commerce."

Yet, as the liability trail became vastly more complicated, the funding to pay investigators to follow it has dropped. The number of investigators in the Philadelphia office peaked at 10 when the Superfund budget overall peaked — in the early 1990s — and is now three, according to Mullin, who keeps in touch with his colleagues in the office. Trump's proposed budget for fiscal year 2018 included 37 percent reductions in funding for Superfund enforcement and suggested cutting the program overall by 30 percent. Last week, Congress rejected those cuts, voting to keep funding for EPA flat and add $66 million for Superfund sites. The EPA did not answer questions from The Intercept about the current number of investigations at the agency.

The proposed budget for 2019, which was released in February, slashed the EPA's overall funding by 26 percent compared to 2017, the most recent period with accurate spending totals. While funding for Superfund cleanups remained relatively flat, the administration is seeking to cut some of the budgetary lines that pay for both the investigators who trace the pollution back to its origins and the lawyers who can then force corporate entities to pay for cleanups in its signature program. The 2019 budget would also reduce funding for the Department of Justice, which pays for government lawyers to force companies to clean up hazardous waste at Superfund sites. (Pruitt had previously tried to eliminate the DOJ funding altogether.)

To be sure, the damage to Superfund in the coming budgets isn't as dramatic as overall cuts to the EPA proposed in Trump's most recent budget. But cuts to Superfund enforcement don't just undermine the program's ability to track down polluters and hold them responsible; they also upend the fiction that Trump's EPA has any interest in environmental protections.

"It is just a stunning action by the guy who keeps trying to say he is really concerned about public health and safety and touts that he's returning the agency to basics," Betsy Southerland, who spent 10 of her 30 years at the EPA working on the Superfund program, said of the proposed reductions. "That same champion of Superfund, he's asking for cuts in enforcement."

The cuts to the staff that can make polluters pay for their own messes are part of a larger trend away from enforcing environmental laws and regulations taking place under this administration. In addition to cutting some of the enforcement necessary for Superfund cleanups, the proposed budget also includes cuts to monitoring used for enforcement as well as funding for criminal enforcement. By law, the EPA office that investigates environmental crimes is supposed to have 200 agents. But the criminal enforcement division currently has 143 agents, according to an agency spokesperson, and cuts to its budget would likely whittle its staff further. Meanwhile, the budget would completely eliminate an enforcement division dedicated to oil spills.

Environmental enforcement cases have already dropped sharply in the past year. According to Public Employees for Environmental Responsibility, "The 2017 case referrals to the Department of Justice for prosecution are below annual levels going back to 1990. The pace EPA is setting through the first half of FY 2018 would be the lowest in 30 years." In the first 12 months of the Trump administration, the EPA collected almost 60 percent less in penalties from environmental polluters than the agency did during Obama's first year in office, according to a February report from the Environmental Integrity Project. The report also showed a precipitous drop in the amount spent on pollution controls by companies the EPA has cited for various violations. Under Trump, these companies spent $966 million on pollution

controls such as equipment upgrades, monitoring and maintenance, less than a third of the $3.3 billion that violators paid for these things in the first year of the Obama administration. The EPA declined to comment for this story.

While enforcement activities, including Superfund, are a wise investment of tax dollars, the money that corporations put into diffusing their responsibility at Superfund disputes is also well spent. The agency contacted several companies about their potential liability for pollution at the Superfund site in Bristow, Oklahoma, including Kinder Morgan, ConocoPhillips, and Chevron. Though all have some corporate connection to the original companies, having subsumed or merged with them or their successors, all denied their responsibility for cleaning up the site.

After the EPA approached ConocoPhillips about the site in 2013, Phillips66, which spun off from ConocoPhillips in 2012, responded with a 29-page letter complete with stock certificates from 1920 that argued the company had no responsibility for the mess. Chevron sent the EPA a 90-page response denying its responsibility. And Kinder Morgan, which acquired El Paso Energy Corporation in 2012, which was itself a successor to one of the original companies operating on the Oklahoma Superfund site, Wilcox Oil, sent the EPA a more than 1,100-page response to its inquiry. Meanwhile, the bulk of the work getting rid of the waste in Bristow awaits an agreement with a responsible party.

The cleanup of waterways near the Dow headquarters in Michigan has also proceeded at a glacial pace. After first denying that it had produced dioxins found in the water, Dow later said that the chemicals weren't dangerous at the levels they were found in Michigan waters, though studies had already found them to increase the rates of all cancers in humans and affect reproduction. (As recently as 2005, Wright argued that environmental exposure to dioxins didn't pose a threat to human health.)

Dow's statement said that the company "has undertaken considerable efforts to reduce dioxin emissions" and is "on track to complete the cleanup of the Tittabawassee River and floodplain by 2020." But the dioxins and furans remain in the water — and some local environmentalists question when, if ever, they'll be fully cleaned up.

"Dow totally derailed the cleanup plan," said Michelle Hurd Riddick, a nurse and member of the Lone Tree Council, a Michigan environmental group that has been working to get Dow's chemicals out of local waters for almost 20 years. "They've just thrown up more and more roadblocks to slow down the process." Hurd Riddick says she has no confidence that, once he's at EPA, Wright will clean up any highly contaminated site. "We've had the highest level of dioxins in the country," she said. "If he didn't take our contamination seriously, he won't take any site seriously."

Reuters
https://www.reuters.com/article/panel-to-weigh-mdl-treatment-for-gold-ki/panel-to-weigh-mdl-treatment-for-gold-king-mine-spill-cases-idUSL1N1RB018
Panel to weigh MDL treatment for Gold King Mine spill cases
By Barbara Grzincic, 3/28/18, 8:22 PM

A federal judicial panel on Thursday will consider creating multidistrict litigation for cases against the Environmental Protection Agency and the contractor accused of causing the 2015 Gold King Mine spill in Colorado, which fouled rivers in at least three states and the Navajo Nation.

The EPA contractor, St. Louis-based Environmental Restoration, has asked the U.S. Judicial Panel on Multidistrict Litigation to centralize pretrial proceedings for the four lawsuits already filed and any that arise in the future.

To read the full story on Westlaw Practitioner Insights, click here: bit.ly/2GiUe6z

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Outcome of EPA Rule Delay Case Could Upset Trump Deregulatory Plan
By Sam Pearson, 3/29/18

A win for the plaintiffs in a case challenging the delay of an EPA chemical safety rule could have big implications for the Trump administration's deregulatory agenda and the law governing how regulations are made, an attorney at a union legal conference said.

Joseph Santarella, senior counsel at the law firm Santarella & Eckert LLC in Littleton, Colo., said he is cautiously optimistic the plaintiffs will prevail in federal court challenging the Environmental Protection Agency's delay of an Obama-era regulation.

The rule aims to add new emergency planning and preparedness requirements for high-risk industrial facilities.

"This is going to be a landmark Administrative Procedure Act decision," Santarella said, referring to the federal law governing how agencies may issue regulations.

Santarella, whose firm represents the petitioners in the U.S. Court of Appeals for the District of Columbia Circuit challenging the EPA, spoke at the United Steelworkers' Health, Safety, and Environment conference in Pittsburgh on March 28.

While predicting the outcome of a case is risky, he said, signs appear favorable for the challengers, community and environmental groups and the United Steelworkers union.

More Info Sought
For one thing, he said, the court asked the EPA March 23—a week after the oral arguments—to provide "a comprehensive list" of past actions in which a federal agency had delayed a regulation in a similar manner, a sign it's interested in the issue, Santarella said.

Other issues that could have tripped up the petitioners received little attention at the oral arguments, such as whether the union or community groups had standing to sue the EPA, Santarella said.

Industry organizations have warned that the rule could increase costs and present security risks for the facilities.

A three-judge panel of the D.C. Circuit is evaluating if the EPA violated the Clean Air Act in June 2017 when it delayed the chemical facility safety regulation until February 2019. Oral arguments were March 16, and a ruling is expected later this spring.

During the arguments, Jonathan Brightbill, a deputy assistant attorney general representing the EPA, said regulators need discretion to develop new policies when a new administration comes into office. The public would not be harmed by the regulation's delay because many of the provisions would not have taken effect for years anyway, he said.

Sympathetic Court?
The court may be sympathetic to the union's arguments that the EPA acted in an arbitrary and capricious manner, Santarella said.

Judge Brett Kavanaugh, one of the three hearing the case, seemed skeptical during oral arguments, saying the agency should be able to amend any part of a prior rule as long as it gives notice and accepts public comments, as required under the Administrative Procedure Act.

The EPA delayed the effective date of the Obama-era regulation in without making findings to counter the administrative record from the 2017 rule.

At oral arguments, Susan Eckert, an attorney at Santarella & Eckert LLC and Santarella's wife, represented the Steelworkers before the court.

She spoke about how the union's members are directly affected by the delay of the regulation by virtue of their work at many of the facilities that would be regulated. The court seemed to recognize the purpose of the regulation, Eckert said, that "it's about people."

While the judges' questions allowed the proceedings to stretch from their allotted 40 minutes to more than two hours, the panel didn't ask Eckert any questions.

"What that means is like reading tea leaves," Santarella said, "but I will tell you, I think it's a good sign."

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http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130717870&item=408&prod=deln&cat=AGENCY
Advocates Urge EPA to Go Big in Court-Ordered Chemical Spill Rule
By Amena H. Saiyid, 3/29/18

Preventing all hazardous chemical spills ought to be the goal of an upcoming EPA rule rather than just focusing on a 2014 Freedom Industries Inc. spill that tainted West Virginia's water supplies, environmental groups say.

The best way to address the environmental and public health harms from hazardous chemical spills is to prevent them in the first place, Jared Knicley, staff attorney for Natural Resources Defense Council, told Bloomberg Environment.

"EPA's upcoming rule should focus on planning and prevention while also ensuring that those chemicals never reach bodies of water, and that the public is informed immediately about the spill and potential health risks," said Knicley, who represented a coalition of environmental groups that sued the EPA to issue a regulation for storing hazardous chemicals in above-ground tanks.

These groups are now waiting to see the content of the rule the Environmental Protection Agency is under a court-ordered settlement to propose by June 16 and finalize by Aug. 29, 2019. The regulation would spell out procedures, methods, and equipment that companies would need to prevent chemical spills from above-ground storage tanks.

The EPA didn't immediately respond to Bloomberg Environment's request for comment.

Settling Lawsuit
The EPA agreed to rulemaking to settle a lawsuit that a coalition of environmental groups—the Environmental Justice Health Alliance for Chemical Policy Reform, Natural Resources Defense Council, and People Concerned About Chemical Safety—filed in 2015. The coalition alleged the EPA violated the Clean Water Act by not setting spill prevention rules for above-ground storage of hazardous chemicals.

The EPA submitted on March 26 a draft proposed rule to the White House Office of Management and Budget that outlines measures companies must take to avoid hazardous chemical spills for above-ground storage tanks. Review by that office is typically one of the last steps before a proposal is released to the public.

The agency had proposed a rule 40 years ago to regulate chemical releases to nearby bodies of water under its water pollution permitting program, but never completed it.

The rule's absence was noticed following the 2014 rupture of an above-ground storage tank belonging to Freedom Industries, a chemical manufacturing company, that spilled 11,000-gallons of a toxic chemical, 4-methylcyclohexanemethanol, into West Virginia's Elk River, according to the Chemical Safety Board's May 2017 report.

That spill contaminated drinking water supplies for nearly 300,000 residents in eight counties.

Eastman Chemical Co., which sold the chemical to Freedom Industries, didn't respond to Bloomberg Environment's request for comment. West Virginia American Water, which had a drinking water intake pipe near the above ground storage tanks on the Elk River, also declined to comment on what to expect in the upcoming rule, except to say "we support any efforts to protect source water and make drinking water safer."

Eastman Chemical and West Virginia American Water in August 2017 agreed to a $150 million class action settlement arising from the water crisis following the Elk River spill.

The Permitting Universe

The agency's rule-writing task has been complicated by the fact that it doesn't know the number of facilities nationwide that could potentially be subject to spill-prevention rules for storing hazardous chemicals.

The agency also doesn't receive reports on the specific types and amounts of hazardous chemicals that facilities store and use, but states and tribes do collect this data from companies under the Emergency Planning and Community Right-to-Know Act.

The EPA asked states and tribes in September to pass along information that companies submit about maximum, and average daily, amounts of chemicals they handle and store so it can be used to set standards.

Apart from the lawsuit, Congress also charged the EPA with evaluating the safety of thousands of substances in the 2016 update to the country's toxic chemicals law. And within that statute, Congress said the agency had to prioritize chemicals stored near "significant sources of drinking water."

The EPA has yet to decide what constitutes a significant drinking water source in its efforts to respond to Congress.

The Hill

http://thehill.com/policy/energy-environment/380811-epa-pushes-informal-policy-to-deal-with-polluters-outside-of

EPA pushes informal policy to deal with polluters outside courts

By Miranda Green, 3/29/18, 11:47 AM

The Environmental Protection Agency (EPA) is embracing an informal policy that would enable polluters to come to an agreement with the agency outside of the federal justice system.

Two memos, one from the DOJ and one from the EPA, are shedding light on the new policy, which officials are touting as a positive replacement to formal lawsuits, as the number of official cases brought against polluters is dropping to a new low.

In a March 12 letter sent to the chiefs of the Department of Justice's (DOJ) Environment and Natural Resources Division (ENRD), Acting Assistant Attorney General Jeffrey Wood highlighted a policy that would include "enhancing cooperative federalism," DOJ said in a letter released publicly on March 15.

The idea involves working with individuals or industries in violation of EPA regulations without taking them to court.

"In fact, many kinds of environmental violations can be, and often are, addressed and resolved without federal involvement," the memo reads.

The memorandum, meant as guidance to attorneys within the ENRD division, notes additional methods in which the DOJ could circumvent formal litigation with polluters, through methods of "adhering to the impartial rule of law," "exercising pragmatic decisionmaking" and "employing the full range of enforcement tools."

The new way of thinking aligns with EPA administrator Scott Pruitt's oft-mentioned "back to basics" approach to strip down regulations for clean air, water and land.

The memo further advises against apparent bias on polluters, warning: "As we seek to advance the rule of law through our enforcement work, we must do so impartially, without special treatment for, or animus against, any particular person, industry, group, or interest."

In early February, EPA's head of the Office of Enforcement and Compliance Assurance (OECA), Susan Bodine, sent a letter to staffers highlighting the EPA's new approach to polluters. The memo was sent days before the agency released its annual enforcement data, which showed a distinct drop in lawsuits brought and filed against polluters under the Trump administration.

“Some outside entities that are unfamiliar with the true nature of our work here in OECA and have tried to measure the worth of what you do simply through the dollar amount of federal penalties and the number of federal case initiations,” she wrote in an office-wide email reviewed by The Hill.

“However it is also important for EPA to help and, if necessary, persuade states to take actions to address violations and informal actions can bring about a return to compliance more quickly.”

EPA's numbers at the time revealed that polluters were fined a total of $1.6 billion in penalties in fiscal year 2017 — about a fifth of the $5.7 billion EPA penalties collected the year prior, under former President Obama.

More recently, criminal and administrative lawsuits filed by EPA against polluters show the agency to be on track to bring fewer suits in 2018 than the year before. In fiscal 2018 EPA filed just 154 administrative enforcement cases which is on trend to amount to nearly half of 2017's numbers and less than half of 2016's.

Politico
https://www.politicopro.com/energy/whiteboard/2018/03/epa-reinstates-pay-caps-for-staffers-on-hurricane-duty-after-dhs-ends-surge-program-909753
EPA reinstates pay caps for staffers on hurricane duty after DHS ends ‘surge’ program
By Emily Holden, 3/28/18, 4:52 PM

EPA is reinstating pay caps for employees after the Department of Homeland Security quietly deactivated a program that allowed workers from across the government to work overtime while deployed to areas devastated by last year's hurricanes, according to an email reviewed by POLITICO.

The memo says DHS on Feb. 5 ended its Surge Capacity Force program, under which federal government workers have been supporting disaster recovery in Texas, Florida, Puerto Rico and the U.S. Virgin Islands since August.

Those employees would continue to receive their regular pay and benefits from their home agency, but the Federal Emergency Management Agency would reimburse any eligible travel and overtime costs they incurred, according to a DHS webpage on the program. The page has not been updated since September, and DHS does not appear to have publicly announced its plans to end the program in February. DHS did not respond to requests for comment today.

Because DHS ended the program, EPA is reinstating a "biweekly maximum earning limitation," according to the memo emailed to department heads from Donna Vizian, principal deputy assistant administrator.

Employees earning overtime may have exceeded that ceiling, but it's unclear whether they will be paid for extra time worked since the beginning of February. In December, FEMA warned its own staffers that those earning overtime above annual statutory pay caps might have to pay the government back.

EPA did not respond to a request for comment.

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http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130717863&item=408&prod=deln&cat=AGENCY
Chemical Makers Worry Steep New EPA Fees Could Stifle Innovation
By Adam Allington, 3/29/18

Chemical manufacturers are concerned that hefty new EPA fees to support premarket reviews could stifle innovation and pose a barrier to bringing new chemicals to market.

A proposal would empower EPA to collect increased fees from chemical manufacturers and processors starting Oct. 1. The fees will allow the EPA to offset about $20 million in annual costs for implementing certain sections of the revised Toxic Substances Control Act.

EPA Administrator Scott Pruitt, in a February news release announcing the statement, said the proposed fee changes would ensure that the agency has "sufficient resources to review chemicals for safety with the highest scientific standards."

But chemical makers worry the fees could discourage innovation, particularly for developing new chemicals.

"Notifications for new chemicals in TSCA usually don't have a market yet, so many companies won't be able to afford the fees EPA is talking about," said Martha Marrapese, a partner with Wiley Rein, a Washington-based law firm specializing in chemical regulation.

"There will be a significant impact on innovation if they don't keep fees as low as possible," Marrapese told Bloomberg Environment. "If it costs thousands of dollars in fees, and EPA can't review applications in timely way…companies won't register their chemical here, they'll go somewhere else to do it."

Sticker Shock
The original TSCA capped fees for premanufacture notices (PMN) at $100 for small businesses and $2,500 for larger companies generating about $1.1 million annually. According to both industry and regulatory experts, there was general acknowledgment that the old levels—set three decades ago and never adjusted for inflation—needed to be substantially increased.

The new numbers on the table propose charging companies $16,000 for each premanufacture notice, new use notice, or microbial commercial activity notice.

"It is a sticker shock—to go from $2,500 to $16,000 for each PMN," said Rose Passarella, a senior scientific regulatory manager for Intertek, a Washington-based consultancy.

Another area of concern is the $4,700 the EPA is now proposing to evaluate requests for exemptions such as low-volume or test marketing exemptions.

"We have a number of serious concerns regarding the proposal," said Robert Helminiak, vice president of legal and government relations for the Society of Chemical Manufacturers and Affiliates, who's members include companies like Janssen Pharmaceuticals and BASF.

With exemptions, the EPA is applying substantial fees in an activity that has not historically had any assessment at all, and does not account for the market disruption it would cause, Helminiak said.

"EPA should not assess fees for processing these applications," he told Bloomberg Environment. "EPA should instead include the costs of reviewing exemption applications in the aggregate overhead costs of administering TSCA."

The Dow Chemical Co., PPG Industries Inc., and other companies contacted by Bloomberg Environment elected to defer comments about the new fees to their primary trade organization, the American Chemistry Council. That organization opted to withhold specific comments on the proposed fee structure until the end of the public comment period on April 27, according to an ACC spokesman.

PRIA Comparisons Not Accurate

The EPA already charges industry fees for pesticide registrations. But Marrapese of Wiley Rein said there are differences between the fees being discussed under TSCA and the ones collected under the Pesticide Registration Improvement Act of 2007 (PRIA).

"Pesticides are typically subject to a proprietary license, so companies are willing to invest more to pay for registrations," Marrapese said.

Marrapese notes that a substantial amount of scientific data and information are required to support the registration of a pesticide. These data can be very costly to create, which is why Congress included provisions in PRIA that provide certain rights to the data submitter. TSCA however, contains no provisions for data compensation.

"Under TSCA, once a new chemical goes onto the inventory, anyone can make it," she said.

High Enough?

EPA estimates the annual costs of carrying out testing on new and existing chemicals to be $80.2 million.

The agency also plans to collect fees to recover a portion of costs incurred it incurred from conducting chemical risk evaluations that manufacturers requested. The EPA expects the fee amount will range between $1.3 and $2.6 million per chemical.

But some said the proposed fees are not high enough—especially considering the greater scrutiny the new law requires the EPA to give new chemicals.

"Historically, the great majority of PMNs received by EPA never go on to be commercialized," said Richard Denison, lead senior scientist at the nonprofit Environmental Defense Fund.

According to EPA statistics, Denison said that of 40,000 PMNs reviewed over several decades, only about 14,000 went on to be commercialized, of which, only 5,300—or 13 percent—were subject to any kind of regulation or withdrawn by the submitter.

"This means that the great majority of PMNs were submitted with no meaningful intent by their manufacturers to commercialize them," he told Bloomberg Environment.

"This is not about innovation. In most cases, the decision not to commercialize a chemical had nothing to do with EPA's decision about it—meaning, almost two-thirds of the time, EPA had to waste public resources reviewing new chemicals that companies had no intent to commercialize," Denison said.

Focus on Exemptions

EPA officials have previously agreed with broad concern that higher fees for new chemical reviews "could create an economic barrier to innovation."

Because of that, the agency proposed a two-tier fee structure under which small businesses would pay about 80 percent less. But the definition of "small business" could change, based on criteria such as annual sales.

"More than ever, I expect you'll start to see a growing premium on TSCA exemptions," said Tom Berger, a partner with law firm Keller & Heckman LLP.

Companies could attempt to "consolidate exemptions" for things like test market R&D, or exemptions for low production volume chemicals, Berger said. "I think companies are going to start putting a lot more money into R&D, trying to get as much exemption as they possibly can," before they decide to file with EPA.

Chemical makers could soften some of the sticker shock by filing more consolidated premanufacture notices, Berger said during a March 14 webinar on fees that Keller & Heckman held.

In some cases, companies can consolidate up to six new, similar chemicals on an individual PMN, the EPA's proposed fee rule said, and he urged companies to contact the agency to make sure their chemicals meet the law's criteria for consolidation.

Reuters

https://www.reuters.com/article/us-usa-biofuels-trump-exclusive/exclusive-trump-advisers-urge-him-to-leave-biofuel-reforms-to-congress-sources-idUSKBN1H5291

Exclusive: Trump advisers urge him to leave biofuel reforms to Congress - sources

By Jarrett Renshaw, 3/29/18, 11:05 AM

NEW YORK (Reuters) - President Donald Trump's advisers have urged him to leave U.S. biofuels policy reform efforts to Congress, after months of work to broker a quick-fix deal between rival corn and oil industries got bogged down in dispute.

The recommendation to back away underscores the difficulty of getting two key political constituencies to agree on the future of the U.S. Renewable Fuel Standard, a decade-old law that requires refiners to cover the cost of blending biofuels like corn-based ethanol into the fuel supply.

The law has created a big new market for farmers, but also a headache for refiners who say costs have soared in the last few years.

Trump's White House has hosted a series of meetings in recent months between representatives of the two sides. The meetings are aimed at finding executive- or administrative-level changes to lower the cost of the program to refiners, including capping the price of blending credits refiners need to prove compliance.

They follow failed efforts last year by independent refiners and billionaire investor Carl Icahn, who owns refining company CVR Energy, to convince the administration to overhaul the rule unilaterally.

Icahn came under fire early last year during a brief period when he was advising Trump, as he attempted to broker a deal with the biofuels industry to change the rule. He later ended his advisory role amid conflict-of-interest charges, and as those efforts produced forceful reactions from Iowa lawmakers, the nation's largest corn-producing state.

DIVISIONS

The White House efforts have further exposed gaping divisions between the corn and oil lobbies, and disagreement over the solutions between integrated refiners like BP and ExxonMobil and merchant refiners like PBF Energy.

That means any action by the White House will upset at least one faction of Trump's base, according to the sources, who asked not to be named as they were discussing a confidential matter.

Two of the sources said Trump had agreed to heed his advisers' recommendation to leave the issue to Congress, while also leaving open the option to act if Congress balks.

"This seems like the logical place to land, given all the unrest," said one of the sources.

The third source said it was not clear what Trump would do.

White House spokeswoman Kelly Love did not respond to a request for comment. Officials at the Environmental Protection Agency - which administers the RFS - and the U.S. Department of Agriculture also did not respond to requests for comment.

EPA head Scott Pruitt and Agricultural Secretary Sonny Perdue have been compiling a list of executive and administrative-level options for Trump to consider to tweak the RFS, the sources said.

Shifting the issue to lawmakers, however, would put the spotlight on Texas Republican Senator John Cornyn, who has been leading legislative efforts to reform the RFS.

Cornyn's office says it has been trying to win support from the corn and oil industries for a comprehensive reform bill that is still being drafted.

Underscoring the stakes, merchant refiner Philadelphia Energy Solutions filed bankruptcy in January, blaming the cost of compliance for its financial woes.

Reuters reported that other factors may also have played a role in the bankruptcy, including the withdrawal of more than $590 million in dividend-style payments from the company by its investor owners.

E&E Greenwire

https://www.eenews.net/greenwire/stories/1060077729/search?keyword=EPA

5 things to know about EPA rollback of Obama rules

By Maxine Joselow, 3/29/18

U.S. EPA plans to issue a draft decision by Sunday that Obama-era clean car rules are too aggressive and should be relaxed.

The decision stands to affect millions of cars and ratchet up pollution from the transportation sector, which recently replaced the power sector as the country's largest source of greenhouse gas emissions.

The Washington rumor mill has been churning about the timing of the decision, with some saying Administrator Scott Pruitt will make an announcement tomorrow and hold an event Tuesday. EPA spokeswoman Liz Bowman declined to comment on the timing: "I don't have any information to share at this time on any pending announcements," she said.

Here are five things to know before the decision:

What's up for consideration?

EPA is considering rules for tailpipe emissions from cars and light-duty trucks made from 2022 to 2025.

The rules, known as corporate average fuel economy (CAFE) standards, set the ambitious goal of boosting fuel economy to a fleet average of 54.5 mpg by 2025. That's roughly equivalent to 36 mpg in real-world driving.

Facing pressure to reduce the country's reliance on oil after the 1973 Arab oil embargo, Congress first enacted CAFE standards in 1975.

In 2011, California and the Obama EPA reached an agreement with automakers for fuel economy standards by 2025, but they included a provision for a "midterm review" in 2018 (halfway between 2011 and 2025) to see whether the standards were feasible. EPA is now conducting that midterm review, and the deadline for announcing whether it wants to keep or weaken the standards is April 1.

The first step of the midterm review was a technical paper from EPA, the National Highway Traffic Safety Administration and the California Air Resources Board (CARB) assessing whether industry can meet the proposed standards. The paper found that the industry had been doing a good job of innovating but that 50 mpg was a more realistic standard than 54.5 mpg.

What's up with California?

Under Section 209 of the Clean Air Act, EPA can grant California a waiver to set its own, more stringent standards. Since the passage of the Clean Air Act, EPA has issued the state more than 100 waivers, and none has been rescinded.

Meanwhile, under Section 177 of the Clean Air Act, other states can sign on to California's standards in lieu of the federal standards. Thirteen states and the District of Columbia currently follow California's standards, representing about 40 percent of new vehicles sold in the country.

Experts say EPA must compromise with California on fuel economy rules if it's serious about having one national program, which would provide automakers with regulatory certainty.

Bill Wehrum, head of EPA's Office of Air and Radiation, met this week with Mary Nichols, who heads CARB (Climatewire, March 29).

Nichols has signaled a willingness to compromise on 2025 standards in exchange for deciding on 2030 targets.

CARB spokesman Stanley Young said in an email, "We are troubled about the rumors that the EPA has found the standards to be too aggressive and that they need to be weakened."

Young added, "California paved the way for a single national program and is fully committed to maintaining it. However, we feel that this rumored finding — if official — places that program in jeopardy. We feel strongly that weakening the program will waste fuel, increase emissions and cost consumers more money. It's not in the interest of the public or the industry."

What has Pruitt said about California?

Pruitt is in a bit of a pickle when it comes to California's waiver (Climatewire, March 23).

On the one hand, he's repeatedly advocated for states' rights as head of the agency. On the other, he's talked tough about the state's ability to set its own limits (E&E News PM, March 13).

Realistically, it's pretty unlikely that Pruitt would seek to rescind California's waiver, said Dan Becker, director of the Safe Climate Campaign.

If EPA sought to rescind the waiver, "my guess is they would end up in court, and it would take a couple of years, and California would win," Becker said.

What does industry want?

One of the largest lobbying groups for automakers is staying publicly neutral about EPA's plans to relax the fuel economy standards (Greenwire, March 26).

Gloria Bergquist, a spokeswoman for the Alliance of Automobile Manufacturers, declined to comment on EPA's decision.

Asked whether the alliance would support less stringent standards, Bergquist said that while current market conditions make it hard for automakers to reach the Obama-era standards, the industry must reduce greenhouse gas emissions to combat climate change.

"We believe that climate change is real and that we are taking steps to reduce carbon emissions," Bergquist said. "Of course, carbon is formed through combustion. So if you burn less gasoline, you produce less carbon. So higher fuel economy is helpful."

Companies that belong to the Alliance of Automobile Manufacturers, including General Motors Co. and Fiat Chrysler Automobiles NV, referred requests for comment to the alliance.

But Ford Motor Co. Executive Chairman Bill Ford Jr. and President and CEO Jim Hackett wrote in a blog post Tuesday, "We support increasing clean car standards through 2025 and are not asking for a rollback. We want one set of standards nationally, along with additional flexibility to help us provide more affordable options for our customers."

Mary Barra, chairwoman and CEO of General Motors Co., met with Pruitt and Transportation Secretary Elaine Chao on fuel economy standards earlier this month (E&E News PM, March 14).

Barra said in a speech at the CERAWeek energy conference on March 7: "Our commitment to an all-electric, zero-emissions future is unwavering, regardless of any modifications to future fuel economy standards."

What do enviros want?

"We want to see no harm done to the current standards," said Becker of the Safe Climate Campaign.

"The best results from this administration could be leaving the standards alone," he said. "But even that seems wildly optimistic."

Zoe Lipman, director of the vehicles and advanced transportation program at the BlueGreen Alliance, said she wishes EPA would keep the current standards because of their demonstrated economic benefits.

"Leadership on fuel economy has really driven enhanced innovation and investment and boosted manufacturing and jobs," Lipman said. "It's enhanced the auto industry's recovery above and beyond what we would have seen otherwise."

The United States risks losing its edge in the global race to develop the next generation of cars, she added. "All over the world, we're seeing other countries move very quickly to speed investment and innovation in these technologies and the next generation of vehicles."

Politico
https://www.politicopro.com/agriculture/whiteboard/2018/03/stepp-recused-from-major-air-decision-affecting-foxconn-plant-in-wisconsin-915223
Stepp recused from major air decision affecting Foxconn plant in Wisconsin
By Annie Snider, 3/29/18, 12:21 PM

EPA's top political official for the Great Lakes will not be allowed to weigh in on a major air pollution decision impacting a manufacturing plant heralded by the Trump administration.

Region 5 Administrator Cathy Stepp, who previously ran Wisconsin's Department of Natural Resources, is recused from working on a number of matters she dealt with in her old job, according to an ethics agreement released under the Freedom of Information Act. That includes a one-year recusal from weighing in on ozone designations and plans for four Wisconsin counties, including Racine.

Racine is where the technology company Foxconn plans to build a massive LCD manufacturing plant after being wooed by Gov. Scott Walker with a $4 billion incentive package and promises of environmental exemptions.

But in December, EPA said it planned to find a key portion of the state in violation of tougher new ozone pollution requirements — a finding that would require factories like Foxconn to invest in expensive, state-of-the-art pollution controls. The Foxconn factory would present a major new pollution source to the area, and Walker has asked EPA to reverse or revise its finding, according to the Milwaukee Journal Sentinel.

In addition to the ozone decision, Stepp is also barred for one year from weighing in on enforcement matters relating to animal feeding operations and state petitions under the Safe Drinking Water Act. She is permanently barred from involvement with the state's Clean Water Act permits for large dairy operations and a plan to deal with the state's phosphorus pollution problem.

WHAT'S NEXT: Stepp will not be allowed to participate as EPA weighs whether to find Wisconsin in violation of the ozone standard.

Message

From: E&E News [ealerts@eenews.net]
Sent: 12/12/2018 6:37:47 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]
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GREENWIRE — Wed., December 12, 2018

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Relentless media 'storm' batters Zinke's tiny hometown

WHITEFISH, Mont. — Since the beginning of the Trump administration, this tourism-dependent town of 7,600 hasn't strayed far from the headlines, helping to create widespread political tension and animosity toward Interior Secretary Ryan Zinke and others. That could soon change.

TOP STORIES

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How does Trump compare to Obama on WOTUS?

3. CLIMATE:

Murkowski to scientists: 'You've got an advocate in me'

4. FEDERAL WORKFORCE:

As EPA morale plunges, survey points at senior leadership

POLITICS

5. PUBLIC LANDS:

Bundy: 'It is due time' for new management proposal

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6. WIND ENERGY:

Turbines vs. eagles debate continues amid new science

7. CHESAPEAKE BAY:

EPA picks Pa. regulator to oversee restoration program

8. FISHERIES:

Catch limits increase for key West Coast groundfish species

9. GREAT LAKES:
Mich. governor wants Ill. to help with Asian carp plan

10. HURRICANE MICHAEL:
Fla. officials accused of misusing public resources resign

11. ENDANGERED SPECIES:
Cold-stunned turtles flown to Fla. Keys to warm up

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12. NUCLEAR WASTE:
Wash. will fight feds over Hanford worker compensation

13. MONTANA:
High court overrules AG on conservation easements

14. ELECTRIC VEHICLES:
Court: Tesla illegally sold cars at Conn. gallery

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Alaskan gets $100K fine, jail time for poaching 3 moose

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16. EARTHQUAKES:
Nuclear plant appears unaffected by Tenn. temblor

AIR AND WATER

17. LAKE MICHIGAN:
Wis. agency sued over water records for Foxconn diversion

18. HAZARDOUS WASTE:
Scuba gear company fined $197K over dumped lead, arsenic

STATES

19. MICHIGAN:
Legislature OKs bill to limit tougher regulations

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Ige backs $35M biocontrol facility to fight invasive species

21. WASHINGTON:
State combats collisions with new wildlife bridge

INTERNATIONAL

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Nation greenlights $3B hydro dam in wildlife park

23. BOLIVIA:
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Highlights

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LEADING THE NEWS

Ex-BLM Chiefs Say Interior Is Moving to Transfer Land to States (1)

By Bobby Magill

Two former Bureau of Land Management directors say plans to move the agency's headquarters to Colorado are an early step toward abolishing the entire agency and transferring millions of acres of federal land to the states.

Senate Probe Alleges Wehrum, Law Firm Links in Air Rules Revamp

By Amena H. Saiyid

The EPA's former top air official and his counsel may have violated federal ethics rules by meeting with former industry clients to discuss changes to Clean Air Act rules, a Senate Democratic report said July 22.

AIR, WATER, AND WASTE

EPA's New Source Review Proposal Close to Finish Line

By Amena H. Saiyid

The EPA is close to releasing a proposal that would allow power plants, refineries, and other large industrial sites to avoid certain pollution controls under a Clean Air Act permitting program by changing the way emissions increases are calculated.

Sawdust Might Be One Answer to the World's Plastic Problem

By Aine Quinn

A technology startup near Ontario's leafy border with Michigan says it has the answer to the world's plastic pollution problem: sawdust.

FROM THE STATES

Harris Bill Targets Michigan Water Crisis: Campaign Update

By Emma Kinery

Senator Kamala Harris unveiled the Water Justice Act to allocate $250 billion to upgrade infrastructure and ensure access to clean water, particularly for minority communities.

ConEd Faces Expanded Probe After NYC Heat Forces Shutdown

By Will Wade and Brian Eckhouse

Consolidated Edison Inc. said it would be ready for the heat wave. It wasn't, and instead was forced to shut off power to prevent damage to its equipment.

Cuomo Expands ConEd Probe as Heat Wave Triggers 53,000 Outages

By Brian Eckhouse and Stephen Stapczynski

New York Gov. Andrew Cuomo is expanding a probe into recent New York City power failures as Consolidated Edison Inc. reported about 53,000 customers suffered outages amid a heat wave and record demand.

California Fines Battery Recycler, Takes Over Lead Investigation

By Emily C. Dooley

California is taking over further investigation of a former battery recycling facility outside Los Angeles that state officials say has contaminated thousands of nearby homes with lead.

Power Technician Fired for Behavior, Not Medical Leave: 5th Cir.

By Jennifer Bennett

Southern Company Services Inc.'s 2017 firing of Brandon Tatum wasn't in retaliation for taking medical leave, the Fifth Circuit said July 22.

California, 13 States Weigh in on Maui Groundwater Case

By Emily C. Dooley

A group of 14 states is backing claims by environmental groups that migrating pollution in groundwater that is discharged into the Pacific Ocean violates the federal Clean Water Act.

Foxconn-Type Projects Might Need Federal Role, Congressman Says (1)

By Stephen Joyce

The Environmental Protection Agency and other federal regulators might have a role in scrutinizing projects that receive environmental waivers from state governments, Rep. Brad Schneider (D-Ill.) said at a hearing in Wheeling, Ill.

ENERGY AND NATURAL RESOURCES

Polygamists Admit Biofuel Tax Fraud as Mastermind Faces Trial

By David Voreacos

Four Utah polygamists have admitted to defrauding the U.S. government of $512 million in renewable-fuel tax credits, with the leader saying the mastermind was an Armenian immigrant who owns a small oil and gas empire in Southern California. That businessman now faces trial alone.

INSIGHT

INSIGHT: Climate Adaptation Must Be Part of Agriculture Programs

Agricultural development must include climate adaptation strategies to address priority climate vulnerabilities and help sustain productivity and food security, Lorine Giangola and Sarah Kozyn, Abt Associates write.

AROUND THE GLOBE

Coal's Demise Quickens in Europe as Market Shift Idles Plants

By Jeremy Hodges, Mathew Carr and William Wilkes

Commodity markets are stripping away the case for coal in Europe, moving quicker than government efforts to close the most polluting power plants.

Woman Who Championed South African Renewable Energy Ousted

By Paul Burkhardt

Karen Breytenbach, who oversaw the expansion of South Africa's privately owned renewable energy projects, said she was asked to vacate her job about nine months before her contract expires.

Fast-Tracked Permits, Limited Reviews Pushed in Poland

By Bogdan Turek

Permits for constructing industrial facilities and other activities would get fast-tracked with limited opportunity for input from environmental and community groups, under a bill Poland's Senate will consider July 30.

South Korea Greenlights World's Largest Floating Solar Plant

By Kelly Kasulis

South Korea's new, multibillion-dollar renewable energy project along the coast of the Yellow Sea will be the world's largest floating solar power plant, using about 5.25 million solar panels.

Europe Braces for Next Heatwave With London Record in Sight

By William Wilkes

Europe is facing a second heatwave this summer, just weeks after the hottest June on record, intensifying concern over climate change and the rise in extreme weather events.

Oil Giant Saudi Arabia Is Set to Start First Wind Power Plant

By Anthony DiPaola

Saudi Arabia, the world's biggest oil exporter, is poised to start generating wind power within three years as part of an effort to harness renewable energy to cut local demand for fossil fuels.

Cement Companies Are Starting to Get a $33 Trillion Headache

By Vanessa Dezem and William Wilkes

The world's biggest cement makers have been under pressure from environmental groups, regulators and lawmakers to cut pollution.

Bloomberg Environment

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Subject: News Clips - 13 March 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Administrator Pruitt's Roundtable

Bloomberg Government - EPA Chief Sees Chance of Allowing Year-Round E-15 Gasoline Sales

Houston Chronicle - Pruitt suggests keeping speculators from ethanol credits might lower costs

Omaha World-Herald - EPA chief Scott Pruitt touts Trump administration actions, updates ethanol dispute

Las Vegas Review-Journal - EPA chief says regulation rollback benefits Nevada mining companies

Denver Post - Gold King Mine disaster claims to be fully reviewed by month's end, EPA chief Scott Pruitt says

E&E Greenwire - Pruitt talks regs, biofuels, toxic sites

PES, RFS, and RINs

Reuters - Bankrupt Philadelphia refiner settles biofuel obligation with EPA: court filing

Reuters - Biofuel credits drop in wake of refiner settlement - traders

Wall Street Journal - You RIN Some, You Lose Some (*Opinion)

2015 Ozone Standards

Daily Caller - The Court Just Dealt Another Blow To Trump's Reshaping Of EPA

Washington Examiner - Federal judge orders EPA to designate areas with unsafe smog

Reuters - Federal court orders EPA to implement smog rules

AP - Judge: Trump administration violated law over smog findings

The Hill - Court: EPA broke law with smog rule delay

E&E News PM - Judge faults EPA for delaying ozone designations

BNA - Court Sets Texas Ozone Decision Deadline Earlier Than EPA Sought

California Tailpipe Standards

Politico - Pruitt says no post-2025 car standards, could lead to fight with California

Bloomberg - EPA Chief Signals Showdown With California on Tailpipe Standards

Bunker Hill Mine

AP - Officials seek to reopen Idaho mine following settlement

BNA - Idaho Firm to Restart Metals Mining After $20M Fine

E&E Greenwire - Settlement paves way for reopening Idaho silver mine

General

Politico - Pruitt eases air permitting requirements

The Hill - Pruitt misses deadline to turn travel docs over to Congress

BNA - EPA Pushes to Reduce Lead, Arsenic in Community Water Systems

The Hill - EPA to finish reviewing claims from Colorado mine spill this month

E&E Greenwire - EPA details plans for scrutiny of Utah coal plants

E&E Daily - GAO report undermines chemical cuts in Trump budget

BNA - Activists Plan Suit Over EPA Sulfur Dioxide Inaction in 11 States

E&E Greenwire - EPA rule for leather companies would cost $705

Washington Examiner - So long to 'sue and settle' at the EPA (*Op-Ed)

E&E Greenwire - Wis. asks EPA for break on ozone rules

AP - State officials want a break on tougher ozone rules

Politico - Barrasso debuts catchall bill to ease regulatory burden on farmers, ranchers

AP - Navy's Red Hill analysis concerns environmental regulators

BNA - Formaldehyde Deadline Moved Up as Industry, Activists Compromise

AP - EPA to test possible contamination in Bettendorf site

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Bloomberg Government
http://bgov.com/
EPA Chief Sees Chance of Allowing Year-Round E-15 Gasoline Sales
By Jennifer A. Dlouhy and Mario Parker, 3/13/18, 12:27

EPA Administrator Scott Pruitt says he believes "there's a very persuasive argument" to be made that the agency can legally grant a waiver lifting so-called Reid vapor pressure requirements so gasoline containing 15% ethanol can be sold year-round.

- In a wide-ranging interview with Bloomberg News, Pruitt describes "a lot of legal analysis around that section" of law amid Trump administration discussions over possible biofuel policy changes
    - That internal EPA review is "not finalized," Pruitt says
    - "We should provide clarity on the RVP waiver, and we endeavor to do that soon," Pruitt says. "If the law allows me to do that, I'll proceed that direction"
- NOTE: President Trump has held at least three meetings to discuss possible changes to the Renewable Fuel Standard that compels refiners to blend biofuels, such as ethanol, into gasoline
    - Some refiners argue they are bearing high costs to satisfy the RFS, under a compliance program using renewable identification numbers, or RINs, to prove they have fulfilled annual biofuel quotas
- "The president is committed to the RFS, committed to farmers and ranchers. I am as well to the letter and the spirit of the law in that regard," Pruitt says
    - "We also need RINs reform for those refineries across the country"
    - "We also want to see refineries stay in business, because we haven't built many refineries in this country in the last 30 or so years"
- March 1: White House Biofuel Policy Summit Ends Without Agreement

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Houston Chronicle
https://www.houstonchronicle.com/business/article/Pruitt-suggests-keeping-speculators-from-ethanol-12747867.php
Pruitt suggests keeping speculators from ethanol credits might lower costs
By James Osborne, 3/12/18, 6:30 PM

WASHINGTON - EPA chief Scott Pruitt suggested Monday that the government might limit Wall Street's ability to trade ethanol-blending tax credits as a way to lower costs for refineries.

Federal law requires refiners to blend gasoline with up to 10 percent ethanol, but allows companies that don't to meet their obligation by buying government-issued credits. But refiners claim that the market for credits is opaque, thinly traded and subject to manipulation by speculators who can send price skyrocketing.

In a meeting with reporters at the Environmental Protection Agency's headquarters, Pruitt suggested that removing speculators from the market for blending credits might be one way to help keep costs lower.

"There's some things on the trading platform I think should happen no matter what," he said. "There seems to be a hoarding of [credits], which inflates the price. Some have talked about limiting the participants who buy and sell, so you can get away from some of the speculation that's taking place."

The credits market is another front in the battle between oil and farm interests over federal rules that require the the blending of ethanol, which is made from corn. The ethanol industry provides thousands of jobs in Midwest farm states, but oil states view ethanol's growth as hurting one of their major industries and employers because more ethanol in gasoline ultimately means less oil.

The mandate also drives up costs for many refineries around Houston and along the Gulf Coast, a powerful economic driver for the region. The largest refinery on the East Coast cited ethanol mandates as factor in its recent bankruptcy filing.

The Trump administration is trying to broker a deal between oil state Republicans like Sen. Ted Cruz, of Texas and corn state Republicans like Sen. Chuck Grassley, of Iowa, who have been at odds for months over the the future of federal ethanol and biofuel mandates. The mandates was adopted under the administration George W. Bush as a way to reduce the nation's dependence on foreign oil — before the U.S. production boom unleashed by hydraulic fracturing, or fracking.

In addition to limiting trading in the credits, known as Renewable Identification Numbers, or RINs, Pruitt also brought up the possibility of lifting an air pollution regulations that prevent the sale of fuels with higher concentrations of ethanol during the summertime.

"I told the folks in Iowa, if the law allows me to do it I'll sign it tomorrow," Pruitt said. "It doesn't make sense to only be able to sell nine months out of the year."

Pruitt's seemingly off-the-cuff comments Monday drew praise from ethanol producers, which benefit from a functioning and fair market for blending credits.

"We are encouraged by the Administrator's comments," said Bob Dinneen, president of the Renewable Fuels Association, a trade group representing ethanol producers. "We would be receptive to any proposals bringing more transparency and liquidity to the RIN market."

Cruz has asked the Trump administration place a cap on the price of RIN credits, to help refineries the senator argues are at risk from compliance costs that can run hundreds of millions of dollars a year. That proposal has drawn fire from Grassley and other Midwestern politicians who argue Cruz is trying to decimate ethanol demand by reducing financial incentives for refineries to comply with the federal mandate.

Pruitt didn't discuss the cap proposal, but rather focused on the need to find a solution that would help both refineries and ethanol producers.

"These market challenges we have are real," he said. "The President has a commitment to the [ethanol mandate] and ranching and farming communities in this country. But he doesn't want refineries to shut down either."

Omaha World-Herald
http://www.omaha.com/news/nebraska/epa-chief-scott-pruitt-touts-trump-administration-actions-updates-ethanol/article_86203c42-aecd-5b9e-8ca5-8dd5a7fc0e87.html
EPA chief Scott Pruitt touts Trump administration actions, updates ethanol dispute
By Joseph Morton, 3/13/18

WASHINGTON — Environmental Protection Agency chief Scott Pruitt said Monday that he and President Donald Trump remain committed to robust federal ethanol mandates, but he also emphasized the need to address ongoing volatility in the marketplace.

"You don't want that kind of uncertainty out there," Pruitt said.

At issue is the Renewable Fuel Standard, which requires a certain amount of ethanol and biodiesel to be blended into the nation's fuel supply each year, a requirement the EPA enforces through the use of certificates known as RINs, which refineries either earn or purchase.

Refineries have complained that they are getting hurt by RIN price spikes caused by Wall Street speculation and have pushed to cap those prices. The ethanol industry and Corn Belt lawmakers fiercely oppose such a move, saying it would undermine innovation and growth in the biofuels sector.

Pruitt said his agency would administer the Renewable Fuel Standard by following both the letter of the law and the spirit behind it, but he noted that the RIN system was originally created as an accounting mechanism to track compliance.

"It's turned into something different than that over the years," he said.

Pruitt's comments came during a question-and-answer session with reporters in his Washington headquarters. He touted EPA actions during the Trump administration's first year and particularly his travels to different parts of the country, including a stop in Nebraska during which he met with Republican Gov. Pete Ricketts and others.

Pruitt said the agency has made progress in providing regulatory certainty and ended the approach of making policy through court settlements that didn't allow for the same kind of transparency as the traditional rule-making process.

He cited the EPA's rollback of the so-called Waters of the U.S. rule, which many farmers worried would saddle them with excessive compliance costs. And he highlighted EPA efforts to work through the long list of Superfund sites across the country, including Omaha's.

As for the RFS, he said that the administration has kept volume requirements of ethanol high but that the issues surrounding RIN prices are not easily addressed.

"The president has a commitment to RFS and the farming and ranching community across this country, but he doesn't want refineries shut down either," Pruitt said.

Ethanol supporters question how much effect RIN prices have on refiners and say allowing E15 to be sold year-round would help ease the situation.

Pruitt supports year-round sale of E15 but said it's not a policy matter so much as a legal question. He said he's directed his aides to explore what is permissible under the law.

"I told the folks in Iowa if the law allows me to do it I'll sign it tomorrow," Pruitt said. "Because I think it doesn't make a lot of sense to only be able to sell nine months out of the year. You ought to be able to sell 12 months out of the year."

Pruitt talked about other potential approaches to addressing RIN prices that would stop short of a cap, such as enhancing transparency in the marketplace.

There's evidence some are "hoarding" RINs in ways that drive up their price, he said, and he cited proposals to limit those who can buy and sell the certificates.

Pruitt said he's looking for some kind of solution that will work for both sides, but he repeatedly stressed the importance of tackling those price fluctuations.

"We have to get more stability in the valuation of RINs," he said. "It has to occur."

Renewable Fuels Association President and CEO Bob Dinneen later released a statement saying the group was "encouraged" by Pruitt's comments about E15.

Dinneen said the EPA has the legal authority to allow year-round E15 sales, urged the agency to take action soon and agreed that RIN hoarding is distorting the market.

"We would be receptive to any proposals bringing more transparency and liquidity to the RIN market," Dinneen said. "Fundamentally, we believe that any effort to address RIN costs should be through demand expansion."

Las Vegas Review-Journal
https://www.reviewjournal.com/news/politics-and-government/epa-chief-says-regulation-rollback-benefits-nevada-mining-companies/
EPA chief says regulation rollback benefits Nevada mining companies
By Gary Martin, 3/12/18, 2:54 PM

WASHINGTON — The Environmental Protection Agency rolled back 22 regulations last year that saved $1 billion, including one that will benefit hard-rock mining companies that operate in states like Nevada, Administrator Scott Pruitt said Monday.

While Pruitt touted a reversal of many Obama-era regulations, conservation groups like the Environmental Defense Fund said the Trump administration's reduction in spending on EPA programs could negatively impact Nevada's economy and environment "for years to come."

Pruitt, though, said he has used the first year of his term as EPA administrator to try "to restore order in the rule-making process."

A former Oklahoma attorney general who opposed EPA regulations, Pruitt has led an agency makeover to focus on a "back-to-basics agenda."

Pruitt told a roundtable with regional reporters that when he arrived at the agency, "there wasn't an urgency in getting things done."

Democrats in Congress have criticized the Trump administration and Pruitt for cuts to EPA programs and efforts to dismantle regulatory protections that have been implemented since 1970 when the agency was created.

"We are seeing now the defunding of several programs and overall spending by the EPA, and in turn less accountability from companies and industries that are rid of necessary rules that restrict environmental damage or pollution," said Sen. Catherine Cortez Masto, D-Nev.

"It's detrimental to the safety and health of Nevadans," said Cortez Masto, a member of the Senate Energy and Natural Resources Committee.

But Pruitt said that in states like Nevada, regulatory rollbacks or actions were sought locally and helped economically. Pruitt said a decision not to implement the "financial assistance rule" relieved mining companies of duplicate bond requirements.

The decision by EPA to not implement the financial assistance rule was applauded by both Republican and Democratic governors in Nevada, Minnesota and other states that saw it as "not really achieving any benefit."

He also touted a decision that kept the Anaconda Mine near Yerington, Nevada, off the EPA Superfund list, allowing an accelerated privately funded cleanup of the old copper mine.

Pruitt said Nevadans supported the decision because they want the land repurposed, and placing it on a federal Superfund list would lead to an "uncertain and time-consuming" cleanup process.

The EPA administrator spent three days in Nevada last year, including at an event with Gov. Brian Sandoval at the Anaconda Mine.

Pruitt said he is most satisfied with work with governors and communities to move contaminated sites off the Superfund priorities list and finding a resolution on cleanup of sites.

Denver Post
https://www.denverpost.com/2018/03/12/gold-king-mine-disaster-claims-scott-pruitt/
Gold King Mine disaster claims to be fully reviewed by month's end, EPA chief Scott Pruitt says
By Mark K. Matthews, 3/12/18, 6:50 PM

WASHINGTON — EPA Administrator Scott Pruitt said Monday he plans to have reviewed by month's end a stack of about 400 claims filed mostly by residents of Colorado, Utah, New Mexico and the Navajo Nation over damages they sustained during the 2015 Gold King Mine disaster.

That's not to say the checks will arrive soon — Pruitt and his staff didn't give a timeline for when Uncle Sam might pay up for the government's role in releasing 3 million gallons of contaminated water into the Animas River watershed near Silverton.

But Pruitt said that he and the legal team at the U.S. Environmental Protection Agency are aiming this month to make recommendations on all 400 claims, including about 70 that initially were rejected by the EPA on the grounds the agency had sovereign immunity from this kind of legal action.

"This agency, and more particularly the U.S. government, caused harm to citizens in Colorado, New Mexico and Utah and it had not taken steps to address that," said Pruitt, speaking to a small group of reporters in his Washington, D.C., office.

EPA officials said the claims — filed by businesses, residents and local governments — range from about $100 into the tens of millions of dollars. If the amount of a successful claim is less than $2,500, the money will come from the EPA. Anything more than that would come from a special federal fund created to pay out claims against the government.

Pruitt added that he's talked to U.S. Attorney General Jeff Sessions because he said the "amount of some these claims" requires approval from the Justice Department.

"It isn't something exclusively that we can do on our own," said Pruitt, who added that the types of grievances run the gamut. "We have a wide array of claims: recreation and business owners, those that were impacted from a vacation perspective, landowners, farmers and ranchers."

The latest turn comes more than two years after a team led by the EPA accidentally spilled more than 3 million gallons of yellowish, metal-laced water into a tributary of the Animas River.

The workers were there to examine ongoing leaks from the Gold King Mine — which already was discharging about 3 million gallons every 10 days, according to one government report — but the bright-colored spill and the EPA's role drew national attention.

A spokeswoman for U.S. Sen. Michael Bennet said local residents have "waited far too long for compensation" but that the Colorado Democrat wouldn't support any proposal that would require a substantial cut from the EPA.

"Michael does not believe it's necessary to erode the EPA's budget … in order to pay the claims," said Samantha Slater, his spokeswoman, in a statement.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060076187/search?keyword=EPA
Pruitt talks regs, biofuels, toxic sites
3/13/18

U.S. EPA chief Scott Pruitt held a "regional roundtable" with reporters yesterday, discussing his first year in charge, the year ahead and local issues.

He also promised a final decision on rewriting the federal Waters of the U.S. rule.

Pruitt touted the regulatory rollbacks under his tenure, linking them to economic boosts in states like Nevada. Hardrock mining companies, he said, benefit from his "back-to-basics" approach. He took credit for keeping Nevada's Anaconda copper mine off the Superfund list, allowing a private company to accelerate cleanup (Gary Martin, Las Vegas Review-Journal, March 12).

He also broached the idea of limiting Wall Street's capacity to trade renewable fuel credits, also called Renewable Identification Numbers. RINs are bought by oil refiners that don't blend ethanol into gasoline themselves. But the refiners say the trade is prone to manipulation that can drastically increase prices (James Osborne, Houston Chronicle, March 12).

Pruitt also said he has a fix for the West Lake Landfill Superfund site in St. Louis, but it could involve a massive excavation project.

"What is really exciting about St. Louis is at this point, in five years the uranium will be removed," Pruitt said. The site contains refuse from World War II atomic bomb factories (Chuck Raasch, St. Louis Post-Dispatch, March 13).

Turning to another toxic site, Pruitt said that by month's end, his office will finish reviewing about 400 claims from Colorado, Utah, New Mexico and Navajo Nation residents regarding the 2015 Gold King mine disaster, which released 3 million gallons of contaminated water into the Animas River watershed.

Pruitt gave no timeline for payments on these claims (Mark Matthews, Denver Post, March 12). — NB

Reuters
https://www.reuters.com/article/us-usa-biofuels-pes/bankrupt-philadelphia-refiner-settles-biofuel-obligation-with-epa-court-filing-idUSKCN1GO2PT
Bankrupt Philadelphia refiner settles biofuel obligation with EPA: court filing
By Jarrett Renshaw, 3/12/18, 5:42 PM

NEW YORK (Reuters) - The U.S. Environmental Protection Agency granted a bankrupt Philadelphia oil refining company a reprieve from complying with the nation's renewable fuel laws, according to a settlement agreement filed on Monday.

The refiner, Carlyle Group-backed Philadelphia Energy Solutions (PES), filed for bankruptcy protection in January and asked a judge to waive some $350 million in compliance costs under the U.S. Renewable Fuel Standard, or RFS.

The EPA and PES agreed on Monday that the refiner would only have to satisfy about half those costs, but would face more scrutiny moving forward, court documents showed. The settlement is facing early opposition from ethanol groups.

The settlement comes amid a fight between powerful corn and oil interests in Washington over the future of the RFS program. President Donald Trump has sought to bring the two sides together in recent weeks to come up with reforms that can lower the cost for refiners without hurting demand for biofuels, wading into an issue that divides two important constituencies.

The PES bankruptcy - and the potential loss of 1,100 jobs in a key electoral state - had fueled calls for change.

The RFS requires refiners to blend biofuels like ethanol into their fuel or buy credits from those who do. PES, which lacks blending facilities, entered into bankruptcy owing 467 million credits from 2016 and 2017, with only 210 million credits in hand, the filing showed.

The EPA said PES could comply with the program by turning over its available credits and would be excused from any shortfall, a huge win for the refiner. It said the deal would cover the company up until the point it exits bankruptcy.

After exiting bankruptcy, PES would have to comply with the law on a semi-annual basis as opposed to annually and submit itself to more EPA scrutiny. It would face penalties for non-compliance with the agreement.

Neither EPA nor PES responded to requests for comment.

PES has blamed its financial woes on the cost of buying the credits.. But Reuters reported that other factors may also have played a role in the bankruptcy, including the withdrawal of more than $590 million in dividend-style payments from the company by its investor owners.

The private equity firm Carlyle Group rescued the refinery from shutting in 2012, putting up $175 million for majority control of the company. The majority of the dividends paid to the Carlyle-led investor group were backed by loans taken against the refinery's assets.

The deal will be open for public comment for 10 days before it is finalized, and biofuel groups are showing early opposition.

"Under this settlement, it looks like the Carlyle Group gets to keep that cash while avoiding investing in U.S. biofuels and long-term job security for Philadelphia workers. If that's the case, this is a massive handout," Brooke Coleman, head of the Advanced Biofuels Council, said.

Bob Dinneen, CEO of the Renewable Fuels Association, said the group was still evaluating the settlement,"but at first blush, this strikes us as rewarding bombast behavior and it sets an extraordinarily bad precedent."

The case is #18-10122 (KG), in the U.S. Bankruptcy Court for the District of Delaware.

Reuters
https://www.reuters.com/article/us-usa-biofuels-rins/biofuel-credits-drop-in-wake-of-refiner-settlement-traders-idUSKCN1GP1RC
Biofuel credits drop in wake of refiner settlement - traders
3/13/18, 9:27 AM

NEW YORK (Reuters) - Renewable fuel credits for 2018 slipped on Tuesday after the U.S. Environmental Protection Agency granted a bankrupt Philadelphia refiner significant relief from its biofuel obligations.

Prices for renewable fuel (D6) credits for 2018 traded at 35 cents on Tuesday morning, traders said, down from 38.5 cents on Monday and roughly 40 percent lower than just two weeks ago.

The EPA and the Carlyle Group-backed Philadelphia Energy Solutions refinery agreed on Monday that the refiner would have to satisfy only roughly half of its $350 million worth of outstanding compliance obligations under the U.S. Renewable Fuel Standard. The RFS requires refiners to blend biofuels like ethanol into their fuel or buy credits from those that do.

The settlement, which must be approved by a federal judge and faces a public comment period, says PES does not have to go into market and buy some 250 million compliance credits covering 2016, 2017 and portions of 2018. That has raised concerns among biofuels producers that other independent refiners may also seek relief.

The EPA has also signaled that it is willing to exempt a larger number of small refineries from the program, limiting the number of potential buyers and putting even more credits into the market.

PES, which lacks blending facilities, entered into bankruptcy owing 467 million credits from 2016 and 2017, with only 210 million credits in hand, the filing showed.

The EPA said PES could comply with the program by turning over its available credits and would be excused from any shortfall, a huge win for the refiner. It said the deal would cover the company up until the point it exits bankruptcy.

Wall Street Journal
https://www.wsj.com/articles/you-rin-some-you-lose-some-1520897397?mod=searchresults&page=1&pos=3
You RIN Some, You Lose Some (*Opinion)
3/12/18, 7:29 PM

Donald Trump is willing to risk a trade war to protect steelworkers, so you'd think he'd also stand up to Chuck Grassley, Joni Ernst and Deb Fischer. But last fall the corn-state Senators strong-armed the Trump Administration into preserving ethanol policies that have jeopardized hundreds of steelworkers' jobs and driven the East Coast's biggest refinery into bankruptcy. The Administration now has the opportunity to mitigate this regulatory wrong.

The Environmental Protection Agency enforces its biofuels quotas with compliance credits known as "renewable identification numbers," or RIN s, which are created when ethanol is mixed with gasoline. Independent refiners often lack the ability to blend, so they're forced to buy credits to comply. RINs holders know they hold the pricing power, and the cost of biofuels credits has skyrocketed.

The credits cost more than the total pay and benefits for Philadelphia Energy Solutions' 692 unionized steelworkers. The refinery has spent $832 million on RINs since 2012, and CEO Gregory Gatta said that "massive expense" prompted Philadelphia Energy Solutions' Chapter 11 filing in January. Unless the feds offer RIN relief, the refinery's future looks bleak.

"Our job's up in the air," says Mike Gioquindo, a Trump voter and member of Steelworkers Local 10-1. "I have a daughter who's about to start college. I don't know if I can help her out. We have another daughter, and we have to support her, too. I'm 54 years old, and I don't know if I can start another career at this age making the good wages that we make. So we need some help from President Trump on RINs."

Mr. Trump has held three recent meetings on biofuels. Senators Grassley, Ernst and Fischer typically demand unconditional surrender on ethanol, so it's a good sign the President has also heard from Senators Ted Cruz and Pat Toomey, whose constituents are feeling the pain of current policy. One compromise on offer would impose a RIN price cap or offer a waiver that would allow independent refiners to buy credits directly from the federal government when

market prices rose too high. In exchange the ethanol lobby would get a pass to blend biofuels year-round, producing fuel with higher levels of ethanol per gallon.

This compromise is far from perfect, preserving the artificial market for RINs. Businesses are still forced to spend money on compliance that could be put to more productive use elsewhere. Pure gasoline can fuel a car further than biofuel blends, so as ethanol levels rise, consumers get fewer miles per gallon. Fuel that contains more than 10% ethanol is also corrosive to many engines. Consumers will either pay more for gas with lower-ethanol blends or take their chances with their vehicles.

The compromise is especially cynical when it comes to the environment. The corn lobby sold Washington on ethanol by marketing it as a cleaner fuel source. That claim was always dubious, given that biofuels are carbon-intensive to produce and transport. Ethanol evaporates faster than gas, releasing smog-causing pollutants. That evaporation is accelerated in warm weather, which is why the EPA has historically limited ethanol blending to cooler months. But corn states are apparently willing to give up green credibility in exchange for higher ethanol profits.

The core problem is that the federal government has distorted the energy market by using subsidies and mandates to support biofuels. The solution is to end this political favoritism. But if the Trump Administration lacks the political fortitude to stand up to the ethanol lobby, at least it can limit the most destructive effects. When policy is this bad, almost anything is an improvement over the status quo.

Daily Caller
http://dailycaller.com/2018/03/12/california-court-sued-trump-epa/
The Court Just Dealt Another Blow To Trump's Reshaping Of EPA
By Michael Bastasch, 3/12/18, 4:48 PM

The U.S. Court for the District of Northern California ruled the Environmental Protection Agency (EPA) broke the law by missing a regulatory deadline for ozone regulations the Obama administration imposed.

Environmentalists sued President Donald Trump's administration for not announcing which parts of the country were out of compliance with smog regulations. EPA Administrator Scott Pruitt was supposed to issue the determinations in October but delayed his announcement.

"There is no dispute as to liability: Defendants admit that the administrator violated his nondiscretionary duty under the Clean Air Act to promulgate by October 1, 2017 initial area air quality designations," Judge Stirling Gilliam Jr. wrote in his opinion, The Hill reported.

The Justice Department admitted in a recent legal filing that EPA missed the deadline set for issuing regulatory determinations under the Clean Air Act. EPA will soon have to make public which areas of the country are in compliance with ozone regulations.

It's a setback for the Trump administration's deregulatory agenda but probably only a small one. Officials have been trying to roll back the Obama-era ozone rule for months, but legal challenges from environmental groups and states have kept the regulation alive.

The Trump administration initially suspended the 2015 ozone regulation, but the administration reversed course in August. The ozone rule has been locked in litigation since its finalization in 2015.

EPA put stricter ozone regulations in place in 2015, bringing national limits from 75 to 70 parts per billion. Counties out of compliance have to find ways to reduce smog levels, which can lead to burdensome costs.

Pruitt is likely working to repeal the ozone rule. Industry groups have called it one of the most expensive air quality regulations ever.

EPA estimated lowering ozone concentrations would cost $2 billion, including California's compliance costs. The ozone rule benefits range from $3.1 billion to $8 billion, EPA said, but most benefits come from reducing fine particulate matter — not lower ozone levels.

A 2014 National Association of Manufacturers (NAM) study found a 65 parts per billion ozone standard would cost $1.13 trillion from 2017 to 2040. While not as low, the 2015 ozone standard would likely stack up in the hundreds of billions based on NAM's report.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/federal-judge-orders-epa-to-designate-areas-with-unsafe-smog
Federal judge orders EPA to designate areas with unsafe smog
By Josh Siegel, 3/12/18, 3:57 PM

A federal judge ruled Monday that the Environmental Protection Agency must announce the areas of the country that are breaking caps on smog-forming ozone by the end of next month.

Judge Haywood Stirling Gilliam Jr. of the U.S. District Court for the Northern District of California on Monday ruled that EPA Administrator Scott Pruitt broke the Clean Air Act by missing an Oct. 1, 2017, deadline and ordered the EPA to identify all areas of the nation with unsafe smog by April 30, except for San Antonio. The Texas city was given more time, as state officials are submitting more information to the EPA.

Gilliam was named to the court by former President Barack Obama.

Environmentalists sued the EPA in December for missing the deadline to implement strict standards for controlling smog-forming ozone, set in motion by the Obama administration. The EPA was required under the Clean Air Act to designate noncompliant areas of the country under the 2015 ozone rule by Oct. 1, 2017, but it failed to do so.

Attorneys general from 14 states and the District of Columbia also sued the EPA for missing the deadline.

In November, Pruitt said he was still consulting with states and local regions on how to meet the standards and needed more time before making any decisions.

Under the ozone rules, the EPA must designate regions of the country that cannot comply with the standards and then work with those states to develop plans to reduce the smog-forming pollution, which can cause respiratory problems.

In June, Pruitt tried to impose a lengthy delay on the implementation of the rules, which he reversed after legal challenges.

Pruitt in November announced that 2,646 counties in the country — about 85 percent — meet the new standards, but did not declare the remaining counties as nonattainment areas.

The EPA Monday afternoon said it reviewing the smog information from the states.

"We look forward to working with co-regulators to continue the designations process for the 2015 standards for ground-level ozone. We are evaluating the information provided by governors in February 2018 as part of that process," said EPA spokeswoman Liz Bowman.

Reuters
https://www.reuters.com/article/us-usa-epa-ozone/federal-court-orders-epa-to-implement-smog-rules-idUSKCN1GO2RB
Federal court orders EPA to implement smog rules
By Valerie Volcovici, 3/12/18, 6:06 PM

WASHINGTON (Reuters) - A federal court on Monday ordered the Environmental Protection Agency to implement protections against smog set in 2015, the latest defeat in court by the agency as it rolls back environmental regulations.

The U.S. District Court for the Northern District of California ruled that the agency led by Administrator Scott Pruitt needs to move ahead to carry out the 2015 Ozone Standards and designate areas in the country that do not meet them.

The EPA has until April 30 to comply.

Pruitt "has failed to perform a non-discretionary duty imposed" to designate areas of the country that do not meet the standards set for levels of ozone, the main component in smog, the court order said.

EPA spokeswoman Liz Bowman said in an email: "We look forward to working with co-regulators to continue the designations process for the 2015 standards for ground-level ozone; we are evaluating the information provided by governors in February 2018 as part of that process."

Pruitt last June initially intended to stall the Oct. 1 deadline by one year, but quickly reversed course the next day, without saying whether he would honor the Oct. 1 deadline.

Sixteen state attorneys general as well as a coalition of environmental groups sued to force Pruitt to meet the deadline and implement the smog standards.

"It will help us protect families and communities by ensuring that EPA is moving forward to implement health-based protections to reduce smog," said Environmental Defense Fund attorney Rachel Fullmer.

Smog exacerbates conditions like asthma, especially in children and senior citizens.

Courts have blocked several attempts by the EPA and U.S. Interior Department to suspend regulations curbing methane leaks from oil and gas infrastructure.

Last June, the EPA restored a mercury protection rule after being sued by the Natural Resources Defense Council.

New York Attorney General Eric Schneiderman, one of the AGs who sued the administration, said on Monday he will keep"a close eye" on whether EPA complies with the order.

AP
https://apnews.com/f8fe5110cde844aab429500d7cdec8b6/Judge:-Trump-administration-violated-law-over-smog-findings
Judge: Trump administration violated law over smog findings
By Sudhin Thanawala, 3/12/18

SAN FRANCISCO (AP) — The Trump administration violated federal law when it failed to meet a deadline to identify all parts of the U.S. that don't meet air quality standards for smog, a federal judge ruled on Monday.

U.S. District Judge Haywood Gilliam ordered the U.S. Environmental Protection Agency to complete the designations by the end of April.

His ruling was for two lawsuits, including one filed by California, 13 other states and the District of Columbia.

The EPA had until October 1, 2017, to designate what parts of the country were in and out of compliance with tougher smog standards adopted during the Obama administration.

The states' lawsuit said smog can cause or aggravate diseases including heart disease, bronchitis and emphysema, and the new standards would save hundreds of lives each year.

The designations trigger a process that forces polluted regions to take steps to improve air quality.

An email for comment sent to the U.S. Department of Justice was not immediately returned.

California Attorney General Xavier Becerra said in a statement on Monday that the state will "closely monitor" the EPA to make sure it meets the court's order.

"We stand ready to do what's necessary to ensure that the EPA does not shirk its legal responsibilities," he said.

The EPA acknowledged that it violated the Clean Air Act by failing to issue the air quality designations by the October 1 deadline, but said it was moving fast and would complete the process no later than April 30, according to Gilliam's ruling.

Gilliam rejected the states' request that the EPA move faster on some designations and make all designations effective immediately.

Becerra and Democratic officials in other states have repeatedly clashed with the Trump administration over the its push to loosen environmental regulations.

Becerra was joined in the smog suit by the attorneys general in Connecticut, Illinois, Iowa, Maine, Maryland, Massachusetts, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington state. Minnesota's Pollution Control Agency also joined the suit.

The Hill
http://thehill.com/policy/energy-environment/377977-court-epa-broke-law-with-smog-rule-delay
Court: EPA broke law with smog rule delay
By Timothy Cama, 3/12/18, 3:16 PM

The Trump administration broke the law when it missed a deadline last year in implementing the Environmental Protection Agency's (EPA) ozone pollution rule, a federal court ruled Monday.

EPA Administrator Scott Pruitt was supposed to announce by Oct. 1 which areas of the country were in compliance with the 2015 Obama administration rule.

Pruitt later announced findings for areas that comply, but not for areas that do not.

Judge Haywood Stirling Gilliam Jr. of the federal District Court for the District of Northern California said Monday that Pruitt broke the law, and ordered him to publish the findings for almost all of the rest of the country by April 30.

“There is no dispute as to liability: Defendants admit that the administrator violated his nondiscretionary duty under the Clean Air Act to promulgate by October 1, 2017, initial area air quality designations,” Gilliam wrote, citing a January court filing by the Justice Department acknowledging that the EPA missed the deadline.

An EPA spokeswoman said the agency is moving forward on the designations.

"We look forward to working with co-regulators to continue the designations process for the 2015 standards for ground-level ozone; we are evaluating the information provided by governors in February 2018 as part of that process," Liz Bowman said in a statement.

The decision is one in a string of court losses the Trump administration has faced in its ongoing mission to change, delay or undo the Obama administration’s aggressive environmental agenda. Other recent decisions have faulted the Energy Department for blocking energy efficiency rules and both the EPA and Interior Department for delaying methane regulations.

The ozone case concerns a 2015 rule that set the limit for ground-level ozone at 70 parts per billion, a change from the previous 75 parts per billion.

Ozone is a byproduct of pollutants from burning fossil fuels and a component of smog. It is linked to respiratory ailments such as asthma attacks.

In areas that don’t meet the standard, states must write up plans to reduce pollution and come into compliance.

California Attorney General Xavier Becerra, who led the litigation, applauded the Monday ruling.

“The U.S. Environmental Protection Agency admitted in this case that it failed to do its job and meet its deadline under the Clean Air Act,” he said in a statement. “The stakes are high. The smog-reducing requirements at issue will save hundreds of lives and prevent 230,000 asthma attacks among children. That’s worth fighting for.”

Environmental groups also welcomed the decision.

“Today’s court decision is a big win for the health of America’s children. It will help us protect families and communities by ensuring that EPA is moving forward to implement health-based protections to reduce smog,” said Rachel Fullmer, an attorney with the Environmental Defense Fund.

Green groups who sued the Trump administration over the ozone delay wanted a quicker deadline, while the EPA pushed for April 30, saying it could meet that timeline.

The EPA is under a different timeline for the area surrounding San Antonio because the Texas state government is submitting new information. That area’s deadline is October.

Gilliam was nominated to the bench by former President Obama.

E&E News PM
https://www.eenews.net/eenewspm/stories/1060076113/search?keyword=EPA
Judge faults EPA for delaying ozone designations
By Sean Reilly, 3/12/18

U.S. EPA will have to complete tardy attainment designations for its 2015 ozone standard by mid-July, or several weeks ahead of its preferred schedule, a federal judge ruled today in lawsuits brought by Democratic-led states and public health and environmental advocacy groups.

In the order, U.S. District Judge Haywood Gilliam of the Northern District of California granted summary judgment in favor of the plaintiffs and required EPA to issue most of the remaining designations for Houston, New York City and other large metropolitan areas by April 30 as agency officials had tentatively said they already planned to do.

Gilliam was unconvinced, however, by EPA's insistence that it needed until Aug. 10 to make a final decision on an eight-county area in and around San Antonio.

EPA failed "to set forth budgetary, manpower or technical constraints that would make it impracticable for the agency to promulgate a San Antonio area designation" before Aug. 10, he wrote in today's order. Instead, Gilliam agreed to the 127-day timetable urged by the American Lung Association and the other advocacy groups.

That schedule, which effectively sets a July 17 deadline for the San Antonio area designation, incorporates a required four-month notice period when EPA's decision diverges from a state's recommendation, plus a week grace period from the date of today's order.

Gilliam denied a request from California and more than a dozen other states to make all of the remaining attainment designations effective immediately for compliance purposes, instead of following EPA's recent practice of allowing a month or two of lag time.

"The Court assumes that EPA will meet its stated thirty to sixty day timeline, and would consider whether a further order is necessary if it fails to do so," Gilliam wrote.

His decision "got it right," Seth Johnson, an Earthjustice attorney representing the public health and environmental groups, said in a phone interview.

"The agency's arguments for more delay were meritless, and it's important to move ahead and get these health protections in place as quickly as possible."

Also welcoming the decision was California Attorney General Xavier Becerra (D), the lead state plaintiff in the litigation.

"The smog-reducing requirements at issue will save hundreds of lives and prevent 230,000 asthma attacks among children," Becerra said in a news release. "That's worth fighting for."

EPA is reviewing the decision, a spokeswoman said in an email.

Ground-level ozone, a lung irritant that is the main ingredient in smog, is tied to asthma attacks in children and wider-ranging problems in people with chronic respiratory diseases.

In October 2015, EPA tightened its air quality standard for the gas from 75 parts per billion to 70 ppb, citing the need to protect public health in light of fresh research on ozone's dangers.

By law, the attainment designations — which start the clock for states to develop cleanup plans for areas that are out of compliance — were due at the beginning of last October. Without explanation, EPA missed that deadline.

Although the agency in November effectively declared some 85 percent of U.S. counties in attainment for the 70-ppb threshold, it delayed decisions on every area likely to have trouble meeting the standard.

At a hearing late last month, an EPA attorney also broached the possibility that the agency could miss the April 30 deadline depending on the comments received on its proposed designations (Greenwire, Feb. 23).

In a footnote to today's ruling, Gilliam wrote that "any such further delay is unacceptable at this stage, and EPA will be held to its promised April 30 deadline."

A separate lawsuit involving many of the same plaintiffs is pending before the U.S. Court of Appeals for the District of Columbia Circuit. The court in that case has ordered EPA to submit a status report by May 15 (Greenwire, Feb. 7).

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=129664791&item=408&prod=deln&cat=AGENCY
Court Sets Texas Ozone Decision Deadline Earlier Than EPA Sought
By Jennifer Lu, 3/13/18

The EPA must hasten to decide whether the San Antonio area violates the ozone standards set in 2015 and how much time the region has to tighten controls on air pollution.

The U.S. District Court for the Northern District of California said March 12 that the Environmental Protection Agency must complete its work on San Antonio ozone pollution status by mid July, several weeks earlier than the Aug. 10 deadline that the agency had asked for.

The court also agreed to the EPA's plan to complete other ozone pollution designations for places such as California by April 30.

Without non-attainment area designations, states can't begin to work on pollution reduction plans whose deadlines take effect only after those decisions are made. However, many states must begin meeting the new standards in 2020, with states with the worst ozone pollution coming into attainment in 2037.

The EPA failed “to set forth budgetary, manpower, or technical constraints that would make it impracticable for the agency to promulgate a San Antonio area designation prior to August 10, 2018,” said U.S. District Judge Haywood Gilliam, Jr. in his decision.

The original designations for ozone were due in October 2017.

After the agency missed that deadline, states and environmental groups—including the American Lung Association, the National Parks Conservation Association, and the Sierra Club—sued the EPA.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the ultimate owner of Bloomberg Environment.

AP
https://apnews.com/8ff515f81b314e4aa38b0a66fb4231da/Officials-seek-to-reopen-Idaho-mine-following-settlement
Officials seek to reopen Idaho mine following settlement
3/13/18

SPOKANE, Wash. (AP) — A northern Idaho mine could be put back into operation following the settlement of a federal lawsuit against the mine's owner.

The Spokesman-Review reports a settlement agreement was filed Monday in federal court in Boise that aims to resolve environmental liabilities against the owner of Bunker Hill Mine and ends a counter lawsuit against the Environmental Protection Agency.

Officials with Bunker Hill Mining Co. are planning to reopen the mine near Kellogg on a limited basis by the end of the year. Officials say large-scale production could be possible in about two years.

The mining company is leasing the lead-zinc-silver property from owner Placer Mining Co.

The mine and smelter closed in 1981 after nearly a century of operations. The smelter was designated a federal Superfund site in 1983.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=129664800&item=408&prod=deln&cat=AGENCY
Idaho Firm to Restart Metals Mining After $20M Fine
By Amena H. Saiyid, 3/13/18

Idaho-based Bunker Hill Mining Corp. will pay a $20 million fine over a seven-year period to be able to resume operations to extract zinc, lead, and copper from a formerly shuttered mine at a Superfund site, the Justice Department announced March 12.

Under the agreement reached with the Justice Department, Bunker Hill Mining Corp.—which is leasing the mine—will pay the fine on behalf of the mine's owner, Placer Mining Company.

In return, neither company will be held liable for past contamination caused by acid mine drainage from the Bunker Hill mine, which is located in the state's northern panhandle.

The Justice Department hailed the agreement because it allows the most lucrative mine in the Coeur d'Alene mining district in northern Idaho to resume zinc, lead, and silver operations.

The company will pay almost $1 million annually for wastewater treatment costs incurred by EPA going forward.

"We can now accelerate the work required to re-open the mine," Bruce Reid, Bunker Hill's president and CEO, said in a March 12 statement.

The Bunker Hill mine stopped operations after it was declared a Superfund site in 1983.

The agreement, which has been filed in the U.S District Court for the District of Idaho, has to be finalized by the court after a 30-day period.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060076199/search?keyword=EPA
Settlement paves way for reopening Idaho silver mine

By Dylan Brown, 3/13/18

The Trump administration reached a settlement yesterday that enables the reopening of an Idaho silver mine after two decades of Superfund cleanup at what was once one of the most toxic sites in the country.

U.S. EPA and the Department of Justice signed a consent decree with the owner of the Bunker Hill mine, Placer Mining Co. Inc.

A second settlement was reached with Bunker Hill Mining Corp., the Canadian lessee, which wants to restart operations on one of a slew of Superfund sites left behind by mining that once dominated Idaho's Silver Valley.

Bunker Hill has agreed to pay up to $20 million to settle the dispute between EPA and Placer Mining over past cleanup work, resolving a lawsuit filed by the mining company.

Bunker Hill also will cover 82 percent of past costs and all future costs at the water treatment plant built to treat acid mine drainage in Kellogg, Idaho.

Before the mine and massive Bunker Hill smelter closed in 1981, local children registered some of the highest blood lead readings ever documented in North America.

Since the site was added to the Superfund program's National Priorities List in 1983, EPA and the state of Idaho have spent hundreds of millions of dollars on soil and water contamination treatment.

Cleanup still costs between $25 million and $30 million every year.

"Through this settlement, EPA is clearing the way for a new operator to resume mining, bringing jobs back to the community, while also securing the ongoing cleanup of contaminated water and recovery of EPA's past cleanup costs," EPA Administrator Scott Pruitt said in a statement.

Bunker Hill CEO Bruce Reid told The Spokesman-Review that the mine could reopen on a limited basis by the end of the year.

"We don't have the money yet. ... I'll have to go out and raise about $100 million," Reid said, but he called the settlement a major step forward.

Politico
https://www.politicopro.com/transportation/whiteboard/2018/03/pruitt-says-no-post-2025-car-standards-could-lead-to-fight-with-california-789604
Pruitt says no post-2025 car standards, could lead to fight with California
By Alex Guillen, 3/13/18, 12:34 PM

EPA Administrator Scott Pruitt said he will not allow California to effectively control federal auto emissions standards, teeing up a potentially bruising legal battle with the Golden State, according to an interview with Pruitt in Bloomberg.

"California is not the arbiter of these issues," Pruitt told Bloomberg. The state can regulate emissions within its borders, "but that shouldn't and can't dictate to the rest of the country what these levels are going to be."

Pruitt specifically added that he is not "presently" considering issuing greenhouse gas emissions standards past the 2025 levels set under the Obama administration. California regulators said they would be willing to consider changes to the 2022-2025 standards if EPA would commit to issuing another five-year chunk that continued to improve on emissions.

"Being predictive about what's going to be taking place out in 2030 is really hard," Pruitt said. "I think it creates problems when you do that too aggressively. That's not something we're terribly focused on right now."

If EPA will not budge on the post-2025 standards, California may not agree to go along with changes to the 2022-2025 standards. That could lead to a regulatory patchwork, with automakers having to comply with stricter standards set by California and followed by a dozen other states, and weaker federal standards elsewhere in the U.S.

California Air Resources Board Chairman Mary Nichols told Bloomberg only that there is "nothing new" to say about negotiations with EPA.

WHAT'S NEXT: Pruitt faces an April 1 deadline to decide whether to revise standards set under the Obama administration for 2022-2025. Automakers have urged EPA to relax the rules.

Bloomberg
https://www.bloomberg.com/news/articles/2018-03-13/epa-chief-signals-showdown-with-california-on-tailpipe-standards
EPA Chief Signals Showdown With California on Tailpipe Standards
By Jennifer A. Dlouhy, Ryan Beene, and John Lippert, 3/13/18, 11:37 AM

The Trump administration's chief environmental regulator signaled a coming showdown with California, warning the state won't dictate the future of ambitious automobile fuel economy regulations enacted by the Obama administration.

"California is not the arbiter of these issues," said Environmental Protection Agency Administrator Scott Pruitt. California regulates greenhouse gas emissions at the state level, "but that shouldn't and can't dictate to the rest of the country what these levels are going to be."

The EPA faces an April 1 deadline to decide whether Obama-era corporate average fuel economy standards for cars and light trucks from 2022 to 2025 are attainable or should be revised. President Donald Trump's administration already ripped up the EPA's conclusion that no changes are needed, issued by the agency during former President Barack Obama's final weeks in the White House.

During a wide-ranging interview with Bloomberg News on Tuesday, Pruitt dismissed the possibility of setting standards beyond 2025, casting doubt on an offer by California officials who have said they would consider easing current standards in exchange for extending them beyond that year. The state is developing its own standards through 2030.

"Being predictive about what's going to be taking place out in 2030 is really hard," Pruitt said. "I think it creates problems when you do that too aggressively. That's not something we're terribly focused on right now."

Pruitt said the EPA is not "presently" looking at extending standards beyond 2025. California Air Resources Board Chairman Mary Nichols has signaled a willingness to discuss altering the state's auto rules in the near term if the Trump administration agrees to develop efficiency targets further into the future.

Automakers aggressively lobbied Trump to take a new look at the standards, arguing they need to be reviewed in light of surging light-truck sales, low gasoline prices and tepid demand for plug-in vehicles.

Even so, the companies have repeatedly stressed in recent weeks that they hope the federal government and California will continue coordinating their tailpipe emissions policies. They've also invested billions of dollars in electric cars aimed not just at California but also overseas markets, especially China.

Pruitt said setting fuel economy standards that are too aggressive would be counterproductive.

"The whole purpose of CAFE standards is to make cars more efficient that people are actually buying," Pruitt said. "If you just come in and try to drive this to a point where the auto sector in Detroit just makes cars that people don't want to purchase, then people are staying in older cars, and the emission levels are worse, which defeats the overall purpose of what we're trying to achieve."

The current debate was set in motion seven years ago, when automakers agreed to a trio of coordinated fuel economy rules overseen by the EPA, the National Highway Traffic Safety Administration and CARB that get more stringent each year through 2025. The requirements target a fleet average of more than 50 miles per gallon -- equivalent to about 36 mpg in real-world driving.

"We want to hear from those folks in California and hear from the political leadership and try to make some informed decisions, but also say at the same time, we have a job to do," Pruitt said. "We're going to do our job. And if there are steps being taken to impede that, we'll have to address that."

Reached by telephone Tuesday, Nichols said, "My only comment is, 'nothing new.' That's it."

Separately, Pruitt brushed away reports that White House officials have killed his plans for a "red team, blue team" debate examining the scientific research on climate change. "Don't believe everything you read," he said.

"It's very important that I think the American people have a transparent, objective discussion about this issue," Pruitt said. "The vehicle by which we achieve that is something yet to be determined."

Pruitt said he wouldn't prejudge what that review would mean for the EPA's landmark 2009 conclusion that greenhouse gases endanger human health and welfare. Some conservatives argue the Trump administration's regulatory rollbacks are in jeopardy if the EPA doesn't strip that so-called "endangerment finding" from the books.

Pruitt repeated his assertion that there are open questions about the extent to which humans contribute to climate change, and he questioned the ability to "look forward 80 plus years" and predict the ideal global average surface temperature in 2100.

The U.S. Global Change Research Program, which includes staff from the EPA and every major federal science agency, said in a report last November that the global average surface air temperature has increased by 1.8 degrees Fahrenheit since 1900, making it "the warmest in the history of modern civilization."

Those researchers called it "extremely likely that human activity" is the cause, warned the trend will continue unless greenhouse gas are reduced and emphasized "there is no convincing alternative explanation supported by the extent of the observational evidence."

Pruitt downplayed the EPA's role in that assessment, noting it was the product of several government agencies. It's not a matter of whether those scientific warnings are "right or wrong," Pruitt said, but "making sure that all voices are heard in the process, because there are people that disagree with that."

Government-sponsored scientific research on climate change and other environmental issues needs to be open for public scrutiny, with its conclusions subject to "robust analysis," Pruitt said.

Politico
https://www.politicopro.com/energy/whiteboard/2018/03/pruitt-eases-air-permitting-requirements-790532
Pruitt eases air permitting requirements

By Alex Guillen, 3/13/18, 1:32 PM

EPA Administrator Scott Pruitt said today that his agency is changing its interpretation of a key permitting program to make it easier for companies to avoid a complicated permitting process.

Past policy "had the practical effect of preventing certain projects from going forward and significantly delaying others, even though those projects would not have resulted in a significant emissions increase," Pruitt wrote in a memo today.

Companies must obtain "pre-construction" permits from EPA before building a new source or making major changes to an existing one. A two-step process determines whether a project's emissions are significant enough to trigger a more complicated and expensive evaluation.

Under Pruitt's new interpretation, power plants, refineries and other major emitters can now factor in the pollution reductions associated with a major project along with its emissions increases within that first step. Projects that are calculated in that first step to not significantly increase emissions can then obtain minor source permits from states.

But those that would significantly increase emissions must conduct a more thorough New Source Review evaluation that also could require more expensive pollution controls.

The new interpretation makes it easier for companies to obtain the minor source permit instead of the more complicated NSR permit, and it quickly drew praise from the American Petroleum Institute and American Fuel & Petrochemical Manufacturers.

EPA in December said it will ease its enforcement of the NSR permitting program and will not "second guess" industry projections.

The Hill
http://thehill.com/policy/energy-environment/377990-pruitt-misses-deadline-to-hand-over-travel-docs-to-congress
Pruitt misses deadline to turn travel docs over to Congress
By Miranda Green, 3/12/18, 4:21 PM

Environmental Protection Agency (EPA) Administrator Scott Pruitt has failed to meet a key deadline in his ongoing first-class travel saga.

Pruitt has yet to provide key travel documents to Rep. Trey Gowdy (R-S.C.), the chairman of the House Oversight and Government Reform Committee, who requested documentation and explanation surrounding Pruitt's first- and business-class work travel. The deadline to answer Gowdy was March 6.

In a letter addressed to Pruitt at the end of February, the Republican congressman pointed out concerns over the EPA chief's reported use of a "blanket waiver" to fly first class, a method Gowdy called prohibited.

"Clearly, federal regulations prohibit a blanket waiver to fly first class except to accommodate disabilities or special needs. Instead, a waiver for each flight is required in order to fly first or business class when traveling on official government business," Gowdy wrote.

A spokesperson for the EPA said the agency has been in touch with Gowdy's office in an attempt to get the information to him.

"We have been in contact with Chairman Gowdy and are accommodating his request as quickly as possible," EPA spokesman Jahan Wilcox said in a statement.

Pruitt has made headlines in the past few months over news that he primarily uses first class and business class when flying, including on short destination flights such as between Washington, D.C., and New York City.

Pruitt promised in February that his next flight would be in coach.

The Washington Post reported in early February that Pruitt had spent thousands on travel, racking up at least $90,000 in taxpayer-funded travel over just part of June.

Pruitt is just one of a few current and former Trump cabinet members who have been scrutinized over their use of public funds.

In September, then-Health and Human Services Secretary Tom Price resigned following an uproar over his use of private jets for official business.

Just last week there was a report that the Interior Department reportedly spent $139,000 upgrading the doors in Interior Secretary Ryan Zinke's office.

This was just after reports that the Department of Housing and Urban Development was planning to reportedly spend $165,000 on "lounge furniture" for its D.C. office.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=129664787&item=408&prod=deln&cat=AGENCY
EPA Pushes to Reduce Lead, Arsenic in Community Water Systems
By Amena H. Saiyid, 3/13/18

The EPA wants to do more to help the roughly 8 percent of small drinking water systems that fail federal criteria for contaminants such as lead and arsenic, the agency's top drinking water official said March 12.

The push to aid community drinking water systems, which serve fewer than 1,000 people, is part of the Environmental Protection Agency Scott Pruitt's plan to identify "breakthrough measures" for the agency to improve its core mission of providing clean and safe drinking water to the public, Peter Grevatt, director of Environmental Protection Agency's Office of Drinking Water and Groundwater, told the Association of State Drinking Water Administrators.

About 50,000 community drinking water systems are in the U.S. and between 8 and 9 percent of those are not in compliance with all health based standards, Grevatt said. The EPA wants to bring one-quarter of those systems back into compliance within four years.

"One of the questions the administrator is asking of us is should you be satisfied with the idea that roughly 8 percent of systems nationally are not meeting health based standards, and what does that mean for children living in those communities?" Grevatt said.

Jerri Henry, drinking program manager for the Idaho Department of Environmental Quality, asked Grevatt whether enforcement would play a major role in bringing compliance.

In response, Grevatt said enforcement would play a role, but it wouldn't be the only approach the EPA would use.

"I don't know what new tools will be brought to bear on the problem of achieving compliance," Henry told Bloomberg Environment after Grevatt's talk. "I fear it will be the heavier hand of enforcement, which could mean stiffer penalties."

Henry said the biggest challenge rural community drinking water systems in Idaho face is primarily financial. They don't have the money to upgrade their plants to meet the standards or conduct the required sampling or testing, she added.

Although the EPA's goal is a worthy one, “it isn't like the systems that are out of compliance are doing it on purpose,” Henry said.

The Hill
http://thehill.com/policy/energy-environment/378097-epa-to-review-all-claims-from-colorado-mine-spill-within-weeks
EPA to finish reviewing claims from Colorado mine spill this month
By Timothy Cama, 3/13/18, 10:18 AM

The Environmental Protection Agency (EPA) will finish the process of reviewing hundreds of damage claims related to the 2015 Gold King Mine spill in Colorado by the end of the month.

EPA Administrator Scott Pruitt told The Denver Post about the timeline Monday, saying the agency will have reviewed about 400 claims from Colorado, Utah, New Mexico and the Navajo Nation.

The Obama administration rejected about 70 of those claims, arguing that the government’s sovereign immunity means it cannot pay them, though the administration did pay millions of dollars to various parties injured by the spill. Pruitt promised early in his career to review the rejected claims.

“This agency, and more particularly the U.S. government, caused harm to citizens in Colorado, New Mexico and Utah and it had not taken steps to address that,” Pruitt told the Post.

In his time at the EPA since early 2017, Pruitt has frequently brought up Gold King Mine in public appearances and interviews to illustrate his argument that the Obama administration failed at the job of protecting the environment.

The claims were filed by businesses, individuals, local governments and others who said they suffered various harms from the August 2015 spill, including lost business and canceled trips.

A team led by the EPA accidentally caused about 3 million gallons of toxic mine waste to spill out of an abandoned mine and into a tributary of the Animas River, turning it and downstream bodies orange temporarily.

The EPA under former President Barack Obama quickly took responsibility for the spill. Reviews have found that workers could have known that the mine waste would spill, but that they acted legally and reasonably nonetheless.

Furthermore, investigators concluded that the polluted river, which sees nearly constant leaks of mining waste, returned to its pre-spill quality days afterward.

Pruitt’s review does not mean money will come out any time soon. EPA is working with the Justice Department on the reviews, and any payment above $2,500 would have to come from a government-wide fund.

“It isn’t something exclusively that we can do on our own,” Pruitt told the Post. “We have a wide array of claims: recreation and business owners, those that were impacted from a vacation perspective, landowners, farmers and ranchers.”

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060076189/search?keyword=EPA
EPA details plans for scrutiny of Utah coal plants
By Sean Reilly, 3/13/18

U.S. EPA plans to offer a new regional haze plan for Utah after completing air quality modeling simulations this spring, agency lawyers said in a status report filed yesterday with the 10th U.S. Circuit Court of Appeals.

EPA agreed last July to administratively reconsider the 2016 Obama-era plan, which would have required new pollution controls on two coal-fired power plants in central Utah owned by PacifiCorp.

The 10th Circuit then stayed litigation brought by the state and the Oregon-based power producer, but ordered EPA to keep it posted every 90 days on the status of the reconsideration process (Greenwire, Sept. 11, 2017).

In yesterday's report, the agency said it is continuing discussions on added technical analyses that include "new air quality model simulations using a state-of-the-science model and methodologies."

Those simulations should be finished by May, according to the status report. Once the technical analyses have been "fully developed," the filing added, EPA will evaluate them and collect public input on a proposed rule.

EPA's regional haze program, dating back to 1999 in its current form, aims to restore pristine views to 156 national parks and wilderness areas — the bulk of them in the West — by 2064.

The new controls required under the 2016 plan would have cut emissions of nitrogen oxides from PacifiCorp's Hunter and Huntington plants by almost 10,000 tons annually, according to EPA projections at the time.

That forecast predicted the result would be better vistas at eight national parks — including the Grand Canyon in Arizona, Canyonlands in Utah and Colorado's Mesa Verde — along with the Flat Tops Wilderness Area, also in Colorado.

Under the Obama administration, the agency imposed the federal plan after partially rejecting a state alternative as inadequate. Bryce Bird, Utah's air quality chief, objected that the federal strategy would cost $700 million but produce little in the way of improved visibility.

In agreeing to revisit the plan last summer, EPA chief Scott Pruitt said PacifiCorp and the state had furnished enough information on cost factors and other issues "to warrant reconsidering our prior action" (Greenwire, July 19, 2017).

Late last year, Pruitt also rejected the Sierra Club's administrative challenge to the state operating permit for the Hunter plant.

The environmental group is now contesting that decision — which also advanced a national change to the agency's interpretation of a key Clean Air Act provision — in lawsuits filed last month with both the 10th Circuit and the U.S. Court of Appeals for the District of Columbia Circuit (Greenwire, Feb. 7).

E&E Daily
https://www.eenews.net/eedaily/stories/1060076135/search?keyword=EPA
GAO report undermines chemical cuts in Trump budget
By Corbin Hiar, 3/13/18

A yearslong federal review of sustainable chemistry requested by Senate appropriators may complicate the Trump administration's bid to slash some U.S. EPA chemical safety programs.

Sustainable chemistry is an effort to use chemicals in a safer, more efficient and environmentally friendly fashion. And some lawmakers have been pushing the administration to do more in the field.

The Government Accountability Office's technical assessment, which began in October 2015 and wrapped up last month, didn't offer any specific recommendations to Sens. Chris Coons (D-Del.), Susan Collins (R-Maine) and Ed Markey (D-Mass.).

But many of the "potential solutions" floated by experts GAO interviewed for the 159-page report, released yesterday, fly in the face of budget cuts proposed by President Trump.

The solutions — which range from finding new chemical processes to sharing information about safe chemicals — sought to address technological and business challenges that experts from industry, academia and nonprofits said are slowing down progress.

Chief among the problems was "the lack of a standard definition for sustainable chemistry as well as the lack of agreement on standard ways of measuring or assessing it," GAO wrote.

"Without a standard definition that captures the full range of activities within sustainable chemistry, it is difficult to define the universe of relevant players," the report said.

"Without agreement on how to measure the sustainability of chemical processes and products, companies may be hesitant to invest in innovation they cannot effectively quantify, and end users are unable to make meaningful comparisons that allow them to select appropriate chemical products and processes."

Catalysts, products that prompt chemical reactions, have their own challenges, as well. While many existing catalysts produce harmful byproducts, creating alternative ones is also challenging because they may "require specialized equipment, greater energy input, or elevated pressure, and can be difficult to scale up for industrial use," said the report.

Deploying cleaner chemistries can be both good for business from a marketing standpoint, but also a risky proposition because of regulatory challenges and other issues, GAO found.

Solutions under threat

Finding solutions to those problems "requires that industry, government, and other stakeholders work together," experts told GAO.

Specifically, "there is a need for new processes that make more efficient use of the resources that are available, reuse products or their components during manufacturing, and account for impacts across the entire life cycle of chemical processes and products," the report said.

Experts in the field also highlighted "the importance of disseminating environmental and health-related information to help guide the choices of consumers, chemists, workers, downstream users, and investors to facilitate further progress," GAO wrote.

The administration is targeting two EPA programs that seek to implement those goals.

The National Center for Environmental Research, which EPA is planning to shut down, supports leading-edge research on human exposure to pollution and ways to minimize it (Greenwire, Feb. 27).

And Safer Choice, a labeling effort aimed at recognizing consumer products that use safer chemistry, is slated for elimination in the president's fiscal 2019 budget.

"Partners can continue the best practices that have been shared through this program and continue efforts aimed at reducing pollution," EPA said in a document justifying the zeroing out of its $12.2 million Pollution Prevention program, which includes the Safer Choice effort.

Even before the GAO report release, public health advocates at the Environmental Defense Fund warned that cuts to EPA's chemical safety efforts "collectively pose dire threats to our health and that of our environment."

Lawmakers vow 'support'
Senators appear unlikely to go along with most of the administration's calls to shrink or eliminate sustainable chemistry programs at EPA.

Coons, ranking member on the Financial Services and General Government Appropriations Subcommittee, said in a statement yesterday that "the information laid out in this report will be useful to the chemical industry, to universities and other research institutions, and to policy makers."

The Delaware Democrat argued that it "underscores the importance of better federal coordination and support for sustainable chemistry."

Collins, who is also an Appropriations Committee member, and Markey also emphasized the importance of improving the field of sustainable chemistry.

"This report identifies a number of opportunities for the federal government to support sustainable chemical technologies and encourage the development of innovative, environmentally friendly and economically competitive chemicals, products and processes," Collins said.

"This report identifies a number of opportunities for the federal government to support sustainable chemical technologies and encourage the development of innovative, environmentally friendly, and economically competitive chemicals, products, and processes," Collins said.

EPA didn't immediately comment on its move to shutdown the Safer Choices program in light of the GAO report.

But a spokeswoman downplayed the impact of shutting down the environmental research center, describing it as simply a "reorganization."

"Management of research grants will continue," she said in an email.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=129664792&item=408&prod=deln&cat=AGENCY
Activists Plan Suit Over EPA Sulfur Dioxide Inaction in 11 States
By Alex Ebert, 3/13/18

Three national environmental groups are planning to sue the EPA for failure to approve air pollution cleanup plans for 11 states.

The Sierra Club, the Center for Environmental Health and the Center for Biological Diversity sent Environmental Protection Agency Administrator Scott Pruitt notice March 12 that they intend to sue the agency in 60 days unless it

approves or denies state plans to reduce sulfur dioxide pollution in 17 parts of Midwest and Florida, including cities like Detroit and Indianapolis. The notice is a legal requirement before the groups can sue under the Clean Air Act.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the ultimate owner of Bloomberg Environment.

The groups claim the EPA failed to act on plans submitted by Florida, Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, West Virginia, and Wisconsin to limit sulfur dioxide emissions, which have been linked to asthma and other illnesses. Sulfur dioxide is emitted by the burning of fossil fuels.

Under the law, the agency has six months to approve or disprove of the plans, but has not acted. The groups also claim the EPA hasn't determined whether plans in Arizona and New Jersey are complete, as mandated by the law.

“The head of the EPA is failing to protect millions of Americans from a deadly pollutant that can steal the breath out of their lungs,” Robert Ukeiley, a senior attorney at the Center for Biological Diversity, said in a March 12 statement.

The EPA didn't immediately respond to a request for comment.

EPA Administrator Scott Pruitt in 2017 established a policy that the agency will no longer settle court cases brought by advocacy groups seeking to force the agency to take overdue actions.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060076209/search?keyword=EPA
EPA rule for leather companies would cost $705
By Sean Reilly, 3/13/18

A handful of leather finishing operations would face added reporting requirements and other revisions to the status quo under a proposed U.S. EPA rule that would, however, leave hazardous pollutant emission standards for the industry unchanged.

Although the proposed changes would not dent releases of such pollutants, they would "result in improved compliance and implementation," according to the draft rule set for publication in tomorrow's Federal Register.

The proposal, which would apply to just four companies in Massachusetts, Minnesota, New York and Maine, would have an expected one-time cost of $705, which EPA attributes to costs incurred in reviewing the rule.

The proposed changes would be the first for the leather finishing industry since the initial standards were promulgated in 2002.

Under the Clean Air Act, EPA is supposed to conduct "risk and technology reviews" of its hazardous pollutant standards for dozens of industrial sources every eight years.

The reviews are supposed to determine both whether emissions control technology has since improved and whether any "residual risk" remains to public health that could be addressed by tighter standards.

Under that timetable, EPA should have revisited rules for the leather finishing industry by 2010; after environmental groups sued in 2016 to force EPA to conduct that review, along with a dozen others for various industries, U.S. District Judge Christopher Cooper ordered the agency last March to complete rulemakings for seven of those source categories

by the end of this year and the remaining six by June 2020. Cooper left it up to agency officials to decide how to "prioritize" those reviews (E&E News PM, March 23, 2017).

For the leather finishing industry, EPA concluded that the existing standards provide an ample margin of safety to protect public health and found no new cost-effective controls to further reduce emissions.

The proposed rule will carry a 45-day public comment period upon publication in the Federal Register, accompanied by a public hearing if requested.

Washington Examiner
https://www.washingtonexaminer.com/so-long-to-sue-and-settle-at-the-epa
So long to 'sue and settle' at the EPA (*Op-Ed)
By Ben Hurst, 3/13/18, 1:01 AM

"The days of regulation through litigation are over." So said EPA Administrator Scott Pruitt in October 2017.

His intentions were right, but the bitter aftertaste of "sue and settle" lingers on. In Missouri, we labor still under the yoke of such regulation.

In February 2016, a special interest group filed a lawsuit asking a federal court to order an all-too-willing EPA to promulgate new rules for nutrients in Missouri lakes. In December 2016, the EPA agreed to issue new rules by December 2017 — warp speed for a rulemaking concerning more than 2,482 reservoirs in three different ecoregions — and, as often happens in these cases, paid for the special interest group's attorneys' fees to boot. The court blessed the "settlement" and issued an order with the force of law.

So, a special interest group thinks Missouri needs nutrient criteria, and now it will get them, with free two-day shipping.

The problem is that, other than a half dozen activists in St. Louis and one judge in Jefferson City, none of Missouri's six million citizens ever had any say in the matter. Those remaining six million Missourians have real and substantial interests, both in their waterways and in the use of their other resources that are no less important than those of special interest groups in St. Louis.

None of those six million Missourians voted for any special interest groups in St. Louis or federal judges in Jefferson City. Further, none of those six million Missouri citizens was even permitted to argue before the judge on the merits of the interest group's claim. When three groups with substantial interests in the regulation of Missouri's waterways — municipalities, wastewater treatment plant operators, and public utilities — sought to intervene, the special interest group opposed the intervention, and the judge denied it.

Missouri has a democratically accountable process for the regulation of its waterways: The elected governor appoints, and the elected state senators confirm, citizen members of the Missouri Clean Water Commission, on which I serve. The commission — not the EPA — bears the primary responsibility for regulating Missouri's waterways.

Unlike the "sue and settle" litigators, the commission holds regular open meetings after public notice and takes both written and oral comments from all interested parties — including municipalities, wastewater treatment plant operators, public utilities, concerned citizens, and even special interest groups. The commission openly discusses matters in meetings broadcast live over the web and then votes in front of anyone who cares to watch. Missouri's own rulemaking process is a model of transparency.

The court's order implementing the Obama EPA's settlement with its friends states that the agreement binds only the interest group and the EPA. It could hardly do otherwise, since the commission was not served as a defendant and had

no say in the agreement settling the supposed dispute in question. Nonetheless, the agreement states that it does not apply if the commission introduces, and the EPA approves, nutrient criteria in advance of the deadline established in the settlement.

The commission labored to meet the deadline. Working with Missouri stakeholders, environmental scientists, and a dataset containing more than 67,000 records from more than 200 reservoirs, the commission developed and proposed nutrient criteria. The interest group submitted comments opposing the criteria. The commission considered the comments during a public hearing — as well as many others, including from the EPA — and unanimously adopted the proposed criteria.

But because the commission did not meet the deadline established in the settlement, the EPA, rather than reviewing the criteria already adopted by the commission, has proposed its own more stringent criteria. The EPA's criteria are based on a smaller set of data and literature, and will result in greater cost to Missourians with no associated environmental benefit.

Some will surely ask again: So what? The criteria are ultimately subject to EPA approval anyway; the litigation only changes the order of operation, not the final result.

In a world of unlimited resources, there would be no problem. If commission could develop nutrient criteria for lakes without putting other necessary regulation aside, there would be no harm to "sue-and-settle" litigation. But as the interest groups that practice it surely know, resources, including the commission's, are finite. Tradeoffs are unavoidable. Through their litigation, the interest group and the EPA forced the commission to spend months developing nutrient criteria that it could have spent rewriting Missouri's outdated rules, updating the data supporting its list of impaired waters, or reducing its backlog of permit applications.

Judges, with a single matter and only two parties before them, are poorly suited to regulate Missouri's waterways with the correct priorities. Unelected interest groups have no legitimate claim to do so. "Sue and settle" disenfranchises Missouri voters and empowers interest groups and bureaucrats. Good riddance.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060076169/search?keyword=EPA
Wis. asks EPA for break on ozone rules
3/13/18

Wisconsin officials are asking the Trump administration for a reprieve from ozone pollution standards ahead of the development of a Foxconn Technology Group manufacturing plant.

U.S. EPA previously ruled that southeast Wisconsin needs to significantly reduce smog pollution.

But the state Department of Natural Resources is asking the agency to declare the state in compliance with air pollution rules.

Barring that, the department wants the agency to at least declare a majority of the state in compliance, with the exception of a few narrow segments of land.

Department officials say most of the pollution blows into the state from Illinois and Indiana.

DNR Secretary Daniel Meyer also argued in a Feb. 28 letter to the agency that "EPA's intended designations threaten Wisconsin's economic engine and could result in severe and unnecessary economic consequences."

Republican Gov. Scott Walker has already fought back hard against the EPA ruling after securing the Foxconn contracts with promises of relaxing state environmental regulations (Greenwire, March 1; Lee Bergquist, Milwaukee Journal Sentinel, March 13). — MJ

AP
https://apnews.com/b3ab1bad8e544b4c8f973089748db6e7/State-officials-want-a-break-on-tougher-ozone-rules
State officials want a break on tougher ozone rules
3/13/18

MADISON, Wis. (AP) — State officials are asking the Trump administration to set aside a recent federal finding and conclude that Wisconsin is in compliance with newer and tougher ozone emission standards.

The request to the U.S. Environmental Protection Agency would weaken the impact of the standards on factories and other large sources of air pollution, including the Foxconn Technology Group's plan for a manufacturing complex in Racine County.

The Journal Sentinel reports the Department of Natural Resources argues air emission data shows Illinois and Indiana are primarily responsible to pollution that blows north along Lake Michigan and creates smog.

Short of concluding the whole state is in compliance, the DNR recommends federal officials declare narrow strips of land along the lake as violating the standards and declare the rest of the state is in compliance.

Politico
https://www.politicopro.com/agriculture/whiteboard/2018/03/barrasso-debuts-catchall-bill-to-ease-regulatory-burden-on-farmers-ranchers-790148
Barrasso debuts catchall bill to ease regulatory burden on farmers, ranchers
By Liz Crampton, 3/13/18, 2:28 PM

Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) introduced a bill today that pulls together a handful of farm-related measures within the panel's jurisdiction and would preserve the exemption farmers receive from EPA reporting requirements for air emissions associated with animal waste.

The measure, known as the ACRE Act, includes eight bills "that would help defend agricultural industries from punishing federal rules and reporting requirements," Barrasso's office said in a statement.

One of the bills it incorporates is the Fair Agricultural Reporting Method Act, S. 2421 (115), which was sponsored by Sen. Deb Fischer (R-Neb.). Under Superfund law, specifically the Comprehensive Environmental Response, Compensation and Liability Act, there is now an exemption for air pollution caused by certain normal farm conditions, such as when manure is applied in field fertilization. The legislation would maintain the exemption, which EPA granted in 2008.

Barrasso's bill also would end overlapping environmental permitting for pesticide application requirements; protect the personal information of agricultural producers; and prevent farmers from being hit with penalties for engaging in "normal agricultural operations that could be considered 'baiting' of migratory game birds," according to the release.

"We need to make things simpler for the ranchers and farmers who feed and clothe the nation," Barrasso said in the statement.

The measure also incorporates the following bills: S. 1206 (115); S. 478 (115), the Hunter and Farmer Protection Act; S. 340 (115), the Sensible Environmental Protection Act; S. 1343 (113), the Farmer Identity Protection Act; H.R. 5961 (112), the Farmer's Privacy Act; S. 219 (115), the Safeguard Aquaculture Farmers Act; and S. 1207 (115), the Farmers Undertake Environmental Land Stewardship Act.

AP
https://apnews.com/1101583724474313a1b02a4615fc2e42/Navy's-Red-Hill-analysis-concerns-environmental-regulators
Navy's Red Hill analysis concerns environmental regulators
By Audrey McAvoy, 3/13/18

HONOLULU (AP) — A Navy analysis may underestimate the contamination potential of leaks from giant fuel tanks near Pearl Harbor, environmental regulators said.

The U.S. Environmental Protection Agency and the Hawaii Department of Health sent a letter to the Navy last month outlining their concerns about the Navy's work.

The Navy has 20 underground fuel storage tanks dating to World War II in the hills above Pearl Harbor. The tanks sit on an aquifer that supplies a quarter of the water consumed in urban Honolulu.

More than 27,000 gallons leaked from one of the tanks in 2014.

The Navy and regulatory agencies are working on a 20-year-plan to reduce the risk of leaks and fuel contamination from the tanks. The plan includes evaluating new tank designs and potentially storing the fuel someplace other than Red Hill.

The letter, posted on the EPA's website, said the Navy and its consultants appear to be prematurely drawing conclusions about a model predicting groundwater flow and the movement of contaminants. It said the Navy's approach may not lead to a "conservative evaluation."

They included another letter from a consultant saying the Navy's evaluation "seems to be skewed" toward concluding that millions of gallons of jet fuel could be released without damaging the groundwater.

The consultant said the Navy doesn't seem to be taking the risks posed by fuel leaks into account to the same degree.

Rear Adm. Brian Fort, commander of Navy Region Hawaii, said the Navy is committed to working with regulators to continue a thorough study of the underground water at Red Hill.

"We have not and will not rush to judgment or conclusions, and we will continue to keep the drinking water safe, no matter what," Fort said in an emailed statement. He said there's much more work to do in studying, analyzing and implementing the right initiatives.

The regulators' letter to the Navy said models for groundwater flow and contaminants should be "reliable tools" that support key decisions as the parties decide how to protect against further leaks. The letter said models that are "scientifically rigorous and able to withstand legitimate scrutiny" will help the parties make decisions.

Marti Townsend, director of the Sierra Club of Hawaii, said the letter indicates "the Navy is no closer to knowing what is really going on" four years after the last leak.

"The Navy cannot locate the leaked fuel or accurately assess the risk to our groundwater. Instead they are pre-cooking the models to produce their preferred outcome," Townsend said in an email.

She called on lawmakers to require the Navy to install double-walled tanks at Red Hill within five years. She said the fuel should be moved if the Navy can't fix them to meet current safety standards.

The House environment committee is scheduled to consider a bill on regulations for the Red Hill tanks at a hearing Tuesday morning.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=129664783&item=408&prod=deln&cat=AGENCY
Formaldehyde Deadline Moved Up as Industry, Activists Compromise
By Sylvia Carignan, 3/13/18

Imported wood products would have to comply with the EPA's formaldehyde emissions standards sooner in a compromise activists struck with the EPA and wood product industry associations.

The Sierra Club, the Environmental Protection Agency, and industry groups tentatively agreed March 9 to set a new June 1 compliance deadline for formaldehyde emissions, allowing less time than wood product industry associations wanted but more than environmental activists requested. A judge has yet to sign off on the agreement.

Since the compromise is an agreement among all of the parties, "we don't see any reason why the court would not accept it," Jeff Inks, senior vice president of advocacy at the Window & Door Manufacturers Association, told Bloomberg Environment. The association's board of directors includes representatives from Pella Corp., Andersen Corp., and Masonite International.

Initially, the agency's formaldehyde rule required companies to comply with emission standards by Dec. 2017. The EPA then extended the compliance deadline by one year, to Dec. 12, 2018. The emission standards apply to certain types of wood products—such as particleboard—that are sold or manufactured in the U.S.

Formaldehyde can cause skin and eye irritation and some types of cancer, depending on how much a person is exposed to, according to the EPA.

Immediate Compliance Called Unfair
Extending the compliance deadline by another year would violate the EPA's congressional mandate to require compliance within 180 days of the release of the standards, the Sierra Club argued in its case, filed in the U.S. District Court for the Northern District of California in 2017. The compromise changes the deadline to June 1.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the ultimate owner of Bloomberg Environment.

"We had to balance the fact that it's not fair with industry to comply immediately," Moneen Nasmith, an attorney for Earthjustice, told Bloomberg Environment. Nasmith is representing the plaintiffs, the Sierra Club and A Community Voice-Louisiana.

The industry groups involved in the case are American Home Furnishings Alliance, the National Association of Home Builders, the Window and Door Manufacturers Association, the Kitchen Cabinet Manufacturers Association, and the International Wood Products Association.

"A too-early compliance deadline would impose enormous burdens and financial losses across thousands of businesses potentially totaling many hundreds of millions of dollars," industry representatives argued March 5.

The 2010 Formaldehyde Act—which added a section to the Toxic Substances Control Act—is an effort to reduce formaldehyde emissions from composite wood products. The substance is a gas that is used to manufacture those products and can also be found in fertilizers, lacquers, medicines, and insulation.

EPA estimated that the formaldehyde regulations apply to about a million regulated entities.

AP
https://apnews.com/387c21cfa1ea499e8c3c66c51f13d69d/EPA-to-test-possible-contamination-in-Bettendorf-site
EPA to test possible contamination in Bettendorf site
3/13/18

BETTENDORF, Iowa (AP) — The Environmental Protection Agency is investigating possible hazardous chemical contamination in the eastern Iowa city of Bettendorf.

The federal agency will test the air, ground and groundwater during the week of March 19-23 in an 18-acre (7-hectare) area that was used for waste disposal before disposal was subject to government regulation.

The Quad-City Times reports that the land was leased from the 1950s into the 1970s for municipal dumping by the city of Riverdale and industrial disposal. An EPA assessment found that the landowner also operated an "oil and chip" business that stored waste oil in clay pits.

EPA official Ashley Murdie says they're determining if there's contamination and whether people and the environment are at risk. Murdie says the agency will then decide what removal action is needed, if any.

Message

From: Kazempoor, Kelly [kazempoor.kelly@epa.gov]
Sent: 6/14/2019 6:48:42 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips 6/14/19

Campaign 2020
E&E Daily: Trump's green reelection pitch takes shape

Funding
E&E Daily: 2nd minibus to stir debate on offshore drilling, climate
EnvironmentAnalyst: US EPA boosts brownfield clean-up by $2m

Fire
E&E Daily: Fire season sparks new woodland bills

Energy
Climatewire: Here comes the carbon rule. What to know
Bloomberg Environment: Challenge to Utah Power Plant EPA Permit Tossed by D.C. Circuit
Washington Examiner: Daily on Energy: Trump can't seem to get out from under his ethanol promises
Politico Pro: Bipartisan Senate bill would tackle RFS waivers
Reuters: US farm state senators introduce bill to overhaul biofuel waiver program
Reuters: Trump mulled plan in 2018 to scale back U.S. biofuel waivers: documents

Chemicals
Politico Pro: Barrasso, Carper, Capito unveil PFAS package
Chemical & Engineering News: US EPA to revamp pesticide evaluations
Climatewire: Senators eye defense bill for PFAS compromise
Politico: Trump administration lays blame on Tehran

Air
Greenwire: Court scraps greens' challenge to EPA permitting change
Politico Pro: EPA studying benefits of soot reductions

Polymet Permit
Politico Pro: Hickenlooper's climate vision

EPA Officials
Greenwire: Obama water official joins Exelon

Campaign 2020

E&E Daily
Trump's green reelection pitch takes shape
https://www.eenews.net/eedaily/stories/1060574153/search?keyword=EPA
Timothy Cama, E&E News reporter

President Trump's reelection strategy on energy and environment issues is starting to come into focus, with an emphasis on domestic energy production and making the case, in his mind at least, that the environment has become cleaner since he's taken office.

Trump is planning to officially launch his 2020 campaign Tuesday for a second term, now that two dozen Democrats are vying for the chance to run against him.

In recent appearances and statements, Trump has put together a message for voters that energy production is growing, the economy is booming, and the United States has "the cleanest air" and "the cleanest water," and it's all because of his policies during the last two years.

Meanwhile, Trump's Democratic opponents are pursuing the Green New Deal, which would usher in socialism and unreliable energy sources such as wind, the president has argued.

"Thanks to President Donald Trump, the American energy revolution is now underway," Sarah Matthews, deputy press secretary for the Trump reelection campaign, told E&E News when asked to summarize his 2020 platform.

"While Democrats continue to rally around the radical Green New Deal, the president's reelection campaign will highlight his record of unquestionable success in unleashing American energy while being good stewards of the environment," Matthews said.

'The best water, the cleanest water'
Trump coal sign. Photo credit: Tammy Anthony Baker/Wikipedia
A pro-coal sign at a Louisiana Republican rally in 2016. It shows Trump's commitment to protecting the coal industry. Tammy Anthony Baker/Wikipedia

Trump himself hasn't been afraid to take credit for the state of the fossil fuel industry in recent appearances and say his policies — including aggressively rolling back environmental protections and trying to encourage exports — are the reason.

"Since the election, we created nearly 6 million jobs, including 57,000 new oil and gas pipeline construction jobs. And in 2018 alone, America added over 150,000 brand-new energy jobs," Trump said last month during an event to mark the beginning of operations at the Cameron liquefied natural gas export plant in Louisiana.

"The previous administration tried to put America's vast energy resources under lock and key," he said. "'We don't want energy.' I don't know what they were thinking. And they tried to put energy producers out of business. But no more."

"We've ended the last administration's eight-year war on Pennsylvania energy, and we're unleashing clean coal and shale," Trump said at a Montoursville, Pa., campaign rally last month. "America is now the No. 1 producer of oil and natural gas anywhere in the world."

The increases in oil and natural gas production, use, export and other figures are largely a continuation of where those measures were headed under President Obama. Oil and gas have been on a steady upward trend since prices crashed in 2014.

Reviving the shrinking coal industry was a key campaign promise of Trump's, but the jobs haven't come back. Federal data shows there were 80,778 jobs at coal mining companies and their contractors in 2018, the lowest on record.

And while Trump is working to roll back environmental rules on greenhouse gases, air pollution, water pollution, endangered species and more, and has pledged to pull the United States out of the Paris climate agreement, he contends he's also responsible for historically positive environmental outcomes.

"We have the cleanest air in the world, in the United States, and it's gotten better since I'm president," Trump said last week at a meeting with Irish Taoiseach Leo Varadkar. "We have the cleanest water; it's crystal clean. And I always say I want crystal-clean water and air."

In an interview with Piers Morgan on "Good Morning Britain," Trump said that "the United States has one of the cleanest climates there are, based on all statistics, and it's even getting better."

"I want the best water, the cleanest water, crystal-clean air," he continued.

Data shows a different story

In fact, the United States' greenhouse gas emissions grew between 1.5% and 2.5% last year, according to estimates from the Rhodium Group, bucking a long trend of falling emissions.

And concentrations of most criteria air pollutants are falling, as Trump, EPA chief Andrew Wheeler and others frequently point out. But that's part of a decadeslong trend unrelated to who sits in the White House.

Meanwhile, Trump has devoted considerable time to criticizing many of the Democrats hoping for the chance to take him on for their environmental positions.

Much of the needling has focused on the Green New Deal. Many of the candidates back the proposal, while others speak positively about it.

"The Democrats are now advancing an extreme $100 trillion government takeover called the Green New Deal," Trump said at a March campaign rally in Grand Rapids, Mich. His cost total appears to have come from rounding up the conservative American Action Forum's much-criticized February claim that the policy would cost $93 trillion over 10 years.

"No more airplanes, no more cows," he continued, listing off various provisions that are not in the Green New Deal proposal. "One car per family. One car. You're going to love that in Michigan. Hey, how do you like the idea of one car per family? You know, I don't think one car per family in Michigan plays too well. Do you agree? Right? Not too well.

"And it's got to be of course an electric car even if it only goes what, 160 miles? What do you do, it's 160 miles? Darling, where do I get a charge?"

At the Cameron LNG event in Louisiana, addressing the facility's workers, Trump said, "They want to put you out.

"They want to stop coal. They want to stop oil. They want to stop nuclear. They want to stop practically anything. On my watch, we will never let radical activists, special interests and out-of-control bureaucrats wreck our economy, eliminate our jobs or destroy your future," he continued.

"We won't let it happen," Trump said. "And these people will not let it happen."

His criticisms have also brought him to falsely claim multiple times that his opponents want the country to run completely on wind power, which he says is unreliable.

"If Hillary got [elected] ... you would be doing wind, windmills, and if it doesn't blow you can forget about television for that night," he said at the Michigan rally, laughing. "Darling, I want to watch television. I'm sorry, the wind isn't blowing."

'We can have it all'
Trump's supporters agree with him that he has a compelling story to tell voters in 2020.

"He should be saying, 'Look at how I've rolled back regulations to create new jobs, and look how we've gone from dependency to dominance,'" said Sen. Kevin Cramer (R-N.D.).

"The message to voters is: Look, we can have it all, and we do," said Mandy Gunasekara, a former EPA official who leads the Energy 45 Fund, an industry-backed group dedicated to supporting Trump's energy agenda.

"What we have is a robust economy that's being fueled by American energy, and we have a very clean environment," she said. "We can have it all in a way that works, without having to establish massive new bureaucracies or really high taxes or undercut jobs that are important to a number of communities all over the place that are tied to the fossil fuel industry."

If climate change becomes a central theme of the campaign, Gunasekara contends Trump can win there, too.

"If he wants to, he has a really good story to tell. This administration is going to be the first administration to put in place greenhouse gas standards for our nation's power plants, under the Affordable Clean Energy rule," she said, pointing out that Obama's Clean Power Plan was held up in court before it could take effect.

Democrats, on the other hand, are certain that environment and energy policy will be a key weakness for Trump's reelection and a place where they can shine.

"Young people want climate action, and he's not just opposed to climate action but dedicated to making climate change worse," said Sen. Brian Schatz (D-Hawaii), who has not endorsed a presidential candidate.

"That will be our message, and it is a motivating message," he said. "It's simple, and it's true."

Funding

E&E Daily
2nd minibus to stir debate on offshore drilling, climate
https://www.eenews.net/eedaily/stories/1060575359/search?keyword=EPA
Manuel Quiñones and Kellie Lunney, E&E News reporters

House lawmakers have introduced dozens of proposed amendments to the House's second spending package up for debate next week, which includes measures to fund the Interior and Agriculture departments and EPA.

Specifically, the so-called minibus includes the Commerce-Justice-Science (E&E News PM, May 22), Agriculture-Rural Development (Greenwire, May 22), Interior-Environment (E&E Daily, May 23), Military Construction-Veterans Affairs (E&E News PM, May 9), and Transportation-Housing and Urban Development (E&E Daily, June 4) bills for fiscal 2020.

Climate and offshore drilling will be prominent. Bipartisan amendments from coastal Republicans and Democrats would block Interior and NOAA from a range of offshore activities, including seismic air gun testing and permitting, as well as drilling or fracking in waters off the East and West coasts.

On the other side of the argument, Louisiana Republican Rep. Garret Graves filed an amendment to strike a section of the Interior-EPA bill prohibiting money for the administration's plans to expand offshore drilling.

Another Graves amendment would make any ban on funding for the offshore drilling plan contingent on the Interior secretary's confirmation that "such a prohibition will not result in a loss of potential revenue to the Gulf producing states for ecological restoration and disaster resiliency projects."

Republicans filed multiple amendments to the Interior section that seek to put restrictions on certain wildlife designations under the Endangered Species Act.

Many of the measures are familiar from riders included in the annual spending bill when Republicans were in control of the House and are unlikely to survive the Rules Committee.

Among them: amendments that would prohibit funding in the bill from being used to treat as endangered or threatened species the Mexican wolf, gray wolf, greater sage grouse or grizzly bear in the Greater Yellowstone Ecosystem area.

EPA, climate

Many of the amendments proposed on both sides of the aisle focus on climate change and, even though he has been out of office for years, regulations linked to President Obama.

An amendment from Rep. Jeff Duncan (R-S.C.) would block funds for implementing the EPA Clean Power Plan, which the Trump administration is on the verge of replacing. Duncan, along with Rep. Markwayne Mullin (R-Okla.), offered an amendment to prohibit funds from enforcing the Obama-era methane rule.

Several Republicans are pushing an amendment to prevent implementation of the Obama-era Clean Water Rule. It's also in line to be replaced.

Another GOP amendment would prohibit guidance or regulations related to the social cost of carbon metric. A similar amendment is pending in a separate minibus bill. And an amendment from Rep. Kevin Hern (R-Okla.) aims to prohibit a carbon tax.

A Democratic amendment would prevent EPA from rolling back the Mercury and Air Toxics Standards regulation. Another would increase funding for the agency's Science Advisory Board.

An amendment to the Transportation title from Rep. Scott Perry (R-Pa.) would scrap language against the administration's rollback of Obama-era clean car rules.

Other Perry amendments aim to block EPA's action to allow year-round sales of E-15 at gas stations. He would also block any regulations under Section 115 of the Clean Air Act, which deals with international pollution.

Other amendments

Other proposed amendments to the minibus include:

An amendment from Rep. Sean Casten (D-Ill.) to effectively require federal climate data sets and models to consider the impacts of climate change through the end of this century.

An amendment from Rep. Alan Lowenthal (D-Calif.) to prevent funds from being used to replace the Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Reform final rule.

An amendment from House Natural Resources Chairman Raúl Grijalva (D-Ariz.) that would block any federal spending on implementing President Trump's critical minerals executive order. It's one of several mining-related amendments.

Another Grijalva amendment would prohibit Interior from "transferring jurisdiction of national parks, wildlife refuges and other public lands along the border for the purposes of border security."

Two separate Republican amendments, from Perry and Rep. Michael Cloud of Texas, would ban funds for any federal reports on the impacts of a border wall on wildlife, habitat or sensitive lands.

An amendment from Reps. Neal Dunn and Ted Yoho, both Florida Republicans, would undo language prohibiting the Economic Research Service and the National Institute of Food and Agriculture from moving outside the Washington, D.C., area.

Two other Hern amendments would block restrictions on hydraulic fracturing and development of oil and gas pipelines.

The House Rules Committee will meet next week to discuss the proposed amendments and select which ones will make it to the floor.

GOP throws wrench into spending debate

The House was hoping to finish this week — or at least make significant headway — on its first minibus spending package, including bills to fund the departments of Energy and State, and water projects (E&E Daily, June 10).

However, Republicans requested recorded votes on all the amendments made in order to the legislation, significantly delaying the process.

Votes on numerous environmental issues, including the proposed Pebble mine in Alaska and U.S. involvement in international climate efforts, will also happen next week.

EnvironmentAnalyst
US EPA boosts brownfield clean-up by $2m
https://environment-analyst.com/78758/us-epa-boosts-brownfield-clean-up-by-2m

Milwaukee, Racine and Sheboygan County in Wisconsin are among 149 communities across America selected to receive funding totalling $1.9m for brownfield remediation, from the US Environmental Protection Agency.

Milwaukee has been selected to receive a $390,000 brownfield grant; the Redevelopment Authority of the City of Milwaukee $800,000, the Racine Redevelopment Authority $500,000 and Sheboygan County $300,000.

Milwaukee Mayor Tom Barrett said. "Milwaukee has worked with the EPA for decades with very positive results. We are grateful to the Federal Government for its continued support."

Sheboygan County Administrator Adam Payne said. "We are thrilled to be awarded the grant again. It's a key step towards increased economic development and making Sheboygan County an even better place to live and work."

There are estimated to be more than 450,000 brownfields in the US. In 2018 Congress expand the list of entities eligible for brownfield grants, increase the limit of individual grants to $500,000, and added Multipurpose grants.

As of May 2019, under the EPA Brownfields Program 30,153 properties have been assessed, and 34,452ha of idle land have been made ready for productive use.

Andrew Wheeler, EPA Administrator, said that brownfields grants had been shown to increase local tax revenue and the value of local homes. A study of 48 brownfields sites found that an estimated $29 to $97m additional local tax revenue was generated in a single year after cleanup.

He commented: "These grants fulfill several of President Trump's priorities. They help communities in need to transform contaminated sites that create jobs and jumpstart economic development, as well as improving public health and the environment,"

He said that 40% of the recipients were receiving brownfields grants for the first time, so that the agency was helping areas that were previously been neglected. More than 100 of the communities had targeted areas within Opportunity Zones."

Scott Turner, Executive Director of the White House Opportunity and Revitalization Council said: "The Brownfields grant programme is a tremendous vehicle for bringing real revitalization to the distressed communities of America. I look forward to seeing the impact that these grants will have on neighborhoods and citizens across the country."

Projects funded:
• City of Milwaukee. Remediation of the former William McKinley School on West Vliet Street. Once asbestos and lead paint have been removed, the building will become new housing for veterans and their families
• Redevelopment Authority of the City of Milwaukee. RSACM is redeveloping the 30th St Industrial Corridor. Its previous brownfield grants led to the cleanup of nearly 50 sites and the investigation of another 120 properties
• Racine Redevelopment Authority. Contaminated soils will be excavated and caps constructed at the Machinery Row site and at 615 Marquette Street, in the Water Street Redevelopment Area, prior to mixed-use development.

The 2019 National Brownfields Training Conference will be held on December 11-13 in Los Angeles, California. Offered every two years, this conference is the largest gathering of stakeholders focused on cleaning up and reusing formerly utilized commercial and industrial properties.

Fire

E&E Daily
Fire season sparks new woodland bills
https://www.eenews.net/eedaily/stories/1060574851/search?keyword=EPA
Marc Heller, E&E News reporter

The traditional start of the summer wildfire season has begun with a flurry of forest-related bills in Congress.

Oregon's Democratic senators introduced four bills this week to respond to smoke caused by wildfires, and Sen. Martha McSally (R-Ariz.) proposed legislation to encourage more harvests of low-value timber in her state.

The Oregon lawmakers, Sens. Jeff Merkley and Ron Wyden, proposed legislation to help protect communities from smoke-related health risks, to allow for presidentially declared "smoke emergencies," to encourage research at EPA into health effects from wildfire smoke, and to provide health and safety standards for farmworkers exposed to wildfire smoke.

"We must help communities cope with intense smoke, and recover from its damage. This package of bills tackles this serious problem from multiple angles," Merkley said in a news release.

The four Merkley-Wyden bills are:

S. 1813, the "Smoke-Ready Communities Act," to create a grant program within the Federal Emergency Management Agency to help communities improve public buildings to filter smoky air, for instance.
S. 1814, the "Wildfire Smoke Emergency Declaration Act," to allow for presidentially declared emergencies, opening the way to local assistance.
S. 1815, the "Farmworker Smoke Protection Act," to require farmworkers to be provided filtering masks and other equipment to deal with effects of wildfire smoke.
S. 1812, the "Smoke Planning and Research Act," to provide $20 million in research funding at EPA to examine public health impacts of wildfire smoke.
Wyden noted the threat of smoke at a Senate Energy and Natural Resources Committee hearing yesterday on the outlook for wildfires, saying rural parts of Oregon are a "tinder box" primed for summer wildfires.

McSally's bill seeks to boost a segment of the timber industry in Arizona by encouraging sales of lower-value wood taken out of national forests.

The legislation, the "Accelerating Forest Restoration and Byproduct Removal Act," would allow exports of low-value products that are now banned by a broader prohibition on whole-log exports.

Her legislation aims to restore 2.4 million acres of forests — mainly ponderosa pine — through thinning and prescribed burns. It targets the Coconino, Kaibab, Apache-Sitgreaves and Tonto national forests and would allow for heavier logging trucks on Forest Service roads and bridges in Arizona.

The Agriculture secretary would be directed to approve of heavier trucks up to 91,800 pounds on Forest Service roads at the request of the governor of Arizona, and trucks of comparable weight would be permissible on interstate highways in the state, as well.

McSally's effort has support from the Nature Conservancy in Arizona. The group's state director, Pat Graham, said in a news release that the bill would encourage investment by wood products companies needed to remove small-diameter wood and help the Forest Service work with industry and stakeholders to reduce wildfire risk and protect wildlife habitat and water.

Energy

Climatewire
Here comes the carbon rule. What to know
https://www.eenews.net/climatewire/stories/1060574351/search?keyword=EPA
Jean Chemnick, E&E News reporter

EPA is expected to finalize its power plant carbon rule next week, according to multiple sources, completing the two-year process of replacing an Obama-era regulation with a more industry-friendly substitute.

When the final Affordable Clean Energy, or ACE, rule is released, observers expect a few substantive changes compared with last year's proposal. But the final rule is expected to retain the same focus on individual power plants — rather than calling for big shifts in the power sector writ large.

Industry celebrated the proposal as being cost-effective. But environmentalists and past regulators say EPA is doing too little to curb emissions from the second-largest emitting sector in the United States.

"Look, this is an EPA, this is an administration that does not want to do anything about climate change," said Joseph Goffman, EPA's top lawyer for the Office of Air and Radiation during the Obama administration. "If at the end of the day there's only a relatively modest investment in CO2 efficiency, I think that outcome would be totally consistent with the administration's policy goals."

Why is the Trump administration issuing a carbon rule?
President Trump campaigned in 2016 on repealing the Obama-era Clean Power Plan, which eyed emissions cuts across the broad power sector. At one campaign event in Huntsville, Ala., Trump pledged to make his predecessor's signature climate rule "boom, gone."

But after Trump took office in 2017, EPA opted — with industry's support — to draft a replacement rather than undertaking the complex and legally fraught task of undoing EPA's 2009 endangerment finding for greenhouse gases, which obligates it to regulate them under the Clean Air Act (Climatewire, Oct. 12, 2017).

"Once senior Trump officials decided not to reverse the endangerment finding, they recognized that it was only a matter of time before EPA would be forced to regulate CO2 emissions from the power sector," said Bracewell LLP energy lobbyist Jeff Holmstead. "Rather than waiting to be sued, they decided to develop a rule that would clearly establish the limits of what EPA can do under the Clean Air Act."

What is ACE?
EPA released ACE last August to praise from conservatives and coal-invested utilities. The proposed rule differs from its Obama-era predecessor in both structure and stringency.

The 2015 Clean Power Plan set emissions reduction goals for states based on their power plant mixes. States that relied more on coal-fired power plants were allowed to emit more on average, but they were nonetheless given targets that would have forced their fleets to move away from unabated coal generation.

President Obama's plan assumed that utilities could cut their emissions through on-site efficiency improvements, switching from coal to gas and bringing more renewable energy online. EPA used those three "building blocks" to set state targets.

But Trump's EPA rejected this "systemwide approach," arguing it was illegal. The ACE proposal asked states only to consider opportunities for heat-rate improvements at individual power plants.

So, unlike the Clean Power Plan, ACE doesn't compel average emissions reductions across the sector as a whole. It amounts to a carbon intensity standard for coal-fired plants.

What to look for in the final rule

The final rule, which is being reviewed by the White House's Office of Management and Budget, is unlikely to change any of that.

But EPA is expected to cut language that would have revamped the way energy efficiency improvements to power plants trigger Clean Air Act permitting requirements for smog and soot (Greenwire, June 10).

ACE proposed letting states look at hourly — rather than annual — increases in emissions. While the change was intended to shield industry from "onerous" and "costly" New Source Review permitting requirements, industry groups expressed concern that it would have the unintended effect of triggering NSR even more often.

And experts said EPA likely feared the NSR provision would be particularly vulnerable to challenge — perhaps putting the whole ACE rule on shakier legal footing.

Goffman said it would have been difficult for EPA to defend a rule exempting sources from Clean Air Act regulations for one set of pollutants in exchange for compliance with regulations for another set.

"The Clean Air Act does not frankly tolerate trade-offs between and among pollutants," Goffman said. He added that Justice Department lawyers likely had a hand in the change.

While the proposal wouldn't let states offer their utilities exemptions from NSR permitting, it may have in effect allowed them to exempt coal plants from the efficiency improvements that trigger NSR.

"Issuing the smog and soot rollbacks jointly with the CO2 rollbacks would make the overall pollution increases from ACE even clearer, exposing EPA to even greater legal risk," said John Walke, director of the Clean Air, Climate and Clean Energy Program at the Natural Resources Defense Council.

EPA air chief Bill Wehrum has long championed reforms to the permitting program, and EPA Administrator Andrew Wheeler has suggested the agency might still move a separate, broad NSR overhaul as soon as this fall.

"In general, I believe it make sense to treat NSR reforms globally rather than picking out individual sectors and attacking it piecemeal," said Thomas Lorenzen, a partner at Crowell & Moring LLP who represents industry clients.

EPA is also expected to make changes to the rule's regulatory impact analysis, which lays out its projected costs and benefits. The New York Times first reported last year on the proposal's estimate that swapping the Obama rule for ACE would result in 1,400 additional premature deaths annually by 2030 because of increased fine particulate matter (PM2.5) pollution from more coal-fired generation.

EPA is expected to try to obscure that finding, perhaps by measuring the rule's health impacts against a pre-Clean Power Plan emissions baseline that would show less of a difference (Greenwire, Aug. 29, 2018).

The agency could also change the way it counts co-benefits — the incidental benefits of cutting pollutants like PM2.5 that affect human health directly — to avoid uncomfortable headlines. One way to do this would be to ignore health impacts below the threshold at which fine particles are now regulated.

The final rule might reference different models with different assumptions and results in a bid to distract from the true impact of rulemaking, said John Bachmann, EPA's former associate director for science policy and new programs.

But Bachmann predicted that career staff at the agency would make sure the data would all still be there.

"They're just told by management, 'Here's what we're telling you you've got to do, and you've got to analyze it,'" he said. "But there's only so far they will go."

What happens next?
As proposed, ACE would give states three years to complete their implementation plans. The proposal gave them a menu of technologies to require of their coal plants — things like boiler feed pumps and air heater and duct leakage control devices. EPA would approve those plans.

Meanwhile, environmental groups are likely to mount legal challenges at every step.

"One of the big challenges here will remain how to get this through the courts successfully before the conclusion of President Trump's first term," Lorenzen said. "If the litigation carries over into a future administration, we could well see a repeat of what we saw with the Clean Power Plan."

The U.S. Court of Appeals for the District of Columbia Circuit, which was overseeing the multitudes of lawsuits filed over the Clean Power Plan, halted litigation when the Trump administration took office. The Obama rule itself remains stayed by the Supreme Court; justices voted 5-4 in February 2016 to stop the rule from going into effect.

A future Democratic administration could scrap the ACE rule for something more ambitious, Lorenzen noted, "perhaps even more aggressive than the Clean Power Plan."

Holmstead said the rule's fate could rest on whether Trump is reelected.

"[B]ut a new administration won't be able to resurrect the Clean Power Plan or anything like it," he said, pointing to the five conservative justices on the Supreme Court. "I doubt that a new administration would go through all the time and effort that would be needed to develop such a rule when they know that would almost certainly be struck down in court."

Bloomberg Environment
Challenge to Utah Power Plant EPA Permit Tossed by D.C. Circuit
https://news.bloombergenvironment.com/environment-and-energy/challenge-to-utah-power-plant-epa-permit-tossed-by-d-c-circuit
Amena H. Saiyid

Case involved Hunter Plant, a coal-fired power plant in Utah
D.C. Circuit says underlying EPA decision had no nationwide impact on air permitting program
A federal appeals court dismissed the Sierra Club's challenge of an EPA order for a coal-fired power plant in Utah, saying the challenge has no nationwide impact on the air permitting program as a whole.

Because the EPA's action was "neither a nationally applicable regulation nor determined by the Administrator to have nationwide scope or effect, venue is not proper in this court," Judge Judith W. Rogers of the U.S. Court of Appeals for the District of Columbia Circuit wrote June 14 for a three-judge panel that also included Judges Cornelia T.L. Pillard and David S. Tatel. "Accordingly, we must dismiss the petition for review."

The Sierra Club asked the court to rule on an Environmental Protection Agency order that concerned PacifiCorp's Hunter Plant in Utah. State regulators renewed the plant's permit, treating it as if it were a minor pollution source.

The Sierra Club asked the EPA to review the state's action, arguing that the plant should have been treated as a major polluter, with more stringent controls. But the EPA, in an October 2017 order, declined to review Utah's permit decision, prompting the Sierra Club's lawsuit in February 2018.

The three judges said they were unpersuaded by the Sierra Club's arguments that the EPA was using the order to make a major policy change without public notice and comment, as required under the Administrative Procedure Act.

"The publication must reflect or otherwise indicate that the Administrator of EPA has determined his action or other agency action is based on a determination of nationwide scope or effect. The Administrator made no such determination here," the court said.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg. Bloomberg Environment is operated by entities controlled by Michael Bloomberg.

Washington Examiner
Daily on Energy: Trump can't seem to get out from under his ethanol promises
https://www.washingtonexaminer.com/policy/energy/daily-on-energy-trump-cant-seem-to-get-out-from-under-his-ethanol-promises
by John Siciliano & Josh Siegel

TRUMP CAN'T SEEM TO GET OUT FROM UNDER HIS ETHANOL PROMISES: President Trump is only as good for farmers in Iowa as the "second promise" he keeps for the ethanol industry, say lobbyists for the corn-based fuel.

The first promise was securing a market for 15% ethanol blends to be sold all year. The second promise is making sure the Environmental Protection Agency doesn't upend the market for ethanol by approving 39 pending exemptions for the oil industry not to blend the renewable fuel.

That was the message the president heard from farmers and top officials, off camera, when he was in Iowa earlier this week to give a victory speech on EPA's approval of 15% ethanol blends for year-round use. Environmental restrictions had limited the fuel's use to only 8 months out of the year.

"We could not have asked for a better E15 rule," said Monte Shaw, CEO of the Iowa Renewable Fuels Association. But it is the "second promise" that the farmers in rural America are waiting on Trump to keep.

The industry believes the 15% ethanol rule would become immediately irrelevant if EPA grants the oil industry exemptions, which would reduce the market for the fuel by over one billion gallons.

Shaw sat down with EPA Administrator Andrew Wheeler in Iowa to explain what the industry and farmers expect from the administration.

He told John that farmers are willing to forgive the administration over the dozens of exemptions given to the oil industry under former EPA chief Scott Pruitt. Shaw said he wants to believe that those decisions were due to a "rogue" EPA administrator, and did not have the consent of the president.

But after hearing from farmers, lawmakers, the governor, and others about the second promise, "whatever they do now is Trump, not EPA," he said.

While Trump was meeting in Iowa, dozens of biofuel companies descended on Capitol Hill in support of a bill that would prevent EPA from approving unwarranted exemptions for the oil industry.

Oil refiners are required under the law, the Renewable Fuel Standard, to blend billions of gallons of ethanol and other renewable fuels each year into the nation's fuel supply.

The renewable fuel industry wants to see the Trump administration make up for the previous losses they suffered from Pruitt's refinery exemptions, while preventing any further exemptions from being issued.

The renewable fuel industry is expecting to see evidence of the administration's commitment to making the industry whole as soon as next week, said Paul Winters, spokesman for the National Biodiesel Board, which organized this week's lobbying campaign.

EPA's annual renewable fuel blending requirements for 2020 are expected to be released as soon as next week.

"We will be looking to see whether EPA follows through on the President's commitment to support growth of the biofuel industry," said Winters. "Wheeler continually claims that the Courts and Congress have ordered him to give out the small refinery exemptions. We'll be watching to ensure he properly accounts for them in the rule."

Politico Pro
Bipartisan Senate bill would tackle RFS waivers
https://subscriber.politicopro.com/article/2019/06/bipartisan-senate-bill-would-tackle-rfs-waivers-3427362
BY ERIC WOLFF

Sens. Deb Fischer (R-Neb.) and Tammy Duckworth (D-Ill.) today introduced a bill that would change some of the rules for how EPA grants waivers from the Renewable Fuel Standard.

The bipartisan bill would set an application deadline for waivers of June 1 each year. The bill would also require the EPA to reveal the names of applicants for the program, something the oil industry strongly opposes, and it would prevent applicants from claiming any of their information is confidential, thus exposing the applications to public view through freedom of information laws. The bill would also require EPA to notify Congress about its methodology for granting waivers, and some information about companies.

Ethanol groups have pushed for a deadline for waiver applications, arguing that would allow EPA to reallocate gallons lost to the mandate through waivers back to other refiners.

EPA dramatically expanded the number of exemptions given to refiners in recent years, removing billions of gallons from the annual blending requirements, much to the fury of ethanol producers and corn farmers. EPA had promised to increase transparency with a rule that would reveal which companies get the refiners, but that rule may never see the light of day, according to observers.

"In the past, EPA has issued small refinery exemptions after the Renewable Volume Obligations have already been determined," Fischer said in a statement. "This bill would shine a light on what's been an obscure exemption process and help promote economic growth in rural America."

Farmers won a major victory at the end of last month when EPA finalized a rule allowing year-round sale of E15.

Reuters
US farm state senators introduce bill to overhaul biofuel waiver program
https://www.reuters.com/article/usa-biofuels-bill/us-farm-state-senators-introduce-bill-to-overhaul-biofuel-waiver-program-idUSL8N23L3AY
by Jarrett Renshaw; Writing by Richard Valdmanis

Two Midwest senators said Friday they had introduced a bill to reform the Environmental Protection Agency's biofuel waiver program, which the corn industry says helps oil companies at the expense of farmers here by threatening ethanol demand.

The bill, introduced by Democrat Tammy Duckworth of Illinois and Republican Deb Fischer of Nebraska, would impose a June 1 deadline for refineries to apply for the waivers that exempt them from blending ethanol into gasoline, so the EPA has time to calculate the volumes waived and apply them to the next year's blending mandates, the senators said in a statement.

It would require the agency to report to lawmakers on the methodology used to decide whether a waiver is granted, and would make other elements of the largely confidential waiver process more transparent.

The bill's introduction comes after reports the Trump administration's EPA had given waivers to facilities run by majors here like Exxon Mobil and Chevron.

"Farmers across Illinois and throughout the Midwest are hurting and ethanol plants are idling while this administration is abusing the small refinery exemption program to undermine the bipartisan Renewable Fuel Standard," said Duckworth.

"I am proud to work with Senator Fischer to introduce this bipartisan legislation to bring much-needed transparency to the waiver process and prevent it from being misused to benefit billion-dollar oil companies at the expense of hardworking Americans," she said.

Under the U.S. Renewable Fuel Standard, refiners are required to blend increasing volumes of biofuels into their fuel each year or buy credits from those who do, creating a 15-billion-gallon annual market for ethanol.

But small facilities can apply for an exemption if they prove that compliance with the RFS would cause them financial hardship, and the EPA can grant them secretly in a process they say protects confidential business information.

Since President Donald Trump took office, the administration has vastly expanded its use of the waivers, citing court rulings in 2017 that concluded Obama's EPA had been too stingy with them, saving oil companies hundreds of millions of dollars.

Reuters
Trump mulled plan in 2018 to scale back U.S. biofuel waivers: documents
https://www.reuters.com/article/us-usa-biofuels/trump-mulled-plan-in-2018-to-scale-back-u-s-biofuel-waivers-documents-idUSKCN1TF290
Jarrett Renshaw

While the June 2018 plan was ultimately rejected, the fact it reached the president's desk shows that Trump's advisers believed at the time he had the ability to adjust the controversial waiver program, even as his EPA defended the expanded use of the exemptions by citing legal requirement.

Under the U.S. Renewable Fuel Standard, refiners are required to blend increasing volumes of biofuels like ethanol into their fuel each year or buy credits from those who do. But small facilities can apply for an exemption if they prove complying with the RFS would cause them financial hardship.

Since Trump took office, the administration has vastly expanded its use of the waivers, citing court rulings in 2017 that concluded that the EPA under former President Barack Obama had been too stingy with them. The EPA granted 35 exemptions for 2017, up from seven in the last year of the Obama administration, according to agency data.

The EPA has not yet announced decisions for 2018.

That shift saved the oil industry tens of millions of dollars but angered the corn lobby, which argued the expansion of the program undermines ethanol demand and was designed mainly to help the administration's allies in the energy industry. Whether the moves have resulted in decreased demand is a matter of intense debate.

Last year, corn-state senators Chuck Grassley and Joni Ernst, both Republicans from Iowa, met several times with U.S. Senator Ted Cruz, a Texas Republican, to hammer out a deal to reform the RFS in a way that worked for both sides - which they would then present to Trump.

The result was a three-point compromise that Trump's special assistant Francis Brooke delivered to the president in a June 1, 2018 decision memo, EPA records show.

The plan would have lifted the summer-time ban on sales of higher ethanol blends of gasoline called E15 to boost corn demand and tightened restrictions on the small refinery exemption program, according to the memo.

"EPA will grant future small refinery exemptions based only on true disproportionate economic hardship," according to the proposal, which added that the deal would also call for stricter deadlines for refiners applying for the waivers.

To help the oil industry, exporters of ethanol would have been able to generate blending credits, reducing prices for the credits some refiners must buy to prove compliance.

EPA spokesman Michael Abboud said on Friday that the proposal was one of many considered by the government.

"The administration has considered a wide variety of improvements to the RFS program," he said.

The deal was ultimately rejected, though the proposal on E15 has since been adopted - providing a boost to farmers.

A year earlier, Trump's EPA had loosened its approach to granting small refinery waivers by allowing facilities to secure exemptions even if their operations were "not significantly impaired" by compliance, according to court documents previously reported by Reuters.

The EPA has routinely defended the move to expand its use of exemptions by saying it was legally required.

"The courts have clearly told us we have to follow the law, and that's what we are going to do," EPA Administrator Andrew Wheeler said an April interview, referring to the 2017 court cases.

But biofuel advocates said the proposal presented to Trump was worrying because it suggested some recipients of the waivers had not proven "true" economic need.

"I think it's a clear acknowledgment from this administration that these waivers are being handed out to refineries where there is no true economic hardship," said Geoff Cooper, head of the Renewable Fuels Association, who forced the EPA to make the documents public through a legal challenge.

Reuters has previously reported that the small U.S. refineries of profitable majors like Exxon Mobil and Chevron have received the waivers.

The expansion of the hardship waiver program remains a lightning rod issue of contention between the rival oil and corn industries, and has become an unlikely talking point for a slew of Democratic candidates on the campaign trail looking to turn Midwestern farmers away from Trump.

Chemicals

Politico Pro
Barrasso, Carper, Capito unveil PFAS package
https://subscriber.politicopro.com/article/2019/06/barrasso-carper-capito-unveil-pfas-package-3425618
BY ANNIE SNIDER

Bipartisan leaders on the Senate Environment and Public Works Committee this evening unveiled compromise PFAS legislation.

The package was filed by Senate Environment and Public Works Committee Chairman John Barrasso (R-Wyo.), Ranking Member Tom Carper (D-Del.) and Sen. Shelley Moore Capito (R-W.Va.) as an amendment to the Senate's 2020 National Defense Authorization Act, S. 1790 (116).

It would require EPA to set an enforceable drinking water limit within two years for at least the two best-studied chemicals in the class, PFOA and PFOS, and would require the agency to decide whether to craft limits for additional chemicals as it publishes formal conclusions about their toxicity.

It also contains provisions that would require EPA to finalize a rule under the Toxic Substances Control Act to limit new uses of the chemicals and issue guidance on how to dispose of them. And it would require PFAS manufacturers to provide information to EPA.

The package also contains bills previously considered by the committee, including a measure to require EPA to list a subset of PFAS chemicals on the Toxics Release Inventory, S. 1507 (116), a move that would require facilities to publicly report their emissions of the chemicals. It also includes bills requiring the federal government to offer additional support to communities grappling with PFAS contamination and to conduct additional monitoring.

Notably, the package contains no language pertaining to a Superfund designation for the substances – a top priority for many communities that want to see the companies responsible for the contamination foot the bill for cleanups.

Senate Majority Leader Mitch McConnell (R-Ky.) has teed up the defense bill for consideration as early as next week.

Chemical & Engineering News
US EPA to revamp pesticide evaluations
https://cen.acs.org/environment/pesticides/US-EPA-revamp-pesticide-evaluations/97/i24
by Britt E. Erickson

The US Environmental Protection Agency is taking another stab at revising its process for assessing the risks of pesticides to endangered species. The move comes after manufacturers of three organophosphate insecticides urged the agency to abandon an approach established in 2015.

The EPA used the method to evaluate chlorpyrifos, diazinon, and malathion. During the final days of the Obama administration, the agency concluded that all three are likely to adversely affect more than 1,000 endangered species.

09724-leadcon-butterflycxd.jpg
Credit: Shutterstock
The US EPA is revising how it assesses the impacts of pesticides on endangered species like the Karner blue butterfly, which pollinates endangered plants.

After pushback from the pesticide industry, the EPA is now proposing changes that would affect those determinations. Traditionally, the agency has used the maximum allowed usages stated on the pesticide label. Pesticide manufacturers claim that approach is overly conservative. The EPA now proposes evaluating risks using actual pesticide use data from various sources. Environmental groups argue that doing so would exclude from the analysis large geographical areas where no pesticide use data are available.

Also at issue is the need for the EPA to consult with the US Fish and Wildlife Service or the National Marine Fisheries Service, as the agency must do when it finds that pesticide use overlaps with the geographical area where an endangered species is found. The consultation is needed to determine whether the pesticide is likely to harm the species. Environmental groups have sued the EPA numerous times for failing to initiate such consultations. Hundreds of pesticides are scheduled for reevaluation over the next decade, and each of those could affect numerous endangered species. Federal agencies do not have the resources to conduct thousands of consultations in a timely manner.

Under the 2018 farm bill, the US Congress directed the EPA, the Council on Environmental Quality, and the Departments of Agriculture, Commerce, and the Interior to form an interagency working group to streamline the process. The group, which includes heads from each of the five agencies, met for the first time to discuss the EPA's proposal on June 6.

Details from that closed-door meeting are scarce. "The Trump Administration is committed to carrying out the important responsibilities of the Endangered Species Act to protect and promote the recovery of species while recognizing that pesticides are a critical tool for protecting public health, supporting our farmers, and ensuring an abundant food supply," EPA administrator Andrew Wheeler said in a June 6 statement.

The EPA heard mixed reviews about its proposal during a June 10 public meeting.

"EPA's revised methods are an enormous step backwards," said Brett Hartl, director of government affairs at the environmental advocacy group Center for Biological Diversity. Hartl claimed that the proposal deviates from 2013 recommendations by the National Academy of Sciences. The proposal also "abandons the collaborative and transparent work that the first biological evaluations represented," he said, referring to the three organophosphate evaluations conducted under the 2015 method, plus two other evaluations that the agency never released for carbaryl and methomyl.

The proposal also limits consideration of pesticide drift to within 792 m (2,600 ft) of a treated field and pesticide runoff in water within 30 m of the site. "What happens if a pollinator of an endangered plant is exposed to a pesticide and killed, but that plant is more than 2,600 ft away from the treated field?" Hartl asked. "Under this approach, EPA is going to assert there is no effect."

CropLife America, a trade group that represents the pesticide industry, supports the use of real-world data in the EPA's evaluations, Manojit Basu, CLA's managing director of science policy, said at the June 10 meeting. Such data better reflect where pesticides are used and target protection where it is most needed, he added.

The EPA is seeking feedback on its proposed changes until July 1. CLA has asked the agency to extend the comment period by 45 days because of the complexity of the issue.

Climatewire

Senators eye defense bill for PFAS compromise

https://www.eenews.net/greenwire/stories/1060581799/search?keyword=EPA

Geof Koss, E&E News reporter

The top senators on the Environment and Public Works Committee have introduced an amendment to the National Defense Authorization Act that would require EPA to take a number of steps to regulate per- and polyfluoroalkyl substances (PFAS).

The amendment was submitted yesterday to the NDAA, S. 1790, by EPW Chairman John Barrasso (R-Wyo.), ranking member Tom Carper (D-Del.) and committee member Shelley Moore Capito (R-W.Va.). It includes compromise language requiring EPA to set a national primary drinking water regulation for the chemicals under the Safe Drinking Water Act within two years, according to a summary provided by the panel.

The amendment would also require EPA to request data from PFAS manufacturers under the Toxic Substances Control Act, while also tasking the agency with finalizing a 2015 rule governing "significant new uses" under the law (Greenwire, Oct. 23, 2018).

Another provision of the compromise legislation would require EPA to issue guidance on disposing of PFAS. It does not, however, include a hazardous designation.

The language comes amid rising bipartisan concerns about widespread contamination from PFAS, a class of chemicals commonly used in industrial and commercial products.

The amendment is one of more than 300 that have already been filed ahead of next week's floor debate on the NDAA, a must-pass bill that members often target as a legislative vehicle.

The Senate's defense bill already contains a provision that requires the Defense Department to end procurement of PFAS-laden firefighting foam (E&E News PM, May 23).

The House version, marked up in committee this week, also contains a number of bipartisan PFAS-related provisions (E&E Daily, June 13).

Politico
Trump administration lays blame on Tehran
https://www.politico.com/newsletters/morning-energy/2019/06/14/trump-administration-lays-blame-on-tehran-654864
By KELSEY TAMBORRINO

— The U.S. blamed Iran for the attacks on two oil tankers in the Gulf of Oman on Thursday, ratcheting up tensions in the busiest oil shipping region in the world.

— An amendment filed Thursday to the Senate's defense authorization bill contains compromise language on PFAS chemicals.

— Energy Secretary Rick Perry and Polish President Andrzej Duda visit Louisiana today to tour the Sabine Pass liquefied natural gas terminal.

DRIVING THE DAY
TRUMP ADMINISTRATION PLACES THE BLAME ON IRAN: The Trump administration is pointing at Tehran after the latest attacks on oil tankers near the crucial Strait of Hormuz. Oil prices reacted with a quick rally before settling back, but the markets remain on edge.

"Taken as a whole, these unprovoked attacks present a clear threat to international peace and security, a blatant assault on the freedom of navigation, and an unacceptable campaign of escalating tension by Iran," Secretary of State Mike Pompeo said Thursday. Iran, for its part, has denied involvement.

Stakes are high: "We need to remember that some 30 percent of the world's crude oil passes through the Straits," said Paolo d'Amico, chairman of the International Association of Independent Tanker Owners, in a statement. "If the waters are becoming unsafe, the supply to the entire Western world could be at risk."

While a direct U.S.-Iran conflict, or shutdown of the Strait of Hormuz, "remain long shots," Paul Sheldon, a chief geopolitical adviser with S&P Global Platts Analytics, told the publication, the "risk of miscalculation in the Middle East is clearly rising, which will increase the demand for inventory as oil balances tighten" in the second half of the year.

Still, some experts expressed surprise, if not outright skepticism, that Iran would so blatantly provoke the U.S. and torpedo a Japanese tanker while Japanese Prime Minister Shinzo Abe was visiting Tehran. As Lloyd's List reports, maritime security intelligence company Dryad Global acknowledged that the attacks bore some hallmarks of an Iranian operation, but there was no clear evidence Tehran was behind them.

And it was difficult to discern Iran's motivation for the move. "At a time where the Iranian economy is struggling and sanctions are biting, it seems surprising that Iran would endeavor to conduct such a bellicose strategy," Dryad added.

ON THE HILL
SENATE PFAS COMPROMISE: Bipartisan leaders of the Senate Environment and Public Works Committee late Thursday unveiled their compromise measure for swiftly tackling the country's PFAS problems, as Pro's Annie Snider reports. The package was introduced as an amendment to the Senate's 2020 National Defense Authorization Act, S. 1790 (116) by Senate Environment and Public Works Chairman John Barrasso (R-Wyo.), ranking member Tom Carper (D-Del.) and Sen. Shelley Moore Capito (R-W.Va.). Here's a rundown of its main components:

Drinking water: The amendment would require EPA to set an enforceable drinking water limit within two years for PFOA and PFOS, and allow the agency to use information about one chemical in the class to make conclusions about the health risks of others when doing the stringent cost-benefit analyses required by the Safe Drinking Water Act. It also includes provisions to defray costs to water utilities, and would require EPA to issue recommended limits within a year of publishing toxicity information on other PFAS chemicals.

TSCA: It would require EPA to finalize a "significant new use rule" for PFAS within a year, potentially setting restrictions on new uses of the toxic chemicals. And it would require PFAS manufacturers to provide data to EPA on their manufacturing and processing of the chemicals.

Public reporting: The package includes a bill (S. 1507 (116)) introduced last month by Capito that would require EPA to list more than 200 PFAS on the Toxics Release Inventory, which would require facilities to publicly report on their air and water emissions of the chemicals, regardless of whether they are specifically regulated.

What's missing: The package is silent on one of communities' top priorities: a hazardous designation for the chemicals, which would help force responsible parties to pay for cleanups under the Superfund law. A bill introduced by Carper in February (S. 638 (116)) would require EPA to designate all PFAS as hazardous and has garnered 32 bipartisan cosponsors.

WELCOMING OVERSIGHT: House Climate Crisis Chairwoman Kathy Castor said her panel would pursue oversight of the Trump administration's environmental actions but suggested that push was still a ways away. "We really want to focus on solutions and kind of set the table right now for what we need to be doing immediately," she said. "Hopefully that [oversight] will come. There's so much there." She said she's spoken with almost all the House chairmen about climate issues, although Ways and Means Chairman Richard Neal remained on "the do-list."

FOOD FOR THOUGHT: Two Democratic lawmakers are calling on the Government Accountability Office to investigate the FDA's oversight of indirect food additives — the trace amounts of chemicals present in food as a result of its packaging, storage or other handling. The letter comes days after top FDA officials said in a statement that the agency "does not have any indication that [PFAS] are a human health concern" despite recent test results finding the chemical in meats and other foods.

Air

Greenwire

Court scraps greens' challenge to EPA permitting change

https://www.eenews.net/greenwire/stories/1060581147/search?keyword=EPA

Ellen M. Gilmer, E&E News reporter

Federal judges today rejected environmentalists' legal challenge to an EPA policy shift on power plant permitting.

The U.S. Court of Appeals for the District of Columbia Circuit dismissed a Sierra Club petition that targeted EPA's decision to change its approach to reviewing state-issued operating permits.

Under Title V of the agency's Clean Air Act regulations, EPA has reserved the right since 1999 to object to state-issued "minor source" permits for polluters when it thinks the proper classification is a "major source" subject to stricter controls.

In a 2017 decision related to the Hunter Power Plant in Utah, EPA announced it would halt that practice and no longer "second guess" state decisions. The Sierra Club sued, saying the policy shift allows polluters to skirt stricter permitting requirements. The group is particularly concerned about the impact of air pollution from that particular plant on regional haze around Arches, Capitol Reef and Canyonlands national parks.

During oral arguments in May, a three-judge panel grappled with whether it had jurisdiction over the case (Greenwire, May 2).

Regional appellate courts generally have oversight over permit decisions, while the D.C. Circuit reviews challenges to nationwide rules. The Sierra Club argued that the Utah permit decision included a nationwide policy change. EPA maintained that it didn't amount to a rule change.

The court sided with EPA.

"Because the Order denying the petition for objection is neither a nationally applicable regulation nor determined by the Administrator to have nationwide scope or effect, venue is not proper in this court," Judge Judith Rogers, a Clinton appointee, wrote for the court.

She noted that EPA's order on the Utah power plant was "avowedly case-specific," not nationwide, and that the interpretation can be challenged when and if it arises in other scenarios.

Judges Nina Pillard, an Obama appointee, and David Tatel, a Clinton appointee, were also on the panel.

Anticipating this potential outcome, the Sierra Club filed a separate challenge to EPA's decision in the 10th U.S. Circuit Court of Appeals. That appeal has been on hold during the D.C. Circuit proceedings. Attorney Keri Powell said the group will now move to restart the 10th Circuit case and begin submitting briefs on the merits arguments there.

Politico Pro

EPA studying benefits of soot reductions

https://subscriber.politicopro.com/newsletters/energy-regulation-watch/2019/06/epa-studying-benefits-of-soot-reductions-655781

By ALEX GUILLÉN

EPA DOES INTERNAL REVIEW OF PM2.5 LOW CONCENTRATION STUDY: EPA is writing a report on how it characterizes the benefits of reducing fine particulate matter pollution (aka PM2.5) at low concentrations — and will run its own internal peer review process rather than go to the Science Advisory Board and the Clean Air Scientific Advisory Committee, which have been critical of EPA recently. Several previous outside scientific studies have concluded there is

no "safe" level of exposure, such as a 2017 Harvard study that found increased risk of premature death from exposure to PM2.5 levels below the NAAQS threshold.

Mystery contractor: The agency released a notice this week calling for experts to review its study. EPA did not respond to questions about which contractor will run the review. The contractor will run the nomination and selection process, including one round of public comments on candidates. A draft version of the report will be out next month, with the review panel meeting in August or September and the report being finalized sometime in the fall.

The process has some greens alarmed: "It's easy to predict goal of @EPA's headlong rush: a result-oriented Trump legacy to deny health benefits from reducing PM2.5 pollution at levels that science tells us cause premature deaths & morbidity, & to ignore PM2.5 benefits across multiple clean air & climate rules," the NRDC's John Walke tweeted.

EPA responds: "This format for peer review is appropriate based on the scope of the review, relevant timelines and expertise, statutory focus of other advisory bodies, and the Agency's peer review guidelines," spokesperson Michael Abboud said in a statement. "Previous Administrations have made key scientific methodological changes to EPA's characterization of particulate matter health effects without going through an open, peer review process."

EPA UPDATES

OZONE — WISCONSIN, TEXAS PUSH BACK ON EPA REDO: Both Democrat-controlled Wisconsin and Republican-controlled Texas are urging federal courts to leave in place EPA's decision that key parts of those states meet the 2015 ozone standard. After environmentalists filed a lawsuit arguing EPA was too lax on those areas, the agency in early May suggested the court remand ozone designations covering several counties in Wisconsin — including Racine, home to the controversial Foxconn project — and the El Paso area. (That was before environmentalists uncovered internal emails showing EPA scientists perturbed that then-Administrator Scott Pruitt reversed plans to name some areas of Wisconsin as nonattainment, as reported by the New York Times.) The states say EPA made the right call and should be given deference given the highly technical issues at play.

— Meanwhile, Michigan isn't battling a remand request by EPA in the same case, but the state did come to EPA's defense in a challenge to the Ottawa County designation. The challengers argued Ottawa contributes to poor air quality in neighboring Muskegon County, but Michigan argued in its brief that the real culprits are Chicago, Milwaukee and Gary, Ind., instead.

AUTOMAKERS PRESS TRUMP HARD AGAINST EMISSIONS FREEZE: In a head-turning letter last week, 17 major automakers asked the Trump administration to tone down its vehicle emissions deregulatory plan and avoid a nasty fight with California. "For our companies, a broadly supported final rule would provide regulatory certainty and enhance our ability to invest and innovate by avoiding an extended period of litigation and instability, which could prove as untenable as the current program," they wrote in their letter. It was the industry's most concerted criticism to date of the administration's deregulatory plan, which some automakers have said was much more severe than they had sought.

SAB — BOARD TO REVIEW AUTO ACTION: EPA's Science Advisory Board last week voted to scrutinize the science behind the Trump administration's planned rollback of vehicle emissions standards. The vote comes just months before the rule is expected to be finalized, but Chairman Michael Honeycutt remained hopeful. "I'm going to tell the board today I hope nobody has vacation plans this summer," Honeycutt told reporters.

WOTUS too: SAB also voted to submit comments to Administrator Andrew Wheeler on areas where his rewrite of the Waters of the U.S. rule diverges from science, Annie Snider reports on our site. Honeycutt suggested that the comments should point Wheeler to a deep dive that the SAB released in 2015 on the connections between small upstream waters and wetlands and the larger waterways covered by the Clean Water Act. But he acknowledged that EPA ultimately has to make a policy decision.

ACE RULE 'ALMOST COMPLETE': EPA says it is putting the finishing touches on its final Affordable Clean Energy rule that will replace the Obama administration's Clean Power Plan. "The interagency review process is almost complete, and

EPA's intention and expectation is that the Agency will be in a position to take final action in June 2019," EPA wrote in a status report filed with the D.C. Circuit Court of Appeals.

401 — EPA TARGETS STATE POWER: The Trump administration has launched a major rollback of states' power to veto infrastructure projects they fear could harm the health of their rivers, streams and wetlands, including potentially giving EPA the ability to override states' decisions altogether, Annie Snider reports on the Pro website. Updated guidance shortens the time that states have to review proposed projects like natural gas pipelines, coal export terminals and dams. It also limits the scope of issues states can consider when deciding whether to grant a Clean Water Act certification.

RTRs — METAL COATINGS, VEGETABLE OIL: Add two more sectors to the ongoing litany of NESHAP reviews. First, EPA has proposed to maintain the numerical pollution limits for manufacturers of surface coatings for metal cans and coils. As with numerous previous residual risk and technology reviews, EPA also proposed a suite of reporting and monitoring tweaks. The proposal is open for comment through July 19. Second, EPA came to similar conclusions for a review of an 18-year-old rule limiting emissions from vegetable oil production facilities, which produce a pollutant called "n-hexane," which can cause irritations and nausea in the short term and permanent nerve damage in the long term. EPA will take comment for 45 days once the proposal runs in the Federal Register.

OMB WATCH

METHANE PROPOSAL BEGINS REVIEW: The White House Office of Information and Regulatory Affairs has begun reviewing a proposed rule from EPA expected to roll back methane emissions limits for new oil and gas wells, according to a notice. Wheeler said last month that the proposal will include at least two strong arguments for lifting methane limits imposed on new oil and gas wells in 2016.

Reply hazy, try again later: OMB is also reviewing the final version of draft guidance issued in 2016 describing how states should write their regional haze SIPs due July 31, 2021, for the second implementation period, which runs from 2018 to 2028. (The Obama administration issued a rule that extended the deadline by three years.) Among other things, the guidance is expected to discuss how states weigh benefits alongside factors such as compliance costs and the remaining useful life of affected plants.

AROUND THE AGENCIES

PERRY WAVES WHITE FLAG ON COAL BAILOUT: Energy Secretary Rick Perry this week gave the clearest indication yet that his agency isn't planning to provide financial support to keep struggling coal and nuclear plants from closing, Gavin Bade reports on the Pro site. "I don't think the DOE has any regulatory or statutory ability to do that," Perry told reporters at the annual convention of the Edison Electric Institute, a utility trade group. "FERC would be where I would direct you to."

FERC WORLD

DEMS, GROUPS PUSH FERC ON ORDER 719: Democrats and a coalition of consumer groups are pushing FERC regulators to review rulemaking processes at regional grid operators, saying current procedures unfairly favor large utilities over consumers, Gavin Bade has more on the POLITICO Pro website.

Also at the hearing: FERC Chairman Neil Chatterjee said he is considering a state panel to help resolve fuel security and grid resilience issues. That panel could be convened with the National Association of Regulatory Utility Commissioners, Chatterjee told S&P.

SUPREME COURT

FEDERAL LAW TRUMPS STATE LAW OFFSHORE: The Supreme Court this week ruled in a unanimous opinion that an offshore drilling worker cannot rely on California wage laws to seek compensation for time spent on "standby" on oil rigs on the outer continental shelf. "All law on the OCS is federal, and state law serves a supporting role, to be adopted only where there is a gap in federal law's coverage," Justice Clarence Thomas wrote, reversing a lower-court decision.

JUSTICES TO SETTLE SUPERFUND QUESTION: The Supreme Court has agreed to decide whether people who live near Superfund sites can sue the liable companies for additional cleanups under state law, in addition to any cleanup agreement reached with EPA under federal law. The case will be argued this fall or winter and likely decided sometimes next year.

But not this Superfund question: The justices declined to hear a challenge brought by Teck Metals, a Canadian mining company, against the 9th Circuit's ruling that it must pay for Superfund pollution affecting U.S. waters and land, even though the causative pollution was emitted from a smelter over the border in Canada. The Supreme Court's decision not to hear the appeal leaves that decision in place.

POCKET DOCKET

Valuation: Separate lawsuits from mining groups and the American Petroleum Institute are reviving legal arguments over the Obama administration's 2017 valuation rule, which closed a loophole in which companies could sell coal from federal lands to subsidiaries for bargain prices and pay less in royalties, among other reforms. A federal judge in April ruled that the Trump administration's repeal of the Obama rule was "wholly improper," leading to these new challenges.

E15: Oil refiners hardly hesitated before launching their challenge to the EPA's rule allowing year-round sales of 15 percent ethanol. The American Fuel and Petrochemical Manufacturers filed a challenge to the rule at the D.C. Circuit Court of Appeals on Monday. "We fully expect the court's ruling to align with what the EPA and Congress have each previously concluded: the plain language of the Clean Air Act does not authorize an RVP waiver expansion beyond E10," AFPM CEO Chet Thompson said in a statement. Meanwhile, both Growth Energy and the Renewable Fuels Association have already filed to help defend EPA's decision.

Kids' climate case: A trio of federal judges last week acknowledged that climate change posed a serious threat to the U.S. and said the federal government may have fallen short in protecting American citizens, but they expressed skepticism that the judiciary can order the sweeping action sought by a group of children to address the problem. Read more about the arguments on POLITICO's Pro website.

TSCA: Public health and advocacy groups that challenged EPA's framework rules for implementing the Toxic Substances Control Act reiterated in a supplemental brief their ability to sue because they argue the rules will "systematically understate risk." The 9th Circuit took the unusual step of ordering more briefing following oral arguments last month, when the court seemed lost over whether the framework rules present the sort of imminent, concrete harm that would give the groups standing to challenge EPA. The brief's legal arguments mimic what was said at the hearing, but it allows the challengers to lay out some facts supporting their argument that ongoing reviews of asbestos and two other specific chemicals "have already been infected by EPA's illegal Rules." EPA is expected to file its response on Monday.

Offshore drilling: Environmental groups this week asked a judge to invalidate the Interior Department's partial repeal of Obama-era offshore drilling safety rules, arguing the department ignored environmental and administrative rules and its own previous findings, Ben Lefebvre reports on our site. The suit alleges that Interior's Bureau of Safety and Environmental Enforcement violated the Administrative Procedures Act because of its incorporation into the final rule of industry standards that are not readily available to the public.

Methane waste: Environmental and health groups have asked a federal court to reinstate an Obama-era regulation from the Bureau of Land Management limiting methane waste on public lands, also known as the venting and flaring rule. The Trump administration rolled back much of the rule. In a June 7 motion, the challengers argue that BLM based its deregulatory effort on an analysis not made available for public comment, in violation of the Administrative Procedure Act. They also complain that BLM undercounted the repeal's costs to public health while "inflating" industry compliance costs.

FERC: The D.C. Circuit Court of Appeals upheld a FERC decision granting a permit to a Tennessee pipeline, but it took issue with the commission's justification for declining to conduct a greenhouse gas analysis on the project, Eric Wolff has more on the Pro website.

Title V: The D.C. Circuit Court of Appeals today ruled it is not the proper venue to review the Sierra Club's challenge to a permitting policy change because it was included as part of an action specific to a Utah power plant. The green group argued that Pruitt wrongly decided to sidestep questions regarding prior preconstruction permitting in the Title V process. EPA countered that the decision was limited to this specific power plant, not to all Title V permits nationwide. The court concluded that EPA's order is not nationally applicable, nor has EPA found that the order has nationwide scope or effect, meaning the D.C. court is the wrong venue. The Sierra Club can still pursue its claims in the 10th Circuit.

Lesser prairie chicken: Several conservation groups this week filed a lawsuit against the Interior Department for dragging its feet on their petition to list the lesser prairie chicken under the Endangered Species Act. The Fish and Wildlife Service had said it would decide by summer 2017 but has yet to do so, the groups complain.

Mining: The D.C. Circuit Court of Appeals this week tossed out a Trump administration rule weakening certain miner safety requirements at non-coal mines, saying the Mine Safety and Health Administration's move "does not withstand scrutiny." MSHA in 2018 weakened certain requirements set in early 2017, allowing examinations to take place as miners begin work, rather than before, and letting operators avoid recording issues if they are promptly fixed. But MSHA violated a "unique" statutory requirement that its standards not reduce existing mandatory health and safety protections, the split panel wrote in its opinion. The panel ordered the Trump rule vacated and the Obama rule reinstated. In a dissent, Judge Gregory Katsas, a Trump appointee, argued that the agency did adequately explain why the recordkeeping change was no less protective than the Obama rule.

Polymet Permit

Politico Pro
Hickenlooper's climate vision
https://subscriber.politicopro.com/newsletters/afternoon-energy/2019/06/hickenloopers-climate-vision-654286
By SARAH CAMMARATA

HICKENLOOPER'S CLIMATE VISION: Presidential contender John Hickenlooper's plan to combat climate change calls for the U.S. to rejoin the Paris climate accord and for the federal government to impose a carbon tax and work with the private sector to invest in green infrastructure programs, Pro's Ben Lefebvre reports. While it doesn't include an overall price tag, the Democrat says his administration would immediately reinstate the Obama administration's social cost of carbon, which puts a dollar value on greenhouse gas emissions and which the Trump administration scrapped, as well as imposing an unspecified carbon tax.

— However, Hickenlooper's proposal doesn't set a date on when the U.S. should reach carbon neutrality, as some other candidates have done. He does call for investing $200 billion in the U.S. transportation system and renewable energy sources, plus another $150 billion to boost the electric grid system. "Creating millions of green jobs" and "large-scale investment" in climate technology research and development also make the cut, though the campaign doesn't offer specifics.

AROUND THE AGENCIES
GRIJALVA QUESTIONS VACANCIES: House Natural Resources Chairman Raúl Grijalva (D-Ariz.) is pleading with the White House to nominate staffers to the Interior Department. In a Wednesday letter, Grijalva asks for a timeline for the administration's plans to nominate people to fill open leadership positions. Those positions include the deputy secretary and directors of the Bureau of Land Management, Bureau of Ocean Energy Management, Fish and Wildlife Service and the National Park Service.

In all, nearly 60 percent of DOI's top positions are empty, Grijalva notes. "While campaigning for President, you professed your ability to hire 'the best' individuals to lead our country's most vital institutions," Grijalva's letter says, adding, "Your administration is abdicating its constitutional duty to nominate qualified individuals into these important roles, instead enlisting individuals in 'acting capacity' who are more loyal to a political agenda than the missions of the agencies and departments they should be leading." Read the full letter.

POLYMET PERMIT CONTROVERSY HEATING UP: EPA today released a year-old staff letter that laid out major concerns with a pollution permit for the controversial PolyMet nickel and copper mine project in northern Minnesota, which is the subject of a court challenge from environmental and tribal groups. Retired EPA attorney Jeffry Fowley has alleged that Cathy Stepp, the Trump administration official who leads the agency's Great Lakes office, suppressed career staffers' concerns about the $1 billion project. The letter released today was not sent to state officials, but instead read by EPA staffers to the state officials who ultimately issued the permit, according to a handwritten note at the top of the letter.

But that's not all: EPA's Office of Inspector General today informed Stepp that it is opening an investigation of the office's review of the PolyMet permit.

EPA Officials

Greenwire
Obama water official joins Exelon
https://www.eenews.net/greenwire/stories/1060581541/search?keyword=EPA
Ellen M. Gilmer, E&E News reporter

A high-ranking EPA official in the Obama administration is joining Exelon Corp.

"As the largest provider of zero-carbon energy in the United States, Exelon is leading efforts to address the climate crisis facing its customers and communities and to protect the environment, and I am proud to support this work by joining its legal team," he said in a statement.

Beauvais joins Exelon from the law firm Latham & Watkins LLP, where he has been a partner since 2017. Prior to that, he spent six years at EPA.

While at the agency, Beauvais oversaw the water office as it navigated part of the federal response to drinking water contamination in Flint, Mich., and as it finalized the contentious Clean Water Rule.

Before that, he served as associate administrator for policy and worked in the agency's air and radiation office and as special counsel to the administrator (Greenwire, Jan. 25, 2017).

"The tenure and breadth of Joel's legal and regulatory experience addressing climate change and environmental sustainability make him an invaluable addition to our team as we advocate for a clean energy future for our customers," said Thomas O'Neill, senior vice president and general counsel at Exelon, in a statement.

Earlier in his career, Beauvais was a lawyer for the House Energy and Commerce Committee and the Select Committee on Energy Independence and Global Warming, and he clerked for former Supreme Court Justice Sandra Day O'Connor.

Message

From: Bloomberg Environment - Environment & Energy Report [bloomberg@bna.com]
Sent: 7/20/2019 9:35:48 AM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]
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Highlights

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WEEKEND READ

Ex-BLM Chiefs Say Interior Is Moving to Transfer Land to States

By Bobby Magill

Two former Bureau of Land Management directors say plans to move the agency's headquarters to Colorado are an early step toward abolishing the entire agency and transferring millions of acres of federal land to the states.

THIS WEEK AT EPA

EPA Advisers Were Subject to Inconsistent Ethics Reviews (2)

By Sylvia Carignan and Amena H. Saiyid

The EPA failed to consistently follow ethics rules when vetting members of its scientific advisory committees, a congressional watchdog said July 15.

EPA Clashes With House Panel Over Science Integrity Testimony

By Stephen Lee

The EPA denied allegations from the Democratic chair of a House committee that it blocked its science watchdog from appearing before the panel in a July 17 hearing.

EPA Advisory Board Dispute Ready for Court, Scientist Group Says

By Porter Wells

The Union of Concerned Scientists wants the First Circuit to overturn a lower court's decision to dismiss its lawsuit challenging the EPA's decision to purge its advisory boards of scientists in receipt of agency grants.

Republicans Defend EPA's Appointments to Advisory Panels

By Stephen Lee

House Republicans defended the EPA during a July 16 oversight hearing on the membership of the agency's scientific advisory committees, in the wake of a government watchdog's report criticizing the agency's efforts.

EPA Falls Short on Data Quality, Management: Watchdog (1)

By Stephen Lee

The EPA must do a better job of tracking environmental data, relaying health risks to citizens, overseeing states, and managing its staff's workload, according to a July 15 report from the department's internal watchdog.

THIS WEEK IN CLIMATE CHANGE NEWS

Obama Climate Rule Suit Should End, EPA, Challengers Say

By Abby Smith

It is time for the bitter legal fight over Obama-era power plant carbon controls to come to an end, the EPA and state, utility, and other industry challengers told a federal appeals court.

New York Governor Signs Pace-Setting Climate Legislation (1)

By Keshia Clukey

New York State is embarking on the most aggressive climate action plan in the nation.

Creditors Start Asking Coastal Cities For Their Climate Plans

By Abby Smith

Financial credit rating institutions want answers from coastal cities about how they're preparing for climate-change impacts like sea level rise and whether they can pay for their adaptation plans, the mayor of Honolulu said July 17.

'Killer Heat' Days to Surge Without Climate Action: Report (1)

By Abby Smith

Blistering hot days in the U.S. could increase significantly as the Earth warms, threatening infrastructure, businesses, and public health—but the choices that governments make now could limit the severity, a new report says.

THIS WEEK IN CHEMICALS

EPA Says It Won't Ban Pesticide Chlorpyrifos (2)

By Adam Allington

The Environmental Protection Agency has decided not to ban the pesticide chlorpyrifos.

New Hampshire Slashes Amount of 'Forever' Chemicals Allowed

By Adrianne Appel

New Hampshire will impose some of the lowest limits in the nation on fluorinated "forever" chemicals in drinking water starting this fall.

Lump or Split: Lawmakers, Scientists Wrestle With PFAS Chemicals (2)

By Pat Rizzuto

How quickly the government can regulate contaminating nonstick chemicals will come down to whether lawmakers and regulators consider the chemicals individually, in small groups, or as a single group.

EU Designates GenX, Other Chemicals as High Concern

By Stephen Gardner

A European Union move to designate four chemicals—including PFOA substitute GenX—as substances of very high concern could affect companies including BASF SE, Chemours Netherlands BV and Huntsman Advanced Materials.

China Proposes Overhaul of Chemical Registration Regulations

By Michael Standaert

A draft of environmental management regulations covering new chemical substances in China that will be used in a future program similar to the EU REACH system includes extensive revisions that, if adopted, could benefit chemical companies.

THIS WEEK IN WATER NEWS

California, 13 States Weigh in on Maui Groundwater Case

By Emily C. Dooley

A group of 14 states is backing claims by environmental groups that migrating pollution in groundwater that is discharged into the Pacific Ocean violates the federal Clean Water Act.

States Want Pot to Grow Greener as Legal Cannabis Expands

By Brenna Goth and Tripp Baltz

As more states legalize recreational and medical marijuana, they're confronting the reality that cannabis production involves using huge amounts of pesticides, energy, and water, while generating tons of plant and packaging waste.

Foxconn in the Spotlight at House Committee Field Hearing

By Stephen Joyce

Foxconn Technology Group's construction of a manufacturing plant in Wisconsin, which could include paving over flood-buffering wetlands, will be examined at a House Small Business Committee hearing in Wheeling, Ill., on July 19.

THIS WEEK IN AIR NEWS

Sterigenics Reaches Tentative Deal With Illinois to Reopen Plant (1)

By Stephen Joyce

An Illinois judge will decide July 24 whether to permit Sterigenics U.S. LLP to reopen its Willowbrook, Ill., facility, shut down in February over concerns about its use of ethylene oxide.

More Bad Air Days Despite Drop in Key Air Pollutants, EPA Says

By Amena H. Saiyid

Nationwide declines in air pollutants that lead to smog and haze formation haven't translated into fewer bad air days in some major American cities, the EPA's latest air quality data show.

THIS WEEK IN NATURAL RESOURCES

House to Take Up Bill to Ban Arctic Drilling (1)

By Tiffany Stecker

The House will take up legislation to ban drilling in the Arctic National Wildlife Refuge when it returns from its monthlong August recess, Majority Leader Steny Hoyer (D-Md.) announced July 17 on Twitter.

Ohio Bans 'Rights of Nature' Pollution-Fighting Lawsuits

By Alex Ebert

Ohio residents are now barred from filing lawsuits against polluters on behalf of the Buckeye State's natural resources.

THIS WEEK IN ENERGY

Bipartisan Bill Could Spur Solar, Wind Power on Public Lands

By Bobby Magill

Renewable energy development on federal land in the West could get a boost under a bipartisan bill that aims to create a revenue-sharing system for wind, solar, and geothermal power on public lands.

Democrats Approve Energy Block Grants Bill Over GOP Objections

By Tiffany Stecker

The House Energy and Commerce Committee approved legislation to spend billions of dollars per year for energy efficiency efforts in local communities over Republican objection on July 17.

Funding Levels Slashed in Energy Workforce Training Bill

By Tiffany Stecker

A sweeping job-training program for minorities and other underrepresented groups in the energy sector has been dramatically scaled back after majority Democrats negotiated with House Republicans to pass the bill with bipartisan support.

Senate Panel Advances 22 Energy Bills

By Bobby Magill

Bipartisan bills supporting advanced nuclear reactors and expediting the export of small amounts of liquefied natural gas were among 22 pieces of energy-related legislation approved by the Senate Energy and Natural Resources Committee and advanced to the full Senate July 16.

Earth's Heat Gives States Another Option for Clean Energy Goals

By Brenna Goth

Tapping heat beneath the Earth's surface for electricity and other uses is gaining ground among policy makers, especially out West, as states seek to expand their options for meeting more aggressive renewable energy goals.

JUSTICE JOHN PAUL STEVENS LEGACY

Justice Stevens' Legacy Remains Influential in Workplace, Beyond

By Erin Mulvaney, Jordan S. Rubin, Abby Smith and Sylvia Carignan

The late U.S. Supreme Court Justice John Paul Stevens will continue to make a mark in cases before the high court and in areas relevant to today's political discourse, including workers' rights cases teed up for the high court later this year, evolving environmental policy and greenhouse gas regulation, and the continuing debates over the death penalty.

For Stevens, Chevron Decision Defined How Supreme Court Changed

By Kimberly Strawbridge Robinson

The late Supreme Court Justice John Paul Stevens, a Republican appointee who eventually became a liberal voice, famously said that he didn't move left—the court moved right.

THIS WEEK IN INSIGHTS

INSIGHT: Real Estate Investors Need to Prepare for Climate Change Before It's Too Late

The impacts of climate change, including rising seas and extreme weather events, are quickly emerging as formidable challenges for the real estate industry and our cities.

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Highlights

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LEADING THE NEWS

New Hampshire Slashes Amount of 'Forever' Chemicals Allowed

By Adrianne Appel

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California Drillers Brace as Governor Signals Industry Crackdown

By Robert Tuttle and Emily C. Dooley

California oil producers are bracing for a crackdown on drilling in the state after Governor Gavin Newsom fired the chief regulator in charge of issuing permits.

States Want Pot to Grow Greener as Legal Cannabis Expands

By Brenna Goth and Tripp Baltz

As more states legalize recreational and medical marijuana, they're confronting the reality that cannabis production involves using huge amounts of pesticides, energy, and water, while generating tons of plant and packaging waste.

ENERGY AND NATURAL RESOURCES

Twin Metals Mine Changes Design But Fails to Appease Opponents

By Stephen Joyce

The owner of a proposed Twin Metals Minnesota LLC mine in northeastern Minnesota wants to change how it will store mining waste in order to make the project more environmentally friendly.

Dakota Access Pipeline Protest Costs Prompt North Dakota Lawsuit

By Christopher Brown

North Dakota wants the federal government to cover its $38 million cost of responding to the Dakota Access Pipeline protests that rocked the state in 2016 and 2017.

CAPITOL HILL

Michigan House Freshman Sees Manufacturing, Sustainability Nexus

By Maya Goldman

Manufacturing and environmental sustainability should go hand in hand, Rep. Haley Stevens (D-Mich.) says.

Bipartisan Bill Could Spur Solar, Wind Power on Public Lands

By Bobby Magill

Renewable energy development on federal land in the West could get a boost under a bipartisan bill that aims to create a revenue-sharing system for wind, solar, and geothermal power on public lands.

CLIMATE

Food Security Threatened by Warming, Leaked UN Report Says

By Lou Del Bello

Global food security faces unprecedented threats from the growing impacts of climate change and the exploitation of land and freshwater never before seen in human history, a leaked draft of an upcoming U.N. report says.

Arctic Summer Melt Shows Ice Is Disappearing Faster Than Normal

By Jeremy Hodges

Ice covering the Arctic Ocean reached the second-lowest level recorded for this time of year after July temperatures spiked in areas around the North Pole.

AIR, WATER, AND WASTE

EPA Advisory Board Dispute Ready for Court, Scientist Group Says

By Porter Wells

The Union of Concerned Scientists wants the First Circuit to overturn a lower court's decision to dismiss its lawsuit challenging the EPA's decision to purge its advisory boards of scientists in receipt of agency grants.

EPA Wasn't Required to Issue Hardrock Mining Rule: D.C. Cir. (2)

By Peter Hayes and Sylvia Carignan

The Environmental Protection Agency's decision to abandon financial responsibility requirements for the hardrock mining industry will stand, the D.C. Circuit ruled July 19.

McClellan Base Groundwater Contamination Claims Revived

By Porter Wells

Two California water districts will get a second chance to argue that a nearby air force base contaminated their water supply without just compensation, the Federal Circuit said July 19.

Duke Energy to Conduct Restoration Projects, Settling Coal Ash Suit

By Peter Hayes

Duke Energy Carolinas LLC will settle Superfund claims stemming from a 2014 coal ash spill by buying land along the Mayo River for conservation and giving it to North Carolina.

Shunned River Group Asks 9th Cir. for Access to Clean Water Suit

By Porter Wells

A federal court in Oregon improperly blocked the Columbia Riverkeeper from intervening in a lawsuit that will define the Clean Water Act's scope in the region, the group told the Ninth Circuit July 18.

CHEMICALS

Bayer Poised for Cut in $2 Billion Judgment on Weedkiller (1)

By Joel Rosenblatt

Bayer AG is poised for a reduction of 90% or more in the $2 billion verdict it was hit with in the most recent trial over its Roundup weedkiller.

FROM THE STATES

Ohio Bans 'Rights of Nature' Pollution-Fighting Lawsuits

By Alex Ebert

Ohio residents are now barred from filing lawsuits against polluters on behalf of the Buckeye State's natural resources.

Foxconn in the Spotlight at House Committee Field Hearing

By Stephen Joyce

Foxconn Technology Group's construction of a manufacturing plant in Wisconsin, which could include paving over flood-buffering wetlands, will be examined at a House Small Business Committee hearing in Wheeling, Ill., on July 19.

Maryland Transit May Intervene in Metro Line Permit Row

By Peter Hayes

The Maryland Transit Administration will be allowed to intervene in a case challenging the U.S. Army Corps of Engineers' issuance of a Clean Water Act permit to facilitate the building of a new metro line, the District of Maryland ruled.

Eversource Loses on Northern Pass in New Hampshire Court (1)

By Adrianne Appel

Eversource won't get another shot at the permit it needs to build its $1.6 billion Northern Pass project, a New Hampshire court ruled July 19.

Texas Propane Group Must Revise Suit Challenging Houston Code

By Porter Wells

The Texas Propane Gas Association will have to try again to convince a trial court that it has the right to challenge Houston's new propane storage and handling restrictions, a Texas appeals court said July 18.

A Week After Manhattan Went Dark, Con Edison Faces Heat Wave

By David R. Baker

Consolidated Edison Inc. has been warning for days that New Yorkers could be on the verge of some isolated power failures. An upcoming heat wave, it says, could bake the pavement and overheat power lines below.

AROUND THE GLOBE

Germany's Offshore Wind Power Boom Nears Capacity Limits

By Chelsey Dulaney

German renewable energy groups are urging the government to free up more grid capacity for offshore wind projects, as the fast-growing industry is set to surpass federal expansion limits before the end of 2019.

The Amazon Is Brazil's, Not Yours, Bolsonaro Tells Europeans

By Simone Iglesias

Brazil's President Jair Bolsonaro attacked the "environmental psychosis" of European leaders concerned over his administration's plans to develop the Amazon rainforest and insisted that the numbers showing sharply increased rates of deforestation were "lies."

South Korea Restricts Chemical Emissions in Air Pollution Push

By Kelly Kasulis

South Korea issued new restrictions on volatile organic chemicals emitted by major industries in its continuing effort to improve its dangerously polluted air.

Australia, Japan Join Forces for Coal-to-Hydrogen Pilot Project

By James Thornhill

Work has started on a A$500 million ($354 million) project in Australia's southeast to explore the potential of turning brown coal into hydrogen, which would then be liquefied and exported to Japan.

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Daily Clips

June 6, 2019

Chemicals

Bloomberg Environment: Companies Team Up as EPA Steps Up Chemicals Scrutiny

Climate Change

ClimateWire: White House might make federal scientists debate skeptics

POLITICO Pro: Climate as a cause of conflict

Energy

EnergyWire: Meet 9 state regulators who are 'shaking things up'

Greenwire: GAO: Renewable fuel standard isn't cutting carbon

EPA Officials

Greenwire: Acting head named for congressional office

Greenwire: New head of 'Lean' office selected

Pollution

Bloomberg Environmental: EPA Science Advisers Punt on Pollution Rule Costs, Benefits

Bloomberg Environment: Philadelphia to Pay $8.4 Million Over Landfill Pollution Claims

Bloomberg Environment: Storage Tank Lapses Alleged at 13 New York-Area Gas Stations

The Washington Post: Pollution knows no boundaries. The Trump EPA should stop pretending otherwise.

The Washington Post: 'The cleanest air in the world'? No, Mr. President. It kills lots of Americans.

Regulation

Bloomberg Environment: Cabinet Heads, White House Gather on Pesticide Regulation Revamp

Bloomberg Environment: Tug-Of-War Over Whether Bureau of Land Management Should Go West

Greenwire: Rule would ease limits on genetically modified plants

Science Advisory Board

E&E News PM: Advisory panel to review 'secret science' plan

POLITICO Pro: EPA science advisers to weigh in on WOTUS rewrite

POLITICO Pro: Science Advisory Board back in session

POLITICO Pro: Science advisers vote to review EPA auto rule rollback

Sierra Club Collusion

CNN: EPA administrator says, without evidence, he sees collusion between media and Sierra Club

Water

Greenwire: WOTUS review stumps advisers: 'The science isn't right'

Chemicals

Bloomberg Environment

Companies Team Up as EPA Steps Up Chemicals Scrutiny

https://news.bloombergenvironment.com/environment-and-energy/companies-team-up-as-epa-steps-up-chemicals-scrutiny

By Pat Rizzuto

Chemical makers are forming groups to share EPA fees or gauge how best to submit information to the agency as it decides by December which chemicals to pick for possible regulation.

Companies have recently formed eight or nine groups to address the $1.35 million per-chemical fee manufacturers and importers will have to pay next year if their compounds get on the Environmental Protection Agency's high-priority list, according to Robert J. Simon, a vice president at the American Chemistry Council, a trade group.

For example, members of the U.S. Tire Manufacturers Association will submit safety information to the EPA on 1,3-butadiene, one of the 20 chemicals the agency may review, said Sarah Amick, vice president for environment, health, safety, and sustainability. 1,3-Butadiene is used to make synthetic rubber.

Groups also offer the chance of pooling chemical exposure and safety data, said Simon, from the ACC. Three or four more industry groups are under development.

Groups need to hash out how to divide the $1.35 million fee—or some portion of it—among group members; how to protect the financial value of chemical safety data; and whether information submitted to the EPA could also usefully be provided to other federal agencies, state regulators, or foreign governments looking at the same chemicals, he said.

Discuss 'As Early as Possible'

"Those discussions need to start taking place as early as possible" if they haven't already, said Martha Marrapese, a partner in Wiley Rein LLP's Washington office. Marrapese advises companies that use some of the 20 chemicals the agency may tee up for close analysis.

Some U.S. chemical manufacturers are in "uncharted territory" when it comes to data compensation, in which one company pays another for the use of safety information the second company generated, Marrapese said.

Pooling data in groups is also important to identify gaps in the information the agency has about the 20 chemicals, in case companies want to conduct new studies to fill those gaps, ACC's Simon said.

The information the EPA receives over the next year will be part of a record that "sets the stage for years to come," Marrapese said. Courts could also review that record if the agency gets sued for deciding a chemical seems safe enough that it doesn't warrant a close review, or if the EPA is challenged after it concludes a chemical's risks warrant regulation.

Among the producers or importers of the "candidate" chemicals the agency has teed up for possible scrutiny are BASF SE; Huntsman International LLC; Koch Industries, Inc.; Lanxess; the Olin Corp.; Royal Dutch Shell plc, and Solvay SA. None of the companies Bloomberg Environment called or emailed chose to share information on their participation in groups or data submission plans.

Top 20 of 40 Candidates

Before the EPA begins to examine the 20 chemicals, it must select them from a list of 40 compounds it announced in March that describes which half of the list may be a candidate for risk evaluation—and which is a lower priority for scrutiny.

The high-priority candidates consist of seven chlorinated solvents, which are used to make car parts, cosmetics, and pesticides; six phthalates, which are used to produce plastics; four flame retardants; formaldehyde; a fragrance additive; and 1,3-butadiene which is used to make synthetic rubber.

The 20 low priority candidates include solvents, food additives and flavorings, ingredients in personal care products, and chemicals with medical uses.

Comments and information on the 40 chemicals are due June 19 and the agency will announce its final decisions by Dec. 22.

But the dockets the EPA set up for the 40 chemicals don't explain the agency's reasons for choosing them, Marrapese said.

"That's a disservice to the American public and industry," she said because "people really don't know what to provide the EPA unless they know why it chose the chemicals."

The EPA says that information is coming. Later this summer, the agency will formally propose the 20 high priority chemicals, and will release documents at that time that will include the reasons for picking those 20 chemicals, and not the other 20, the agency told Bloomberg Environment.

Shaping Risk Evaluations

The presumption is that the EPA will choose to evaluate the risks of all 20 chemicals it listed as likely candidates, said Stephen A. Owens, a partner with Squire Patton Boggs' Phoenix and Washington offices.

The information the agency receives this year may not affect its final choice of those 20, Owens and other industry attorneys said. But the information could shape the risk evaluation plans the agency will develop from December 2019 through June 2020, they added.

The plans, called "problem formulations," describe the uses of a chemical the agency will review, along with potential health and environmental effects, and exposed populations. Under the law, once the EPA publishes the plans, state environmental agencies will generally be barred from regulating any chemical use the agency is examining.

The publication of the EPA's risk evaluation plans also triggers the $1.35 million per chemical fee. Manufacturers and importers of each compound must pay within 120 days of EPA's problem formulation being released, according to a fee rule (RIN:2070-AK27) the agency issued last October. The fee helps defray the costs the agency incurs managing chemicals.

Owens, who oversaw the agency's chemicals and pesticides offices during the Obama administration, said the EPA faces tight deadlines to assess the 20 chemicals. And as soon as the agency finishes one evaluation, it must jump to another.

"It will be a scramble between now and forever," Owens said.

Climate Change

ClimateWire

White House might make federal scientists debate skeptics

https://www.eenews.net/climatewire/stories/1060492967/search?keyword=EPA

Scott Waldman, E&E News reporter

A White House plan to debate the accuracy of climate science has hit a snag: Mainstream scientists are unlikely to participate.

Without a credible team of researchers who accept established climate science, the idea would fall flat, according to two people involved in the discussions. To get around that challenge, top officials planning the "red team" debate have floated the idea of requiring scientists at NASA or NOAA to participate, the sources said.

Another idea would be to require the National Academy of Sciences to review and respond to the work of the team in charge of highlighting uncertainties in the research that underlies the National Climate Assessment. While the sources said the exercise could debut in the coming weeks, they also cautioned that the current state of discussions is fluid.

The effort's newest iteration is more modest than earlier proposals. Will Happer, a director on the National Security Council, had envisioned creating a rapid response team to upend the conclusions of government reports on climate change. Initial discussions considered using an executive order to create a "Presidential Committee on Climate Security."

It appears that those have been sidelined after facing pressure from within the administration, according to sources.

Among the plan's critics are deputy chief of staff Chris Liddell; Kevin Hassett, the outgoing chairman of the Council of Economic Advisers; Larry Kudlow, director of the National Economic Council; and Kelvin Droegemeier, the president's science adviser. Happer has been consulting with researchers and think tank analysts about his plan. He has conducted at least two briefings with Trump about his views of climate science, the sources said.

Happer has also briefed Jared Kushner, who is supportive of the plan, according to sources. Another White House official who has gotten behind the idea is Brooke Rollins, who served as an assistant to Trump in the Office of American Innovation and was the former head of the Texas Public Policy Foundation, which has a history of questioning climate science.

The scaled-back goal of the current plan is to provide a back-and-forth examination of climate science in which researchers who question mainstream conclusions about warming would perform equivalently with scientists representing the vast majority of experts who accept that human activity is raising temperatures. The exercise could produce a series of white papers from both sides, essentially establishing a formal record of climate contrarianism.

The papers could act as a "correction" or addendum to the National Climate Assessment released last year, according to one source.

The National Climate Assessment has been peer-reviewed and is based on the work of hundreds of studies.

Those in talks to participate as contrarians in the initiative include John Christy of the University of Alabama, Huntsville, and Judith Curry, former head of the School of Earth and Atmospheric Sciences at the Georgia Institute of Technology. A possible leader of the exercise is Paul Robinson, a former Department of Energy official who oversaw talks about nuclear weapons tests with the Soviet Union during the Cold War but who is not trained in climate science.

The effort would be a revival of the "red team, blue team" idea embraced by former EPA Administrator Scott Pruitt but that was ultimately scuttled by former White House chief of staff John Kelly.

POLITICO Pro

https://subscriber.politicopro.com/newsletters/afternoon-energy/2019/06/climate-as-a-cause-of-conflict-643741

Climate as a cause of conflict

By Sarah Cammarata and Maya Parthasarathy

CLIMATE AS A CAUSE OF CONFLICT: Climate change is likely to fuel political upheaval and intensify conflict over access to food and water, witnesses told the House Intelligence Committee today, Pro's Anthony Adragna reports. Witnesses from the State Department and the National Intelligence Council said climate change is a top priority for the intelligence community, warning that global warming will create new risks to the global economy and exacerbate existing health dangers.

"Fragile states," like those in sub-Saharan Africa and the Middle East, may not be able to adapt to the effects of climate change, according to Rod Schoonover, a senior analyst within the State Department's Bureau of Intelligence and Research. "Most countries, if not all, are already unable to fully respond to the risks posed by climate-linked hazards under present conditions."

Chairman Adam Schiff (D-Calif.) called climate change "the greatest long-term national security threat to the U.S." Meanwhile, the intelligence and military communities have long considered climate change to be a "threat multiplier," having recently raised concerns about the issue in a January report. Read the full story on POLITICO Pro's website.

AROUND THE AGENCIES

WHEELER SKIRTS SAB SCORN: EPA Administrator Andrew Wheeler committed to working more closely with EPA's Science Advisory Board, but he largely skirted around questions at today's SAB meeting about how the agency handles rule-making processes, Pro's Alex Guillén reports. Members raised concerns about EPA's recent science work, including Wheeler's decision to ask the Clean Air Advisory Committee, rather than SAB, for input on rolling back methane restrictions, as well as the agency's science transparency rule. Wheeler responded that EPA will bring rulemakings to SAB's attention earlier in the regulatory process — and that the group provides "important advice." Get the details from Pro Energy.

Energy

EnergyWire

Meet 9 state regulators who are 'shaking things up'

https://www.eenews.net/energywire/stories/1060493467/search?keyword=EPA

E&E News staff

The shuttering of coal plants, an aggressive push for renewables and the proliferation of electric vehicles are creating a new energy landscape in the United States.

Meet the state regulators working on the front lines.

Among those in the trenches is Brandon Presley, the newly selected chairman of the Southeast's largest state regulatory group. He's also a distant cousin of Elvis Presley and is now poised to lead the National Association of Regulatory Utility Commissioners (NARUC) (Greenwire, June 5). Presley, chairman of the Mississippi Public Service Commission, helped quash development on an experimental coal project in the Magnolia State.

Others include Wisconsin's Ellen Nowak, who is caught in a legal and political tug of war, and Arizona's Sandra Kennedy, who's pushing for a more aggressive renewable energy standard in the arid Southwest.

Regulators are deciding the fate of projects like the nation's sole nuclear project under construction and policies that affect electric cars, rooftop solar and grid modernization (Energywire, May 16).

They're either one vote on a regulatory panel or are chairing a state body and setting regulatory agendas. The uncertainty of climate change and the fate of the EPA's Clean Power Plan replacement, not to mention an accelerating push among utilities toward 100% clean energy goals, loom over their decisions.

Those decisions also are taking on more importance as Congress struggles to pass energy legislation and policymaking stalls in the nation's capital.

"In the absence of federal leadership, which is sorely lacking, the states are doing in energy and environment what states have always done in other areas, which is be the laboratories for democracy, particularly in the absence of federal action," said John Shelk, president and CEO of the Electric Power Supply Association. "This is where the action is, they're on the front lines and they're either shaking things up or helping facilitate disruptors in the market."

Significant players behind the flurry of state regulatory activity are customers — ranging from large old-line industrial and manufacturing concerns to retailers such as Walmart, technology companies like Google and Apple, governmental units, and homeowners. Those customers want to save money where they can on electric power and are demanding new technology offerings, but they're also motivated by concerns about their carbon footprints and in the case of corporations that is driven in large part by Wall Street investors.

Those drivers will be on full display when hundreds of state regulators gather in Indianapolis from July 21-24 for NARUC's four-day Summer Policy Summit, where their ideas and those of others about where industry is headed will be tested, challenged and refined.

Here are state regulators to watch:

Brandon Presley

Chairman of the Mississippi Public Service Commission, Presley's name has come up in Democratic circles for governor and U.S. senator, but he is set squarely on returning to the PSC and broadening his regulatory work nationwide.

A group of Southeast utility regulators yesterday named Presley as the next president of NARUC, the nation's most powerful group of state regulators, (Greenwire, June 5). He was chosen over a pool of veteran commissioners.

"I'm honored and ready to get to work," he said yesterday.

Presley made a name for himself as the mayor of Nettleton before becoming the youngest utility regulator in state history. He's been reelected twice and now chairs what is the only elected body in the red state of Mississippi that is majority Democrat. He is widely popular and is running unopposed for a fourth term.

Presley has leveraged the state's low income ranking and high energy usage to create new policies for energy efficiency and rooftop solar. His argument: Mississippi's residents are independent and resourceful and should be able to decide how they get and use their electricity.

Led by Presley, the Mississippi PSC sent shock waves across the Southeast in 2017 when it put the brakes on a next-generation coal plant that was being built by Southern Co.'s Mississippi Power Co. (Energywire, June 22, 2017).

Presley has been a staunch advocate for rural Mississippi and helped shepherd a bill to let the state's electric cooperatives sell broadband through the GOP-dominated Legislature. He also made rural broadband a key part of his platform as a contender for the next leader of NARUC.

Going forward, he wants to overhaul the long-term planning processes of Entergy Mississippi and Mississippi Power into one that looks at the holistic needs of the state. This will include incorporating grid modernization, advanced or "smart" meters, and rural broadband

"Are there other needs that go along with that that are economic in nature that we can roll into [a utility project]?" he said in a December 2018 interview with E&E News. "I don't want to look at any generation projects, transmission projects, any type of planning that we don't take the entire needs of the state."

Ellen Nowak

Wisconsin Public Service Commission member Nowak is a central figure in a running partisan soap opera — one that will be decided by the state's highest court

Nowak, who served on the PSC from 2011 to 2018, including several years as chairwoman, was reappointed to lead the commission by former Gov. Scott Walker (R) following his defeat in November. The Wisconsin Senate confirmed her appointment and dozens of others during a lame-duck legislative session in December.

Her second stint as chairwoman was short-lived as new Gov. Tony Evers (D) appointed new PSC member Rebecca Cameron Valcq to the position on Jan. 7. In March, Evers went a step further by rescinding 82 Walker appointments, including Nowak, who was turned away from PSC offices when she showed up for work in late March.

In April, the state Supreme Court voted 4-3 along party lines to restore the Walker appointments, including Nowak, who returned to work while the court handled a lawsuit challenging whether actions taken during the lame-duck legislative session violated the state constitution.

Nowak's role on the commission could sway state energy policy as she and fellow Walker appointee Mike Huebsch give Republicans a 2-1 majority on several key cases that go to the heart of how Wisconsin's energy transition will progress.

Those cases include an application to build a 550-megawatt natural gas plant near Lake Superior, an investigation to weigh policies and regulations concerning electric vehicles and charging infrastructure, the $500 million Cardinal-Hickory Creek transmission line, and a We Energies request to impose so-called demand charges on its customers who generate energy with rooftop solar systems.

Samuel Randazzo

In Ohio, struggling nuclear plants and aging coal generators are seeking subsidies to avoid shutting down. Billions of dollars in new gas plant investments are flowing to take advantage of abundant shale gas. Thousands of megawatts of wind and solar are in development to help meet growing demand for clean energy.

No state is perhaps more at the center of political clashes over the U.S. energy transition. By default, so is Chairman Randazzo of the Public Utilities Commission of Ohio.

Appointed to head the seven-member PUCO by Gov. Mike DeWine (R) in February, Randazzo brings 40-plus years of experience as a utility lawyer in the Buckeye State, including as member of the commission's technical staff and an assistant Ohio attorney general.

Most recently, Randazzo represented large industrial energy consumers and actively opposed Ohio's renewable and energy efficiency standards — mandates currently on the chopping block as the state Senate weighs H.B. 6. He's also represented wind farm opponents, a point that clean energy advocates highlighted in opposing his appointment.

While Randazzo officially listed himself as an "interested party" in the debate over H.B. 6, which would provide bankrupt FirstEnergy Solutions Corp. an estimated $150 million a year in aid for its two Ohio nuclear plants, the PUCO chairman took aim at clean energy mandates again in his testimony before legislative committees.

Just yesterday, Randazzo's prepared testimony to the state's Senate Energy and Public Utilities Committee said that Ohio's renewable energy and efficiency standards are costing consumers about $340 million annually in compliance costs. It makes no mention of economic or environmental benefits from wind and solar energy or the fact that the law requires energy efficiency programs to produce a net benefit to consumers in terms of lower bills.

Jason Shaw

Shaw was a GOP state representative from south Georgia when now former Gov. Nathan Deal (R) tapped him to replace a retiring regulator on the Georgia Public Service Commission.

He joins the all-Republican body in a year where regulators are weighing Georgia Power's long-term energy plan, a rate case, as well as monitoring Plant Vogtle, the nation's only nuclear plant under construction. That list doesn't include a newly proposed rate increase from Atlanta Gas Light Co., which, along with Georgia Power, is owned by the energy heavyweight Southern Co.

Clean energy advocates see Shaw's newness to the commission as an opening to push renewable energy, particularly solar. South Georgia has been ripe for utility-scale solar growth because of the vast amount of land.

But Shaw may be a key to developing distributed solar throughout parts of that region, as well, because of his extensive knowledge in another area: farming. But this isn't just any old traditional crop; Shaw is one of five farmers who started Georgia Olive Farms, which harvested the first commercial crop of olives grown east of the Mississippi in 2011.

When an Atlanta solar developer testified in a recent hearing about distributed solar technologies helping the state's agriculture community, Shaw weighed in even though he's been quiet in many other public hearings this year.

Distributed solar on less-productive farmland can make family farms more profitable, the developer argued. The distributed system can work in the pockets of farmland that are less productive because farmers can't effectively farm there.

"This could be a good benefit to a landowner, I see, where they're able to get something else out of that — that infrastructure," Shaw said.

Tom Ervin

Ervin has been a South Carolina utility regulator since 2018, having been elected in what arguably was the most critical year for the Public Service Commission as it grappled with how to handle billions of dollars in costs from an abandoned nuclear construction project.

Ervin is a former state representative and judge who came to the commission when regulators were under fire from the state Legislature and the public. The PSC routinely had signed off on back-to-back rate increases to finance the V.C. Summer Nuclear Generating Station, a project jointly owned by South Carolina Electric & Gas Co. and Santee Cooper.

By the end of last year, the commission had to weigh a bid from Dominion Energy to buy SCE&G's parent, Scana Corp. Who paid for the sunk costs of V.C. Summer was a key part of that deal (Energywire, Dec. 17, 2017).

Ervin was the lone commissioner to push for the agency to find that SCE&G acted "imprudently" during portions of that project's troubled lifetime. In other words, some of the information about V.C. Summer's cost and schedule was not only inaccurate, but the utility knew it, he said.

"This order is going to have precedential value," Ervin said. "This puts all other regulated utilities on notice that we take this matter very seriously. ... [I]t lets the public know that this kind of conduct is not going to be tolerated in our future."

The commission also agreed with Ervin's proposal to cut Duke Energy Corp.'s allowed rate of return on equity to 9.5% in two recent rate cases. It was the latest example of the political shift that has taken place in the Palmetto State since the collapse of V.C. Summer.

Duke Energy formally asked this week that the commission reconsider that decision to lower its return on equity to what the utility said is the second lowest in the Southeast.

Sandra Kennedy

Kennedy is outspoken as the only Democratic member of the Arizona Corporation Commission, which regulates utility companies in Arizona.

"My role truly has been one to be an advocate for transparency, but [also] a role that protects the ratepayers because the ratepayers have truly been taken advantage of here," the commissioner and former state lawmaker told E&E News this week.

Kennedy won election to the five-member ACC last year after previously winning in 2008 and losing in 2012 and 2014. She arrived this time with sharp words for Arizona Public Service Co. (APS), saying APS should be concerned because she planned to "question everything" it does (Energywire, Jan. 15).

"She has made it clear that she intends to hold the utilities accountable, understanding that her role as a regulator is, you know, to make sure that these are not monopolies run amok," said Sandy Bahr, director of the Grand Canyon Chapter of the Sierra Club.

Bahr expressed support for Kennedy and her embrace of more renewables, even if they haven't agreed on every vote.

Kennedy pointed to APS as a factor in her past failures to return to the commission. She was part of an effort to get information from APS and its owner, Pinnacle West Capital Corp., about past spending on commission races (Energywire, April 29). Kennedy said she didn't return to the commission to be "friendly."

On the policy front, Arizona voters last year rejected a plan to boost the state's renewable portfolio standard for certain regulated utilities to 50% by 2030. Kennedy responded with a proposal at the ACC that calls for a 50% renewable standard by 2028.

It remains to be seen how the discussion will play out at the ACC. The existing renewable standard for affected utilities at the ACC is 15% by 2025.

The Arizona commission's staff is recommending that APS be required to file a rate case by the end of October. The commission also may consider action on possible electricity competition at some point.

In a statement, APS said it works with all commissioners "in an effort to advance responsible energy policy for Arizona, which includes keeping service reliable and affordable for customers" amid a move toward a cleaner energy mix.

Stephen Fischmann

Fischmann is one of four Democrats on the five-member New Mexico Public Regulation Commission after he defeated an incumbent in a primary last year.

The former state senator's voice will be important as New Mexico navigates its own energy transition.

Fischmann is the most "progressive" and the most able to lead the commission on issues tied to clean energy and reducing emissions, said Chuck Noble, an attorney for the Coalition for Clean Affordable Energy. He also will help protect customers' interests, Noble said.

Much of the electricity discussion in New Mexico revolves around coal-fired power plants and plans by the state's biggest utility to decarbonize. That comes in the context of the Energy Transition Act passed by lawmakers this year and supported by Gov. Michelle Lujan Grisham (D). The legislation touches on policies such as renewable energy standards and a planned shift away from coal.

The Public Service Co. of New Mexico (PNM), which is part of PNM Resources Inc., plans to have 100% emissions-free power by the end of 2040 (Energywire, April 23). As part of its changing mix, PNM is expected to file within about a month for the abandonment of two remaining coal-fired generating units at the San Juan power plant.

PRC members will be looking at issues surrounding financing and replacement power. Noble expressed a preference for wind, solar and storage as new options. It's possible that some parties will seek new natural gas-fired power, as well.

The PRC also is expected to review the proposed sale of El Paso Electric Co., which serves parts of New Mexico. And the PRC is facing an ongoing case involving Facebook that has raised questions about the costs of transmission expansion (Energywire, May 24).

State regulators may face issues that involve energy efficiency and electric vehicle infrastructure, too. A past campaign website from Fischmann emphasizes a consumer-first approach.

"My goal is to transform the PRC from an agency that's guided by utility interests to an agency that guides utilities in the public interest," the website says.

Abigail Anthony

Anthony is tackling one of the wonkiest but fundamentally important aspects of electric utility regulation in her role as a member of the Rhode Island Public Utilities Commission.

She has made a name among her peers as a deep thinker about how electric utilities can move from traditional cost of service regulation — where the regulator determines the total amount that must be collected in rates for the monopoly utility to recover its costs and earn a reasonable financial return.

"She's very bright on performance-based regulation, which I think is probably the most important 'bread and butter' topic in utility regulation in the 2020s," said Travis Kavulla, a onetime Montana regulator and the director of energy policy at the R Street Institute.

Anthony, 37, was named to the PUC by Gov. Gina Raimondo (D) in June 2017. With an economics doctorate, Anthony was the previously director of the Acadia Center's grid modernization and utility reform initiative and a member of the Rhode Island Energy Efficiency and Resource Management Council.

"There's a lot of eagerness for performance-based regulation from different advocates and stakeholders who are looking for ways to motivate utilities to advance the public interest," Anthony said. But there "hasn't been enough analytical thinking behind the general eagerness."

Anthony has been aiming to shape the discussion with a proceeding in Rhode Island looking at performance incentive mechanisms for utilities that involve both awards and penalties for achieving certain goals.

"I am trying to dig into and come up with a standard of review for performance incentive mechanisms specifically" that can help utilities make an evidentiary case before regulators, Anthony said. "Can we show with evidence how customers will benefit if we allow this incentive or this penalty for utility shareholders?"

Utilities "stand to gain money and new business by regulating based on performance," Anthony said. "By offering shareholders profit for the utility to advance carbon goals or peak demand reduction, we are allowing them to move into a market that could otherwise be served by competitive companies."

Ted Thomas

Ted Thomas, chairman of the Arkansas Public Service Commission, has put his faith in emerging electric sector technologies to help guide the policy choices that regulators face as the utility industry gets more focused on its customers.

Thomas is "a very thoughtful commissioner and leader in both Arkansas and nationally on how to make the most of technological advancement and innovation especially when it comes to distributed energy resources," said Hannah Polikov, managing director at Advanced Energy Economy.

"Technology is not a red state, blue state issue. What he's doing is completely consistent with his ideology," she added.

A conservative Republican and former prosecutor, Thomas was named PSC chairman by Gov. Asa Hutchinson (R) in January 2015.

As are other states, Arkansas is looking at how to prepare its electric customers for the penetration of distributed energy resources such as solar, battery storage, electric vehicles and smart appliances, Thomas said. They were among the technologies that the defunct Obama-era Clean Power Plan was supposed to encourage.

But Thomas knows the CPP is "one presidential election away from coming back," and he thinks Arkansas has to be ready if that happens.

Thomas said he wants consumers to "have options so if there's price shock, they can do something about it," and that means developing policies "for any conceivable technology" that may emerge as "the price winner" in the market.

"You need to knock down all the barriers to new technologies — except for one — and that's price. And then let the economics sort it out," Thomas said.

"We want to have thought about it so we're not regulating and litigating for years" while customers are "twisting in the wind and paying higher" electric bills, he added. "Even though we're a red state, that's the way we can sell [distributed energy resources] and other policies like that here."

Greenwire

GAO: Renewable fuel standard isn't cutting carbon

https://www.eenews.net/greenwire/stories/1060500227/search?keyword=EPA

Marc Heller, E&E News reporter

The federal renewable fuel standard isn't doing much to reduce greenhouse gas emissions, according to the investigative arm of Congress.

The Government Accountability Office said in a report requested by Sen. Jim Lankford (R-Okla.) that the RFS's heavy reliance on corn-based ethanol has prevented it from trimming greenhouse gases, since corn ethanol doesn't have as great an impact as advanced biofuels.

That takeaway reiterates GAO's prior findings that the RFS isn't likely to reach the greenhouse reductions by 2020 that the RFS law's writers envisioned. That's largely because the advanced biofuels and cellulosic ethanol markets haven't developed as fast as the authors expected.

In addition, GAO said, most corn-based ethanol plants are exempt from emissions-reducing requirements because of grandfathering provisions. Nevertheless, though many older ethanol plants were once fueled by coal, meaning greater greenhouse gas emissions, many have switched to lower-emitting natural gas, according to the report.

GAO based its findings on interviews with industry representatives. Although people who were interviewed disagreed about whether greenhouse gas emissions have fallen or climbed, they generally agreed that the effect has been limited, researchers said.

In addition, the GAO said its analysis showed gasoline prices rose in areas outside the Midwest after ethanol mandates went into effect. Prices fell in the Midwest.

The impacts of increased ethanol use aren't exclusively tied to the RFS, the GAO said, as ethanol is sold for market-oriented reasons as well.

In comments to the GAO, the Department of Agriculture took issue with the assertion that greenhouse gas effects have been limited and cited recent studies finding that ethanol reduces greenhouse gas emissions between 39% and 47% compared with gasoline on an energy-equivalent basis.

"Our scientific research and recent research by others shows significant and growing greenhouse gas benefits of corn-based ethanol and other biofuels," said USDA Chief Economist Robert Johansson in a letter to GAO.

Lankford, a critic of the RFS, has called for its repeal. In April, he and other senators wrote to EPA, asking the agency to reduce mandated ethanol levels to reflect "market realities," saying falling demand for gasoline overall has made ethanol a bigger part of the market than Congress intended.

EPA Officials

Greenwire

Acting head named for congressional office

https://www.eenews.net/greenwire/stories/1060500387/search?keyword=EPA

Kevin Bogardus, E&E News reporter

EPA has shifted around some of its top officials to help fill out its congressional affairs office.

Joe Brazauskas has been named acting associate administrator of EPA's Office of Congressional and Intergovernmental Relations, sources told E&E News.

Brazauskas is an associate deputy general counsel in EPA's Office of General Counsel where he handled the legal office's congressional and Freedom of Information Act matters. He joined the agency last year from Capitol Hill, where he had served as staff director and senior counsel on the Environment Subcommittee for the House Science, Space and Technology panel (Greenwire, Sept. 14, 2018).

EPA press officials didn't respond to a request for comment from E&E News.

EPA's congressional office, a key component in the agency's response to aggressive oversight from the Democratic-controlled House, has been in a state of flux.

Troy Lyons, who has been head of the office at EPA since the early days of the Trump administrations, is leaving the agency today, according to his resignation letter. Deputies to Lyons in the legislative shop, Christian Palich and Aaron Ringel, have already left the agency in recent months.

Other EPA officials, however, have stepped in to handle the agency's relationship with Capitol Hill.

Travis Voyles is a deputy associate administrator in the congressional office. He joined EPA in December last year and is another House Science Committee alumnus, according to his LinkedIn profile.

Also based in the office, Tony Frye is director of Senate affairs, while Christian Rodrick is director of House relations.

Greenwire

New head of 'Lean' office selected

https://www.eenews.net/greenwire/stories/1060500169/search?keyword=EPA

Kevin Bogardus, E&E News reporter

EPA has a new director of its office to streamline agency operations.

Stefan Martiyan has been head of EPA's Office of Continuous Improvement since April, according to an internal update obtained by E&E News.

Before joining the office, Martiyan was a branch chief in the agency's Office of Acquisition Solutions. He is an EPA Lean Management System, or ELMS, champion, adhering to a system of management principles to make processes quicker and more effective that has been pushed by the Trump administration at the agency.

Martiyan has served 10 years in the federal government, including a stint at the Department of Defense. Prior to joining the civil service, he was a manager of a private English language school in China.

Martiyan has a bachelor's degree in business finance from the University of Maryland and a master's certificate in government contracting from George Washington University.

Former EPA Administrator Scott Pruitt announced the creation of the Office of Continuous Improvement in May 2018. It's located in EPA's Office of the Administrator and handles implementation of the Lean system across the agency.

The office's first director, Serena McIlwain, left the agency at the end of March. She joined California Democratic Gov. Gavin Newsom's new administration as undersecretary of the California EPA (Greenwire, March 26).

Pollution

Bloomberg Environmental

EPA Science Advisers Punt on Pollution Rule Costs, Benefits

https://news.bloombergenvironment.com/environment-and-energy/epa-science-advisers-punt-on-pollution-rule-costs-benefits

By Abby Smith

The EPA's science advisers are postponing for now a project considering how the agency should weigh secondary health benefits of its pollution controls.

Environmental Protection Agency leadership intends soon to seek the Science Advisory Board's input on a broader push to revise the way it conducts cost-benefit reviews. A key component of this effort would include how the agency weighs co-benefits, Michael Honeycutt, the board's chair and toxicology director for the Texas Commission on Environmental Quality, said at a June 5 meeting.

Co-benefits occur where a rule that produces benefits in fulfilling its statutory purpose also generates side or ancillary benefits that weren't necessarily foreseen by the statute.

"EPA is going to bring several I think pretty significant work products to us regarding these very issues," Honeycutt said. "I think right now it's a little premature to start something when we have so many moving parts."

He told reporters after the meeting those work products would stem from EPA Administrator Andrew Wheeler's May 13 memo directing top agency officials to streamline how the EPA assesses the costs and benefits of regulation.

Members of the EPA's Science Advisory Board had proposed in May a project to explore how the agency considers co-benefits—or reductions in pollutants that aren't directly regulated—when justifying pollution controls. It would determine, among other things, what steps the EPA should take to ensure it doesn't overestimate or underestimate co-benefits, according to the project proposal.

The EPA's weighing of co-benefits has prompted criticism from industry groups, particularly in the arena of air pollution regulation, where co-benefits have made up a significant portion of some air and climate rules.

Trump EPA officials are seeking to eliminate what they have suggested is an over-reliance on co-benefits in prior regulations. The EPA is pursuing that on a number of fronts—including in revisions to Obama-era regulations like 2012 standards on mercury and air toxics from power plants and carbon dioxide emissions limits for power plants, as well as the broader changes to the EPA's cost-benefit review process.

Aim of EPA's Effort

Industry groups have praised the EPA's memo as an opportunity to realign the agency's regulatory analysis.

Wheeler's memo shouldn't "be viewed as an effort to abandon the Agency's pursuit of improved environmental outcomes—nor has API ever advocated for such a result," Ted Steichen, a senior policy adviser for the American Petroleum Institute, said in comments to the board.

He added the EPA's policy considerations "should rely on a more rational prioritization of resources that is informed by a meaningful weighing of compliance burdens against the risks," while fully considering the uncertainty of those risks.

But environmentalists and other regulatory policy experts have raised concerns that any changes to the way the EPA weighs co-benefits could significantly hamper the agency's ability to issue stricter air and climate rules

If the EPA were to eliminate consideration of co-benefits, "essentially EPA is going to be using a cost-benefit methodology that conflicts with and overrides policy decisions that are no-brainers, like regulating mercury, when it comes to science," Amit Narang, regulatory policy advocate for consumer advocacy group Public Citizen, told Bloomberg Environment.

"That absolutely should be of utmost concern to the SAB," he added.

Bloomberg Environment

Philadelphia to Pay $8.4 Million Over Landfill Pollution Claims

https://news.bloombergenvironment.com/environment-and-energy/philadelphia-to-pay-8-4-million-over-landfill-pollution-claims

By Peter Hayes

Philadelphia will pay $8.4 million to settle Superfund claims over contamination from the Clearview Landfill, according to a new filing in the Eastern District of Pennsylvania.

The city will pay $6.54 million and the Philadelphia Redevelopment Agency another $1.86 million to resolve liability for a portion of the site, according to the consent decree lodged June 5.

The city is liable as an owner, arranger, and transporter, and the Redevelopment Authority as an owner and operator, for a portion of the cleanup costs incurred by the Environmental Protection Agency at the site, the complaint alleges.

The landfill operated from the 1950s until the 1970s, accepting municipal, demolition and hospital wastes. Those wastes allegedly contaminated surrounding creeks and wetlands through surface erosion, runoff and seeping, according to the EPA.

An EPA investigation found the presence of polychlorinated biphenyls, polycyclic aromatic hydrocarbons, and volatile organic compounds in leachate, soil and sediments at the landfill site.

The case is assigned to Judge Michael M. Baylson.

The case is United States v. Philadelphia, E.D. Pa., No. 19-cv-02433, 6/5/19.

Bloomberg Environment

Storage Tank Lapses Alleged at 13 New York-Area Gas Stations

https://news.bloombergenvironment.com/environment-and-energy/storage-tank-lapses-alleged-at-13-new-york-area-gas-stations

By John Herzfeld

The owners of 13 gas stations in the Long Island and New Jersey suburbs of New York City face the possibility of multimillion-dollar civil penalties for alleged violations of environmental rules for underground storage tanks.

The Justice Department and the Environmental Protection Agency, in a complaint filed June 5 in the U.S. District Court for the Eastern District of New York, alleged that Genesis Petroleum Inc. and 20 associated companies mismanaged 38 underground storage tanks.

Leaks from underground tanks, which hold gasoline and diesel fuel, can cause serious environmental damage and are the focus of longstanding but inconsistently funded U.S. and state regulatory enforcement. The latest action follows a similar complaint against other gas station owners filed May 1 in the U.S. District Court for the Southern District of New York.

The lawsuit seeks a court order to fix the alleged problems, plus civil penalties of up to $16,000 per tank for each day of violation. That would mean a maximum of $608,000 per day, for violations of the Resource Conservation and Recovery Act that the government said were repeated at various times from 2012 to 2016.

Tank Visibly Corroded: U.S.

In some instances, according to the complaint, the defendants failed to secure underground storage tanks that were temporarily closed and failed to investigate or report suspected releases.

In another instance, EPA inspectors observed a visibly corroded storage tank at one of the stations. The defendants also blocked station inspections and failed to respond to requests for information, the lawsuit alleged.

The defendants created a risk of groundwater contamination, "potentially endangering the health and safety" of nearby residents, U.S. Attorney Richard P. Donoghue said in a statement. The alleged violations don't pose an immediate threat to drinking water, he said.

Representatives of the defendants couldn't be located to comment on the lawsuit.

The case is United States v. Genesis Petroleum Inc., E.D.N.Y., No. 19-cv-3340, 6/5/19.

The Washington Post

https://www.washingtonpost.com/opinions/pollution-knows-no-boundaries-the-trump-epa-should-stop-pretending-otherwise/2019/06/05/f92eea8c-8793-11e9-98c1-e945ae5db8fb_story.html?noredirect=on&utm_term=.9320b98a68c2

Pollution knows no boundaries. The Trump EPA should stop pretending otherwise.

By Ruth Greenspan Bell and Steven Silverman 06/05/19 3:29PM

Ruth Greenspan Bell is a public policy scholar at the Woodrow Wilson International Center for Scholars and a former assistant general counsel in the Environmental Protection Agency's office of general counsel. Steven Silverman was an attorney in the EPA's office of general counsel from 1980 to 2017.

In 2014, Supreme Court Justice Ruth Bader Ginsburg wrote that "air pollution is transient, heedless of state boundaries." It may have been the case in a pre-industrialized country, when Thomas Jefferson and Alexander Hamilton were slugging it out about the relative power of states and the federal government, that pollution in one state didn't travel that far from where it was created. But those conditions are long since history. Water may always flow downhill, but we learn more every day how animal-waste lagoons, coal-ash ponds and a variety of seemingly local pollution points find their way into adjacent and then more distant water bodies.

So it's particularly strange that the Trump administration has taken an inconsistent and deeply cynical approach to allocating federal and state responsibilities for pollution control. When it suits its needs, the mantra becomes deference to states, apparently predicated on a rosy, 18th-century states'-rights philosophy that is completely at odds with 21st-

century science. But when states try to act in accordance with scientific reality and reduce their impact on their neighbors, suddenly, they're out of line. Just as the Trump administration has taken a heedless approach to the environment, officials are upsetting the delicate regulatory ecosystem that guaranteed all citizens a level of protection from pollution.

It hasn't always been so. Under previous Republican and Democratic administrations, the Environmental Protection Agency required coal-burning power plants in 26 states that contributed significantly to unhealthy air quality in downwind states to control their soot and smog-precursor emissions. The objective has always been to preserve the health and safety of all Americans, wherever they live.

By contrast, in the Trump era, the EPA has issued a series of rulemaking proposals that willfully ignore the harm that can be done across state borders and, as the U.S. Chamber of Commerce has crowed, truly put states in the driver's seat. An attempt to change the definition of "waters of the United States" is intended to shrink the number of waterways and bodies of water subject to regulation under the Clean Water Act. (A more expansive Obama-era definition has been tied up in court since 2015.) The Affordable Clean Energy rulemaking is an effort to repeal virtually all of the Clean Power Plan, on the grounds that it went beyond the EPA's authority. Both decisions are a shocking attempt by the EPA to define away the agency's own authority.

These rulemaking efforts are rooted in the idea that states should lead on setting regulatory standards because such decisions should be based on local knowledge and local needs. Under this theory, state government is closer to the wishes and preferences of its citizens and therefore better suited to make such decisions, though it might be wise to ask the people of Flint, Mich., how that approach worked for them.

And these changes ignore the EPA's responsibility to protect everyone's health. Doing so requires a comprehensive system, not the parochial approach of simply turning over decisions to states. Indeed, that very concern — a patchwork of approaches, some protective, others not, imposed on the reality that water bodies frequently connect — led to the 1972 Clean Water Act.

The Clean Air Act explicitly features a " 'Good Neighbor' Provision" allowing states whose clean-air objectives are thwarted by significant pollution from outside their borders to petition the EPA for a finding that another state is contributing significantly to the first state's pollution. Such a finding can trigger curtailment of those out-of-state emissions.

What makes the Trump administration's actions on the environment even more appalling is that officials' stated dedication to federalism disappears when states try to innovate in the direction of protecting their citizens and setting higher standards for environmental regulation than required by the federal government.

The current EPA is rushing to strip California and other states of their power to set tougher vehicle emission standards than the federal government, with a decision expected very soon. California has always been a leader and innovator in motor vehicle pollution control, something Congress recognized in the 1970 Clean Air Act, which made it possible for California to set high standards that other states would then be encouraged to follow. The direction the current administration is headed confounds nearly 50 years of practice.

While the Trump approach to environmental protection is rooted in hypocrisy, the balance the EPA set in previous administrations was the correct one: Every state must meet minimum standards, but there is leeway for states to test out more protective and innovative approaches. These often create pathways for broader national adoption.

The Trump administration's transparent objective in the fight with California is to thwart any attempt to deal with the scourge of climate change. Similarly, reverting to a patchwork states'-rights approach to environmental regulation makes a mockery of effective pollution control. A country that values innovation and addressing new challenges should welcome efforts by states to be labs for new approaches to solve national problems, while guaranteeing that citizens in all states receive a standard level of environmental protection. The American public deserves more than just the lowest common denominator when it comes to protecting public health.

The Washington Post

'The cleanest air in the world'? No, Mr. President. It kills lots of Americans.

https://www.washingtonpost.com/outlook/2019/06/06/cleanest-air-world-no-mr-president-it-kills-lots-americans/?utm_term=.e9e5a493959f

By Beth Gardiner

On a stopover Wednesday in Ireland after his state visit to London, President Trump said that "we have the cleanest air in the world in the United States, and it's gotten better since I'm president."

Trump, who was addressing a question about his stance on climate change, is wrong on both counts. The United States ranks 10th in air quality, according to the Environmental Performance Index, a collaboration of Yale and Columbia universities and the World Economic Forum, and the latest data suggests that it's worsening.

It's true that the United States has far cleaner air than it did before the passage of the landmark Clean Air Act nearly 50 years ago. But in some ways, that law's remarkable success has given Americans a false sense of complacency — not necessarily regarding climate change overall but certainly when it comes to their health. Problem solved, they can be forgiven for thinking. But research shows that the air is not nearly as clean as it needs to be and that its impact on health goes well beyond our lungs. Air pollution kills an estimated 100,000 Americans every year. As the Trump administration rolls back regulations on polluters, that figure could rise.

Rigorous science links dirty air to illness and death, but the naked eye can't make those connections easily, and it's usually impossible to say in any individual case that pollution is what made someone sick. This invisibility creates a political challenge for efforts to build on the Clean Air Act or push back against the administration's efforts to ease even the current restrictions on polluters.

"You see one person run over in the street, and you'll never forget it," said Joseph Lyou, president of California's Coalition for Clean Air. But thousands dying from the effects of dirty air "will never even faze you."

The benefits of cleaning up are similarly hard to see: We never know when we don't get sick, or don't lose a loved one, because the air is cleaner than it would have been without effective regulation.

Dirty air is strongly linked to increased rates of heart attacks, strokes, cancer and premature birth. But there's much more. Seventeen years ago, a neuropathologist examining the brains of puppies who had breathed Mexico City's awful air found the same markers doctors use to diagnose Alzheimer's disease in humans: plaques, twisted proteins and degenerating neurons. A more recent study, from 2012, showed that women in their 70s who lived with moderate pollution levels did as badly on cognitive and memory tests as they would have if they been two years older and breathing cleaner air.

But as the research on pollution's harmful effects on health moves forward, the Trump administration is taking the United States backward. The consequences of its aggressive regulatory rollbacks, its push to cast doubt on solid science and an exodus of expertise from the Environmental Protection Agency are predictable: The Trump administration will make the country's air dirtier. The science tells us that means more illness and more deaths.

The Clean Air Act passed the Senate unanimously in 1970 and drew just one no vote in the House. Since then, it has underpinned decades of progress. With the authority that the powerful law gave it, the EPA demanded that car companies, power plants and factories spew less pollution into our air. The slow, steady march of that regulation, grounded in science, brought dramatic improvements in air quality across the country. It is one of the world's great environmental — and health — success stories. Cleaner air has saved millions of U.S. lives and trillions of dollars; official studies found that the law's benefits have been dozens of times larger than its costs.

[Trump doesn't want the public to know what government scientists are doing]

But the job is not finished. Because, as our air has gotten cleaner, scientists have learned that pollution wreaks harm on the body even at levels once thought to be safe.

The latest air-quality survey from the American Lung Association found that more than 43 percent of Americans — about 141 million people — breathe unhealthful air. Globally, air pollution cuts short about 7 million lives every year.

A vast body of evidence shows that cleaner air means better health, and longer lives. A new study in May found air-quality improvements in Southern California between 1993 and 2006 were associated with a 20 percent drop in the number of new asthma diagnoses in children.

But under the leadership of a former coal lobbyist, Andrew Wheeler, the EPA is easing rules that have forced polluters to clean up. At the same time, the agency's enforcement muscle is withering, as its scientists and health experts leave and are not replaced. The most radical element of the administration's anti-regulatory push is its effort to cast doubt on solid scientific research. Science has been the foundation of both the Clean Air Act and the EPA, providing evidence that has justified powerful health-saving regulations.

That is clearly why the Trump administration has sought to undermine it. When it comes to air pollution, the administration doesn't like the answers science is providing. So it is ditching widely accepted methodologies used to calculate cleaner air's benefits and adopting new ones that produce numbers that lowball pollution's harm, and make it easier to justify administration plans to relieve industries of the burden of complying with regulations.

[The Green New Deal isn't big enough]

History shows that to maximize profits, companies will pollute as much as we allow them to. So loosening rules and easing enforcement will inevitably mean more pollution.

Europe offers a cautionary tale. Despite its reputation for environmental progressivism, its air is significantly dirtier than United States.' The European Union lacks a strong, well-resourced enforcement agency with authority and expertise like our EPA has historically had. The Volkswagen diesel cheating scandal is a powerful case in point: The company programmed millions of cars to detect when they were being tested and then switch on pollution controls that were idle the rest of the time. While there were far more emission-evading vehicles in Europe, it took U.S. regulators to bring VW's egregious violations to light.

While the United States forced Volkswagen to pay billions of dollars in compensation and retrofit rule-breaking vehicles, Europe has been slower to respond, allowing the company to get away with cheap, ineffective software tweaks. So, across Europe, millions of diesel cars continue to pollute at levels far over the legal limit. Europeans are paying with their health and their lives.

It's a lesson Americans would do well to heed as we unravel the rules and weaken the enforcers that have delivered so much progress.

Regulation

Bloomberg Environment

Cabinet Heads, White House Gather on Pesticide Regulation Revamp

https://news.bloombergenvironment.com/environment-and-energy/cabinet-heads-white-house-gather-on-pesticide-regulation-revamp

By Maya Goldman

A group of agency heads and White House officials emphasized making the pesticide consultation process easier for farmers and other agricultural workers, during an inaugural working group meeting June 6.

The consultation processes outlined in the Endangered Species Act are meant to ensure that federal agencies aren't doing anything to harm endangered species when they approve and regulate pesticides.

The Interagency Endangered Species Act Working Group was created under the Agriculture Improvement Act of 2018, also known as the farm bill, to revise that process. Officials at the meeting said the current process is overly complicated and outdated, and stunts the progress of America's agricultural industry.

EPA Administrator Andrew Wheeler, Agriculture Secretary Sonny Perdue, Interior Secretary David Bernhardt, Commerce Secretary Wilbur Ross, and White House Council on Environmental Quality Chairman Mary Neumayr all gave opening remarks prior to the group's June 6 discussion, which was behind closed doors.

Perdue stressed how important it is to "get the process scientifically and legally fixed."

If it doesn't happen soon, American agricultural businesses will grow frustrated and potentially even leave the United States, he said. "We're having companies that originated in these United States threatening to move to other countries that are more accepting of these issues and these processes in order to create jobs and technology advances in other parts of the world."

As required by the farm bill, the working group will need to give its first progress update to Congress in December 2019.

Ag Help

Neumayr, representing the White House, also stated the administration's commitment to effective environmental laws that will ultimately help agricultural businesses.

"Addressing this issue has been a high priority for this administration, which is committed to supporting agricultural communities and rural prosperity," she said.

Ross, echoing a mention from Bernhardt of the intricacies of the task before the group, brought up the need for the new regulations to have a strong scientific basis.

"This is a very complex set of issues including labor instructions, actual versus authorized use, and usage data," he said. "Therefore the best science must underpin our regulatory decisions."

Conservationists Doubtful

Conservationist groups don't think the working group will do anything substantive to fix pesticide regulation—or to save endangered species.

Brett Hartl, government affairs director at the Center for Biological Diversity, said he sees the group as a way to delay any real action on pesticides.

"They don't care about solving the problem. They only care about delaying protections for endangered species so they can protect the pesticides industry," he told Bloomberg Environment.

Hartl said he wasn't impressed by the fact that so many agency and department heads attended the meeting. He said it would have been easy for them to send lower-level staffers.

The presence of cabinet officials "signifies only that this administration is totally beholden to the pesticides industry," he said.

Bloomberg Environment

Tug-Of-War Over Whether Bureau of Land Management Should Go West

https://news.bloombergenvironment.com/environment-and-energy/tug-of-war-over-whether-bureau-of-land-management-should-go-west-52

By Chuck McCutcheon

The Bureau of Land Management is caught in a political tug-of-war over whether all or some of the agency should relocate out West, Bobby Magill and Stephen Lee write.

Interior Secretary David Bernhardt said during his June confirmation hearing that Interior is "developing a business case for moving BLM west," but the agency isn't commenting further.

Proponents of the idea, such as the Western Energy Alliance, say it makes sense to have the BLM and the U.S. Geological Survey located near the people most affected by the agencies' decisions. Sen. Cory Gardner (R-Colo.) wants the BLM's headquarters in Grand Junction, located between Denver and Salt Lake City.

But critics such as Kit Muller, a former longtime strategic planner for the agency, say staffers would be less able to work together and prevent federal decisions from being politicized. "In part, it's really to make the BLM less of a national presence, all told," Muller said.

Chemical Makers Team Up

Chemical makers are forming groups to share EPA fees or gauge how best to submit information to the agency as it decides by December which substances to pick for possible regulation, Pat Rizzuto writes.

Companies have recently formed eight or nine groups to address the $1.35 million per-chemical fee manufacturers and importers will have to pay next year if their compounds get on the Environmental Protection Agency's high-priority list, said Robert J. Simon, a vice president at the American Chemistry Council.

An example is that members of the U.S. Tire Manufacturers Association will submit safety information to the EPA on 1,3-butadiene, one of the 20 chemicals the agency may review, said Sarah Amick, vice president for environment, health, safety, and sustainability. 1,3-Butadiene is used to make synthetic rubber.

Multi-State Commission Votes on Water Regs

The multi-state commission that imposes regional water regulations for the Ohio River is meeting to vote on whether to make those standards "optional" for the eight member states, Alex Ebert writes.

The vote could spell big changes in regulation for one of the largest and most industrially-active U.S. waterways. The Ohio River Valley Water Sanitation Commission meeting in Covington, Ky., includes representatives from Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

Activists with the National Wildlife Federation said the commission vote could create a "race to the bottom" among states relaxing permit standards for polluters along the river. At a time when the EPA is pulling back its Waters of the United States rule, environmentalists say states might not step up their scrutiny, and eventually pollution could impact a river that 5 million people depend on for drinking water.

Greenwire

Rule would ease limits on genetically modified plants

https://www.eenews.net/greenwire/stories/1060500125/search?keyword=EPA

Marc Heller, E&E News reporter

The Department of Agriculture is looking to ease regulations on the release of some bioengineered plants into the environment.

Under a proposed rule published yesterday, certain types of plants would be exempt from regulations, and oversight of others that have insect-killing traits would shift from USDA to EPA.

The proposed regulations seek to resolve challenges the department has faced for several years, including regulatory weaknesses the Office of the Inspector General identified in 2015. Officials said the proposal will provide more clarity while allowing innovation in crops that can be genetically modified for various purposes, including insect resistance and the production of drugs or industrial compounds.

USDA Undersecretary for Marketing and Regulatory Programs Greg Ibach said in a news release that the proposal would allow the Animal and Plant Health Inspection Service to more precisely evaluate the risks associated with new plant introductions. It would be the first major revision to the regulations since 1987, reflecting advances in the industry.

"This commonsense approach will ultimately give farmers more choices in the field and consumers more choices at the grocery store," Ibach said.

Bioengineered crops give farmers the potential to ward off insects without as much spreading of pesticides, for instance. But the proposed rule also points to the risk that insects attracted to resistant crops might spread into neighboring areas and become serious pests, for instance.

The proposal, which is open to 60 days of public comment, would exempt genetically engineered plants that could be produced through traditional breeding. In those cases, the agency said, they "are likely to pose no greater plant pest risk than their traditionally bred comparators."

In addition, plant developers would be allowed to determine on their own whether their plants belong to a category that's exempt from the regulations. That move would allow USDA to focus on review of genetically engineered plants more likely to pose plant pest risk, the department said.

"Allowing for self-determinations would provide developers with regulatory relief and open more efficient and predictable pathways for innovators to get new modified plants that are unlikely to pose a plant pest risk to market, in turn supporting further innovation," the department said in the proposal.

Oversight of some plants that contain pesticides would fall to EPA, according to the proposal. Small-scale operations of 10 acres or less would shift to EPA oversight, and that agency would decide whether to require permits or conduct inspections of facilities. Officials intend to coordinate with EPA, according to the proposed rule.

"APHIS recognizes that there are challenges associated with such a transition that would also require EPA to incur the costs associated with setting up a revised regulatory program. Further, such a transition would require policies, procedures, and guidance regarding APHIS' interaction with EPA," APHIS said.

Officials said the proposal would advance the administration's embrace of agricultural biotechnology. The science has support in Congress, as well, where lawmakers struck a balance on labeling of food products derived from bioengineered crops, for instance.

APHIS said that as of July 2018, it has issued more than 19,500 authorizations for the environmental release of genetically engineered organisms in multiple sites, mainly for research and development of crop varieties for agriculture.

The agency said it has issued nearly 14,000 authorizations for the importation of genetically engineered organisms in that time, and more than 12,000 authorizations for the interstate movement of them. APHIS said it has denied slightly more than 1,600 requests for authorizations, many for lack of information.

The Biotechnology Innovation Organization, which supports bioengineering, praised APHIS for a "diligent approach" and said it's reviewing the proposal.

"A functional, predictable, legally defensible, and science-based regulatory infrastructure must be accompanied by credible, proactive transparency measures if we are to spur continued investment in and long-term success for the biology-driven innovations that are improving our planet, health, and food," said Dana O'Brien, executive vice president of BIO's food and agriculture section, in a statement.

Science Advisory Board

E&E News PM

Advisory panel to review 'secret science' plan

https://www.eenews.net/eenewspm/2019/06/06/stories/1060501795

Sean Reilly, E&E News reporter

A year after first broaching the idea, a top EPA advisory panel is poised to move ahead with an independent review of the agency's plan to restrict the use of science in crafting major new regulations.

But the Science Advisory Board faces a fresh obstacle: the calendar.

"I hope nobody has vacation plans for this summer," board Chairman Michael Honeycutt told members this morning shortly before adjourning a two-day meeting. "If you do, let's coordinate."

In a nearly unanimous vote, the 45-member panel agreed late yesterday to proceed with the review of the politically charged EPA proposal, which would bar the use of scientific studies for regulatory purposes unless the research data "are publicly available in a manner sufficient for independent validation," according to the text.

The plan has generated a torrent of opposition from the scientific community and environmental advocates, who say it's designed to stymie the use of research that might bolster the case for stronger regulations.

EPA officials are sifting through thousands of public comments on the proposed rule. They hope to hammer out a final version by December. Today, Honeycutt set an Oct. 1 turnaround time for the review, an extremely tight schedule by SAB standards. After yesterday voicing doubt about whether the panel could get the job done even by December, he sounded a more optimistic note this morning.

"We will get something out," he told reporters, while allowing that the final product "may not be as in-depth as we would like."

In interviews and during the board's deliberations this week, other board members portrayed the scrutiny as essential. "What does this rule actually mean?" Richard Smith, a biostatistics professor at the University of North Carolina, Chapel Hill, asked rhetorically. "I think a lot of us are very confused about that."

Whenever the review is completed, "we need to be sure that there's light shined on what's going to happen," said Steven Hamburg, chief scientist for the Environmental Defense Fund.

For Trump administration critics, the issue has morphed into a test of the SAB's mettle. The panel, created by Congress in 1978, is charged with advising EPA on a range of scientific and technical issues. But members said they were blindsided when EPA last spring released the proposed rule, officially billed as "Strengthening Transparency in Regulatory Science."

Then-EPA Administrator Scott Pruitt said the proposal, often labeled as a "secret science" plan after the Republican-backed legislation that inspired it, was geared to bolster confidence in the agency's decisions.

They then urged the examination of the proposal's "scientific and technical basis" in a letter to Pruitt last June. In a reply that arrived 10 months later, Pruitt's successor, Andrew Wheeler, agreed only to a "consultation" on one small facet of the proposal related to protection of trade secrets and personally identifiable information.

While the board still intends to pursue that consultation, yesterday's lopsided vote in favor of a broader assessment was notable because most members were appointed by either Pruitt or Wheeler.

The vote was "incredibly important," given the transparency proposal's implications for public health, said Chris Zarba, a former director of the SAB staff office who is now allied with the Environmental Protection Network, a group opposed to administration policies.

Board members "recognized the need, and they stepped up to it," Zarba said in an interview.

The meeting was the SAB's first full public gathering in a year. Wheeler opened it yesterday with remarks in which he pledged to fix a process he described as "broken." In an email, EPA spokesman James Hewitt said later that Wheeler was referring to the mechanisms for deciding what EPA rulemakings warrant board input. Wheeler yesterday reiterated plans to provide briefings to the board on major regulatory proposals soon after their release, along with other changes.

Asked afterward whether EPA will fully cooperate with the board's review of the transparency proposal, Hewitt offered limited assurances.

"We will do our best to work with the SAB regarding any additional requests for information within the constraints of the deliberative process and our current timeline for publication of a final rule," he said.

During this week's meeting, the board also agreed to study facets of two other EPA priorities: a proposal that incorporates a legally required review of the Obama-era Mercury and Air Toxics Standards and a planned rollback of long-term vehicle fuel efficiency and greenhouse gas standards. It struggled, however, to decide whether to tackle the Trump administration's planned rollback of clean water standards (Greenwire, June 6). For now, the board also opted to hold off on a "self-initiated" project to study EPA's use of "co-benefits" to justify new air pollution regulations.

Under a timetable set by Honeycutt, panel members have until June 26 to list priorities they think EPA should consider in overhauling its guidelines for gauging whether various environmental contaminants add to the risk of developing cancer or other diseases.

Critics have charged that the agency is attempting to rush the update. During a briefing to the board yesterday, David Bussard, co-chair of EPA's Risk Assessment Forum, said agency leaders had asked staff to get something done by this December, a schedule he described as ambitious. While there's still a desire to move forward quickly, Bussard said, there's also "a recognition that it may be important to take things in steps and to identify certain things to do before other things." A new timetable has not been announced, he said in a short interview afterward.

POLITICO Pro

EPA science advisers to weigh in on WOTUS rewrite

https://subscriber.politicopro.com/article/2019/06/epa-science-advisers-to-weigh-in-on-wotus-rewrite-3378211

BY ANNIE SNIDER

EPA's Science Advisory Board today voted to submit comments to Administrator Andrew Wheeler on areas where his rewrite of the Waters of the U.S. rule diverges from science.

SAB Chairman Michael Honeycutt suggested that the comments should point Wheeler to a deep dive that the SAB released in 2015 on the connections between small upstream waters and wetlands and the larger waterways covered by the Clean Water Act. But he acknowledged that EPA ultimately has to make a policy decision.

"We understand that the science has left the Clean Water Act well behind," Honeycutt said, sketching out what the SAB's commentary would cover. "You have a policy decision to make and here's where we stand on that."

EPA officials have emphasized to the board and the work group that examined the proposal that "the proposed definition of waters of the U.S. is informed but not dictated by science."

Still, the work group called out four key areas where "gaps" existed between the science and the Trump administration's proposal to significantly restrict Clean Water Act protections over streams and wetlands. Those areas include the proposal's exclusion of protections for waterways that flow only after rainfall and the role that groundwater plays in the health of surface waters.

POLITICO Pro

https://subscriber.politicopro.com/newsletters/morning-energy/2019/06/science-advisory-board-back-in-session-644058

Science Advisory Board back in session

By Kelsey Tamborrino with help from Anthony Adragna, Annie Snider, Eric Wolff, and Alex Guillen

— PFAS and Waters of the U.S. are on the agenda for Day 2 of EPA's Science Advisory Board meeting.

— The Democratic National Committee won't hold a climate change-focused primary debate, drawing jeers from the environmental community.

— Presidential hopeful Sen. Kamala Harris will unveil legislation today that would help transition the nation's fleet of school buses to run entirely on electric power.

DRIVING THE DAY

SAB BACK IN SESSION: EPA's Science Advisory Board — the agency's panel of outside scientific experts — reconvenes today for Day 2 of its D.C. meeting focused on the agency's agenda under Administrator Andrew Wheeler. The panel will focus on two controversial topics for the agency: its PFAS Action Plan and proposed WOTUS rule.

Get ready for a rumble: The board's work group analyzing the Trump administration's rewrite of the WOTUS rule will tell the agency that there are "some gaps between science and policy that warrant review," according to a memo prepared for the meeting.

Among the scientific advisers' concerns is the administration's decision to exclude ephemeral streams from Clean Water Act protection in the proposed rule, despite findings in a 2015 EPA science report that such streams affect downstream waters. Donald van der Vaart, who was appointed to the board by former administrator Scott Pruitt, dissented from the work group's recommendation saying he agreed with EPA that the issue is one of law rather than science.

PFAS on the mind: Top staffers from EPA's drinking water and research offices will update the board on the agency's PFAS Action Plan released earlier this year, which committed to beginning work on key regulatory steps, including a drinking water limit, and advancing the scientific understanding of the chemicals. See the staffers' presentation here.

— When we last left our scientists: Wheeler addressed the panel Wednesday and committed to working more closely with SAB amid heightened tensions of late. The board voted to review the science behind the Trump administration's planned rollback of vehicle emissions standards — just weeks before the agency is expected to finalize the rule, Pro's Alex Guillén reports.

CLIMATE CHANGE

DNC OPTS OUT OF CLIMATE DEBATE: The DNC has shut down any hope of holding a climate change debate, a major blow to Washington Gov. Jay Inslee, who is building his presidential campaign around the issue and had pushed for the forum.

Inslee called the decision "deeply disappointing" and out of step with Democratic primary voters, POLITICO's Anthony Adragna reports. He also said the organization threatened not to invite him to future debates if he participated in any other climate change debate.

In a statement, the DNC said climate change would remain a top priority during the debates but that it hoped to ensure "vigorous discussion" on all important issues to voters like the economy, climate change and health care.

Inslee told CNN late Wednesday: "I will tell them that what I'm hearing across the country is Democrats are insistent that we call the candidates to a higher plane of discussion of this, which was ignored for the last 20-30 years. So, I hope that they reconsider and I hope the other aspirants to this office join me, as 11 have already, to ask the DNC to reconsider this. The American people deserves this. Our party deserves this." Watch the clip here.

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AROUND THE AGENCIES

UARG WITHDRAWS FROM LAWSUITS AS IT DISSOLVES: The Utility Air Regulatory Group has started withdrawing from lawsuits in the wake of last month's announcement that the industry group would dissolve. A spokeswoman for Hunton Andrews Kurth, the law firm that ran UARG, confirmed the withdrawals were part of winding down UARG's activities.

The group on Tuesday filed a motion to drop its lawsuit challenging the Obama EPA's supplemental cost finding that kept the Mercury and Air Toxics Standards in place. UARG's withdrawal is unlikely to cause any significant change as others had sued as well and EPA is reworking the underlying finding. In addition, UARG withdrew from helping to defend EPA in a legal challenge against a permitting policy change made by former Administrator Scott Pruitt.

ACE IS NIGH: EPA is finishing up the interagency review process on its final Affordable Clean Energy rule that will replace the Obama-era Clean Power Plan, Alex reports for Pros. EPA wrote in a status report filed with the D.C. Circuit Court of Appeals that it intends to take final action this month.

DOE CHANGES RADIOACTIVE WASTE RULE: The Energy Department issued a new definition of high-level nuclear waste Wednesday that could speed the cleanup of contaminated former weapons development sites, though critics called it insufficient for addressing the problem, Pro's Eric Wolff reports.

ICYMI: GAO SAYS RFS DOES NOT LOWER EMISSIONS: The Renewable Fuel Standard has failed to meaningfully lower greenhouse gas emissions, largely thanks to the failure of advanced biofuels to reach commercial scale, the Government Accountability Office said in a report this week. The RFS still relies largely on conventional corn ethanol, which has lower emissions than gasoline when burned but is produced in plants with few emissions restrictions, according to the report. Producers have been unable to make lower-emitting advanced biofuels, like ethanol produced from the husk of the corn, at commercial scale.

The report also found that gasoline blended with ethanol was cheaper in the Midwest, where transportation for ethanol is cheap, but may likely be pricier elsewhere. University of Illinois agricultural economist Scott Irwin disputed this on Twitter, noting that ethanol provides octane to gasoline in place of other, more expensive additives.

DATAPOINT

THE REALITY OF DIRECT AIR CAPTURE: The idea behind direct air capture is pretty simple: Use technology to suck carbon dioxide out of the air, long after CO2 exits a smokestack or vehicle tailpipe. But the reality is much more complex. POLITICO Pro DataPoint's Patterson Clark breaks down the variety of processes that are being explored to capture and concentrate atmospheric carbon dioxide here.

ON THE HILL

2020 BUS STOP: Sen. Harris will announce a bill today to authorize $200 million annually from 2020-24 for the Energy Department to fund a Clean Bus Grant Program, Anthony reports. Grants of up to $2 million would help communities swap diesel buses for electric ones, and priority would be given to lower-income students and the most polluting vehicles. Text of the legislation is here and one-pager here.

TONKO: TRUMP'S CLIMATE DENIAL 'GROSS NEGLIGENCE': Rep. Paul Tonko, chairman of the Energy and Commerce Environment and Climate Change Subcommittee, bashed President Donald Trump's comments in Europe that climate change "goes both ways" in an interview with ME as indicative he "has no idea as to what he's talking about."

Tonko added: "What we have here is gross negligence on an issue that 97 percent of the world's scientists indicate is real." The New York Democrat, who backed impeachment proceedings against Trump earlier this week, pointed to the $19 billion disaster aid bill as indicative that the costs of climate change are already mounting. "Doing nothing with

climate change will bankrupt us," Tonko said, adding that Trump's comments are "insulting to all the folks who have endured damage."

GAO OPENS RANGE OF CLIMATE STUDIES: GAO will open five studies over the next 12 months to examine the federal response to threats posed by climate change in response to requests led last month by Senate Environment and Public Works ranking member Tom Carper.

The Delaware Democrat requested in May that GAO study the threat climate change poses to nuclear waste, the treatment and disposal of hazardous materials, flood risk planning and infrastructure, U.S. energy infrastructure and chemical facilities.

A lengthy timeline: GAO responded to Carper in letters shared with ME. The agency accepted all five requests but told the senator its study into nuclear waste will be initiated in about three months; energy infrastructure in four months; floor risk infrastructure in 12 months; and hazardous materials and chemicals materials in six months.

POLITICO Pro

https://subscriber.politicopro.com/article/2019/06/science-advisers-vote-to-review-epa-auto-rule-rollback-3373807

Science advisers vote to review EPA auto rule rollback

By Alex Guillen

EPA's Science Advisory Board today voted to scrutinize the science behind the Trump administration's planned rollback of vehicle emissions standards, just weeks before the agency is expected to finalize the rule.

A working group formed last year to consider the matter suggested that the rulemaking should get a closer look from EPA's leading science advisory panel.

The vote coming shortly before the rule is finalized did not raise concerns among members. SAB members did complain earlier in the day that EPA was waiting too long to notify them about rulemakings in general, which Administrator Andrew Wheeler promised to improve.

SAB member John Christy of the University of Alabama in Huntsville argued that any version of the rule will have "zero effect on the climate."

"This is going to be a policy issue. There's no science in terms of its impact on the climate," said Christy, who was appointed to SAB in January by Wheeler. He has long argued that most scientists overestimate the climate's sensitivity to greenhouse gases.

Another SAB member, Steve Hamburg of the Environmental Defense Fund, quickly replied that Christy's statement is "not a consensus position." Another member, Richard Smith of the University of North Carolina at Chapel Hill, agreed.

SAB noted that while EPA may be relying in part on scientific work from the National Highway Traffic Safety Administration, the work must still meet EPA's review requirements

Sierra Club Collusion

CNN

https://www.cnn.com/2019/06/05/politics/epa-andrew-wheeler-collusion-sierra-club/index.html

EPA administrator says, without evidence, he sees collusion between media and Sierra Club

By Gregory Wallace

(CNN)EPA Administrator Andrew Wheeler is ratcheting up a criticism of the news media first delivered earlier this week, musing before a panel of scientists that reporters and an environmental group were "colluding" and misrepresenting his comments "for fundraising purposes."

The remarkable suggestion came without evidence, and such behavior is highly unethical in the journalism world.

Wheeler on Wednesday told the EPA's scientific advisory board, a group of approximately 40 experts from around the country who had assembled to review agency priorities, that he would "go off my script for a minute." He then revisited a criticism of environmental coverage first lobbed Monday at a National Press Club luncheon: That reporters are doing "a disservice to the American public and sound policymaking by not informing the public of the progress that this nation has made."

He took issue with a Yahoo News reporter's shorthanding of his point and with the decision of others to share that social media post. The reporter had posted a tweet that read: "'The media does a disservice to the American public' by reporting on global warming, says EPA head Andrew Wheeler. Wants more positive coverage."

"That tweet was then used as a fundraising mechanism for the Sierra Club, which really makes me wonder if the reporters from the New York Times were colluding with the Sierra Club for fundraising purposes," he claimed.

Wheeler did not explain how different people commenting separately on social media amounts to collusion. Neither the New York Times nor Sierra Club postings reference each other.

The Sierra Club turned the tables on Wheeler, who prior to his EPA appointment was a lobbyist whose clients included a major coal company. The group accused him of colluding with energy companies.

"When lives are at stake, our country cannot afford to have an EPA administrator in cahoots with corporate polluters who makes baseless accusations to cover up that reality," said Sierra Club's Maura Cowley.

One of the New York Times reporters who shared the post Kendra Pierre-Louis, later posted a clarification that included Wheeler's full quote. A spokesman for the paper declined to comment further.

The Yahoo News reporter, Alexander Nazaryan, responded to Wheeler's comments with a post of his own: "NO COLUSSION!!!!!! (sic)"

Wheeler has largely been more accessible to reporters than his predecessor at the EPA, Scott Pruitt, who took a particularly aggressive approach to dealing with the media.

Water

Greenwire

WOTUS review stumps advisers: 'The science isn't right'

https://www.eenews.net/greenwire/stories/1060500465/search?keyword=EPA

Ariel Wittenberg, E&E News reporter

Members of EPA's Science Advisory Board grappled with whether and how to weigh in on the Trump administration's rollback of clean water standards given the administration's insistence that the proposal is a question of policy, not science.

"They have the right to change the policy, but the science isn't right," member Robert Merritt said.

The "Waters of the U.S." proposal from EPA and the Army Corps of Engineers would erase Clean Water Act protections for wetlands without surface water connections to larger waterways and streams that only flow following rainfall. At least some federal protections for those waters have been in place since the Reagan administration.

The Science Advisory Board last addressed questions of Clean Water Act jurisdiction in 2014, reviewing and supporting a 300-page "connectivity report" describing how wetlands and small waterways can affect larger resources. The Obama administration used that report, and the board's review, as the basis for its Clean Water Rule, but the Trump administration has insisted that its rollback does not need to be based in science.

"I'll note that the proposed revised definition is a legal and policy decision that is informed by the statute, legislative history, Supreme Court interpretations and the EPA and Department of Army's respect for the traditional power of the states to regulate their inland water resources," EPA Director of Wetlands, Oceans and Watersheds John Goodin told the board today. "The line between federal and state waters is informed by, though not dictated by, science."

That left EPA's science advisers questioning how to handle the situation, particularly because the group still stands by its 2014 scientific review.

"That's what makes this tricky, because while the science hasn't changed, it doesn't seem to be entirely relevant to the way EPA is reviewing this," Deborah Hall Bennett, an SAB member and a professor in environmental health at the University of California, Davis, said of the WOTUS proposal.

A working group tasked with reviewing WOTUS acknowledged EPA's position but still determined: "In reviewing the proposed rule we find that there are some gaps between science and policy that warrant review and bridging."

Those gaps include the significant water quality and filtering benefits that wetlands and streams that flow only after rainfall can have on larger downstream waterways.

However, members of the larger board seemed unsure of what they could do, given EPA's position.

"If we consider the four questions the work group raised, then what would be the impact?" asked SAB member Sue Marty of DowDuPont Inc. "Wouldn't the policy proposal move forward because it is a policy decision?"

University of Washington environmental scientist Alison Cullen, who chaired the work group, said she wasn't sure whether the advisory board could influence an EPA policy decision but noted that the "gaps" in the WOTUS proposal are things the agencies had asked for public comment on.

"Certainly the Science Advisory Board should at least have a footing with the public comments being considered, if not hopefully a little more cachet," she said. But, she added, "I don't think we pick and choose the issues we weigh in on based on if they are going to use our science. We provide the science; we don't say, 'This is how you should use it.'"

Given that the science hadn't changed, however, SAB member Anne Smith said she wasn't sure what the board could say if it did weigh in.

"I'm perplexed by the situation we put ourselves in, because the board did a review in [2014], and I haven't heard anybody say that anything has changed," she said, suggesting that the board resubmit its approval of the connectivity report. "The difference between then and now is not about scientific information; it's about policy."

Ultimately, the board voted to write a "commentary" to EPA explaining the science at issue in the WOTUS rule, a solution proposed by the board's chair, Michael Honeycutt, of the Texas Commission on Environmental Quality.

"What I'm hearing is that the Clean Water Act says something that the science has surpassed, and we are trying to fit a square peg into a round hole," he said. "I see the position EPA is in. It's sort of like a cycle, and you're trying to draw a line of where the cycle begins, and it's very difficult to do. Your policy is drawing that line, and it's an unenviable position to be in."

Steven Hamburg, of the Environmental Defense Fund, agreed to the commentary but cautioned against "just putting a new cover letter" on old comments.

While the science hasn't changed, he said, "the context has changed."

"We need to address the new set of options that are on the table," he said.

Board members spent some time discussing the working group's recommendations for WOTUS. Those include that EPA and the Army Corps should consider the "scientific basis" for excluding ephemeral waters that flow only after rainfall and wetlands without a direct surface water connection to larger waters. The group also recommends considering "the scientific importance of groundwater protection and groundwater," noting that the WOTUS proposal would protect spring-fed creeks but not isolated waters or wetlands with shallow subsurface groundwater to larger waterways that have previously been protected.

Consultant Richard Williams asked whether those recommendations were based on how waterways are connected or "what the risk was, basically, of including or excluding it."

Hamburg explained that the analysis stuck to how wetlands and streams are connected to larger water bodies, largely because of how the Clean Water Act is framed. But he stressed the importance of not focusing on the impact one ephemeral stream or wetland might have on a larger water body.

"One might be very small, but the collective influence is very large and tends to drive the chemistry as well as the hydrology of these systems," he said.

Message

From: E&E News [ealerts@eenews.net]
Sent: 3/28/2018 5:22:52 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]
Subject: March 28 -- Greenwire is ready

Greenwire -- The Leader in Energy and Environment News

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AN E&E NEWS PUBLICATION

GREENWIRE — Wed., March 28, 2018

READ FULL EDITION

1. NATIONAL PARKS:

A 'national disgrace' gets a rehab, but donations spark worry

Arlington House, the former home of Confederate Gen. Robert E. Lee, closed last week for repairs of its broken windows, rotting wood and peeling paint. But the $12 million donation behind the fixes strikes critics as a troublesome trend.

TOP STORIES

2. FUEL ECONOMY:

Trump admin to toss Obama fines for CAFE violations

3. WATER POLLUTION:

Ruling arms greens for battle against coal ash

4. EPA:

Top GOP donor helped company get Pruitt meeting — records

POLITICS

5. NATIONAL LABS:

Perry to scientists: 'You're awesome'

6. EPA:

Pruitt foes buy ad time during Trump's favorite TV shows

NATURAL RESOURCES

7. SEA-LEVEL RISE:

Higher tides could harm freshwater turtles — study

8. NATIONAL PARKS:

Joshua Tree fire burns historic palm tree oasis

9. GREAT LAKES:
Here's a $200K idea: Keep out carp with stinging bubbles

10. WILDLIFE:
Mama bears stick with cubs longer to thwart hunters — study

LAW

11. TRANSPORTATION:
Judges toss NEPA challenge to D.C.-area flight paths

12. COAL ASH:
Lawsuit cites 180 more sick or dying workers after spill

13. AUTOS:
U.S. drivers sue BMW over emissions-cheating allegations

ENERGY

14. TRADE:
Energy sector gets tariff relief, hopes for more

15. RENEWABLES:
Saudi Arabia plans world's biggest solar project

16. NATIONAL LABS:
Los Alamos lost toxic waste containers for a week

AIR AND WATER

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Water tunnels could cost households $5 a month

18. WATER POLLUTION:
Potomac River could soon be clean enough for a swim — report

19. AIR POLLUTION:
Foxconn plant could amplify Wis. smog problem

20. DRINKING WATER:
Top Snyder aide under fire for text to Flint activist

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NTSB investigates fatal Tesla crash

STATES

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Emergency quarantine declared over cane-devouring insect

23. ILLINOIS:
Chemical spill at medical clinic sends 15 to hospital

24. WYOMING:

After bison bounce back, state plans hunt

25. CALIFORNIA:

Sewage leak brings Dodgers' spring training to smelly end

INTERNATIONAL

26. THAILAND:

Famous beach from movie closes to revive sea life

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Message

From: Hassell, Emily [hassell.emily@epa.gov]
Sent: 3/1/2018 8:51:13 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: News Clips - 1 March 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

San Francisco CPP Hearing

San Francisco Chronicle - At EPA hearing, support for Clean Power Plan

AP - The Latest: California opposes Trump climate change effort

AP - Trump's plan to ease climate change rules riles Californians

E&E Climatewire - West Coast states protest repeal, threaten lawsuits

Administrator Pruitt's Travel

CBS News - Scott Pruitt: "My very next flight" will be coach

The Hill - Pruitt: My next flight will be coach

Bloomberg - Bumped? EPA Chief Signals He'll Be Flying Coach After Backlash

Washington Times - After first-class uproar, EPA chief Pruitt vows 'my very next flight' will be coach

Washington Examiner - Scott Pruitt vows to curb frequent first class travel if 'unprecedented' security risk can be managed

Daily Caller - Pruitt Says His 'Very Next Flight' Will Be On Coach Despite Security Concerns

AP - EPA chief may forego 1st class flights amid growing scrutiny

Politico - Pruitt says he will start flying coach

Washington Post - After uproar, EPA's Pruitt says he plans to fly coach: 'There's a change coming'

E&E Greenwire - Pruitt looks to fly coach

General

AP - US EPA cleaning up Cleveland warehouse laden with toxins

Mother Jones - Scott Pruitt Kills Agency That Studies Chemicals Harmful to Children

Mother Jones - Scott Pruitt Is Gutting the EPA Because He Thinks It's God's Plan

E&E News PM - Dems protest agency website changes

AP - Justice Department, Potlatch agree on Superfund settlement

Washington Examiner - Trump brings oil refiners, ethanol companies to White House

Politico - Grassley presses EPA on biofuel credits

E&E Daily - Measure seeks to boost funding for reuse programs

New York Times - Trump's Worst: The Winners Are In! (*Opinion Columnist)

E&E Greenwire - EPA office led by ex-Walker aide to rule on Wis. smog case

New York Times - Washington State Is Set to Vote on a Carbon Tax. For the Governor, It's a Gamble.

E&E Daily - Bill would outlaw almost all uses of asbestos

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San Francisco Chronicle
https://www.sfchronicle.com/news/article/At-EPA-hearing-support-for-Clean-Power-Plan-12718124.php
At EPA hearing, support for Clean Power Plan
By Peter Fimrite, 2/28/18, 10:00 PM

A steady march of politicians, physicians and scientists came to San Francisco from across California on Wednesday to testify against a federal plan to repeal the nation's signature law regulating carbon dioxide emissions.

More than 500 Californians crowded into the San Francisco Public Library to tell a panel of officials from the U.S. Environmental Protection Agency that they need to save the Clean Power Plan, a law signed by President Barack Obama in 2015 to curb power plants' releases of greenhouse gases 32 percent by 2030.

"We in California have already made our choice. Our future is in clean energy," Mary Nichols, chairwoman of the California Air Resources Board, told the EPA panel.

"We are already realizing the vast economic benefits of moving to newer, cleaner technologies, and not clinging to those of the past. And we are doing our part to rise to the challenge of addressing climate change," she said. "Now more than ever is the time for the United States to be a leader and a partner in this effort."

Nichols was among the leaders of seven state agencies to support the law. As they spoke, some 200 school children banged drums and chanted outside — and then marched to City Hall nearby — to protest the government's planned repeal.

Experts doubt the testimony from left-leaning California is likely to sway EPA administrator Scott Pruitt, who in October announced his intention to repeal the plan. Pruitt has said the law "weaponized" the agency against oil, gas and coal production in favor of renewable energy.

Pruitt, who as Oklahoma attorney general sued the EPA 14 times, has repeatedly questioned climate change science and even ordered the phrase scrubbed from the agency's website.

San Francisco almost didn't get a hearing. The EPA had planned only one so-called listening session, in West Virginia last year, until San Francisco sent the EPA a letter asking for a hearing.

The EPA's Region 9 office in San Francisco, covering California, Nevada, Arizona, Hawaii, the Pacific islands and 148 tribal nations, is one of the agency's most environmentally active. California alone has 98 Superfund sites, second in the nation to New Jersey.

Gov. Jerry Brown made a commitment last year to exceed the targets of the Clean Power Plan. California is now on track to produce 33 percent of its power from renewable sources by 2020. The plan is to produce 50 percent of its energy from renewables by 2030.

Matthew Rodriguez, secretary of the California Environmental Protection Agency, told the panel Wednesday that state programs designed to bolster renewable energy have not only reduced emissions 10 percent since 2004, but the state economy has boomed, with unemployment dropping from 12 percent to 5 percent.

Mayor Mark Farrell led off a morning rally on the steps of City Hall, declaring that San Francisco's economy grew 78 percent and its population grew 19 percent as greenhouse gases were reduced 28 percent over the past few years.

"We will fight to defend scientists and researchers who know climate change is real," Farrell said during the rally. "We have to erase the myth that a strong economy and a clean environment cannot go together."

Many speakers during the hearing and at the rally pointed to mounting scientific evidence that more droughts, fires, extreme weather events and coastal inundation from sea level rise will happen if there is not an international commitment to reduce global warming.

"We cannot afford to stand by and watch our forests burn as the government in Washington fiddles," Rodriguez said.

The children who demonstrated outside the library Wednesday agreed.

"Why repeal this law, the law that is going to save so many lives and children?" asked Angelika Soriano, 13, who participated in the demonstration with her classmates from Oakland's Urban Promise Academy. "We're the next generation ... and our future might be worse than this one."

AP
https://apnews.com/8d8e1a42db4745eba477f0548a23547b/The-Latest:-California-opposes-Trump-climate-change-effort
The Latest: California opposes Trump climate change effort
3/1/18

SAN FRANCISCO (AP) — The Latest on a hearing in San Francisco over a Trump administration effort to end a policy slashing climate-changing emissions (all times local):

11 a.m.

California state officials, a tech billionaire and environmentalists are speaking out against a Trump administration effort to end a policy targeting climate-changing fossil fuels.

Hundreds were speaking Wednesday at a U.S. Environmental Protection Agency hearing in San Francisco. President Donald Trump's administration is holding the hearings nationwide on its plan to repeal an Obama-era policy combatting emissions at coal-fired power plants.

Billionaire Tom Steyer urged federal officials to listen to the Californians speaking against the repeal.

Steyer says the EPA sessions "can't just be a sham hearing. Not when the health and prosperity of the American people are at stake."

State air-quality official Mary Nichols told federal officials that California is in "complete opposition" to ending the policy.

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11:15 p.m.

Top energy and environment officials from California are expected to testify against efforts by the Trump administration to scrap an Obama-era policy that aimed to slash fossil fuel emissions.

The heads or top deputies of seven agencies will testify Wednesday at a federal Environmental Protection Agency hearing in San Francisco.

They're expected to say that last year's decision to repeal the Clean Power Plan ignores science and will endanger public health.

Also, protesters ranging from schoolchildren to members of the American Lung Association planned to rally at City Hall.

The Clean Power Plan aimed to reduce greenhouse gas emissions from power plants and speed the shift from coal to renewable energy sources.

California Gov. Jerry Brown and other lawmakers have backed strong efforts to reduce the state's reliance on fossil fuels, which have been linked to climate change.

AP
https://apnews.com/ef9bccde787240d6953719276a1d7cf6/Trump's-plan-to-ease-climate-change-rules-riles-Californians
Trump's plan to ease climate change rules riles Californians
By Ellen Knickmeyer, 3/1/18

SAN FRANCISCO (AP) — California officials, schoolchildren and at least one billionaire denounced the Trump administration's plan to scrap Obama-era limits on emissions from power plants in blistering comments Wednesday to U.S. officials visiting a state that's helping lead the fight against climate change.

Hundreds spoke in defense of the Clean Power Plan at a hearing in San Francisco, the latest in a series of nationwide "listening sessions" by the U.S. Environmental Protection Agency on its effort to repeal the restrictions. EPA Administrator Scott Pruitt has described them as part of former President Barack Obama's "war on coal."

Resistance to the rollback was a given in California, where switching to more renewable sources of electricity is mandated under Democratic Gov. Jerry Brown. But officials from California, Washington state and Oregon turned out to make clear the extent of their opposition.

“I know this is a listening session, and I’m asking you, who are you listening to? The voices of outdated technology of the past?” Mary Nichols, chairwoman of California’s Air Resources Board, asked EPA officials.

“California is in complete opposition to the EPA’s proposal,” said Nichols, one of a half-dozen officials speaking from Brown’s administration.

It has pushed state programs that roll back reliance on coal-powered electrical plants, gas and diesel automobiles, and other carbon-burners. The governor also travels globally to urge on efforts and build alliances to cut climate-changing fossil fuels.

“Now more than ever is the time for the United States to be a leader and a partner on this,” Nichols said. “Not to walk away from this.”

Under Brown, California has committed to getting at least half its electricity from renewable energy sources, such as solar and wind, by 2030. It is one of the first North American governments to experiment with cap-and-trade, a scheme meant to limit carbon emissions by selling credits to pollute.

By midday, all the speakers at one of several halls at San Francisco’s main library opposed the plan by President Donald Trump’s administration and supported West Coast efforts to curb climate change.

“Mr. Pruitt may not understand about asthma,” said Mary Zhu, a retired doctor and one of several medical workers testifying about health risks from car exhaust and other carbon pollution. “Go to an ICU, go to an ER, and then decide if you want to kill people.”

Pruitt called the Clean Power Plan, unveiled in 2015, regulatory overreach by the Obama administration.

“We are committed to righting the wrongs of the Obama administration by cleaning the regulatory slate. Any replacement rule will be done carefully, properly, and with humility, by listening to all those affected by the rule,” he said in announcing the repeal last year.

Parents, expectant mothers and at least two descendants of coal miners also spoke out Wednesday.

“As an American, I’m embarrassed that the United States is the only country moving away from the Paris accord,” Jim McMahon, a climate scientist from the San Francisco Bay Area, referencing the global pact to cut emissions.

Outside the listening session, more than 100 schoolchildren marched, banged drums and chanted, “No coal, no way, not ever not today.”

Most of the children were from Oakland, a more diverse, less affluent Bay Area city where opponents have battled a proposal to ship coal through its ports.

“I have friends who have asthma, and they’re going to die” because of coal, said Melisa Rodriguez, an 11-year-old marcher.

Steyer, a hedge-fund magnate and Trump opponent active in the fight for renewable energy, spoke briefly, and scathingly, to the environmental regulators inside.

“This can’t just be a sham listening session. Not when the health and prosperity of the American people is at stake,” Steyer said.

E&E Climatewire
https://www.eenews.net/climatewire/stories/1060075127/search?keyword=EPA
West Coast states protest repeal, threaten lawsuits
By Debra Kahn, 3/1/18

SAN FRANCISCO — Officials from California, Oregon and Washington lined up yesterday to urge U.S. EPA not to repeal the Clean Power Plan, even as they acknowledge that their efforts are likely futile.

The third of four "listening sessions" across the United States being held by EPA to take public comment on its plan to repeal President Obama's signature climate regulation served as a demonstration of the country's political polarization on climate change.

Officials from six California agencies, as well as Oregon and Washington's environmental protection agencies, stressed the economic and public health benefits of the Clean Power Plan, which would have required states to cut power plant emissions an average of 32 percent below 2005 levels by 2020.

California reached what would have been its CPP target in 2014, through a mix of policies that include a renewable portfolio standard, an emissions performance standard for long-term utility contracts and energy efficiency measures.

State officials used their testimony to warn EPA of the legal fights ahead. The federal agency, led by Scott Pruitt, a staunch critic of the regulation when he was Oklahoma's attorney general, has argued that the rule goes beyond the scope of the Clean Air Act. Last month, EPA renewed its request that federal judges keep Clean Power Plan litigation on hold, as the agency moves forward with a plan to repeal and possibly replace the rule (Climatewire, Feb. 22).

"Honestly, we wanted to put up the strongest show, especially when they came to the West Coast, to make it clear that this is a unified position here in the West, and that we have both economic and environmental reasons why we don't want to see the plan go away," Mary Nichols, the chairwoman of California's Air Resources Board, said in an interview. "We might not prevail, but we believe that we're right, both on the law and on the science, and it's important to make that point because if they do proceed as proposed, then we're going to have to litigate, so it's important to have the record out there."

Officials and environmentalists harbored no false hopes that their testimony would sway Pruitt. "This hearing is a sham," said Vera Pardee, senior counsel at the Center for Biological Diversity. "Scott Pruitt has an unalterably closed mind. He's been dancing on the plan's grave before the repeal process ever began."

A representative of California's attorney general also argued that EPA's process is legally vulnerable, using the same phrasing. "Having unalterably closed his mind on the subject before us today, Administrator Pruitt is depriving the public of the fair process the law requires," said Arsenio Mataka, a special assistant to state Attorney General Xavier Becerra (D). "If you ignore your responsibilities and continue down the path you are on, the attorney general will be there to fight you every inch of the way."

Industry representatives were scarce. Of the 250 people scheduled to testify, roughly 10 were from high-emitting companies or trade associations. One of the state's main investor-owned utilities, Southern California Edison, praised the Clean Power Plan's flexibility in allowing the state's carbon cap-and-trade program to be used for compliance.

"The California utilities' desired outcome was always that the Clean Power Plan balance the need to effectively reduce emissions while allowing utilities to continue to safely deliver reliable and affordable electricity," said Adam Smith, SCE's climate policy manager. "We believe the Clean Power Plan advanced these goals."

The listening session also featured heavy doses of political theater. Two hundred elementary and middle school students from Oakland beat drums and shouted at a rally at San Francisco City Hall across the street from the library, where

Democratic political financier Tom Steyer, San Francisco interim Mayor Mark Farrell and others spoke in favor of action on climate and conventional air pollution.

"This was an exercise in covering your ass," Steyer said of the hearing. "Pretending to listen."

It wasn't an unseasonably warm day in San Francisco, but a woman wearing a polar bear suit succumbed to exhaustion on the steps of City Hall, after attending the listening session and the rally. She was revived with help from police officers and medics.

"She had a long day fighting for people and polar bears," said Candice Kim, climate campaign director for the Center for Biological Diversity.

CBS News
https://www.cbsnews.com/news/scott-pruitt-my-very-next-flight-will-be-coach-epa-administrator-the-takeout-interview/
Scott Pruitt: "My very next flight" will be coach
2/28/18, 9:55 PM

**Web page includes embedded video*

Environmental Protection Agency Administrator Scott Pruitt told CBS News chief White House correspondent Major Garrett there is a "change coming" in his security, which he claimed was the reason behind his controversial expensive travel. Pruitt told Garrett in the latest edition of CBS News' "The Takeout" podcast that he had been flying coach until receiving "unprecedented" threats, which led to a "threat assessment."

"There's a change coming, because look the security threat matters," Pruitt said. "What I've told them going forward is this: There is a change occurring, you're going to accommodate the security threats as they exist, you're going to accommodate those in all ways, alternate ways, up to and including flying coach, and that is what's going to happen on my very next flight. So those things are happening right away."

Earlier this week, House Oversight Chairman Trey Gowdy issued a letter to Pruitt demanding records related to his taxpayer-funded travel. Pruitt has said security concerns were raised after unpleasant interactions with other passengers.

Sources have told CBS News that Pruitt regularly flies in first class along with his unprecedented, round-the-clock, security detail.

On a return flight from Milan on June 11, Pruitt flew on Emirates Airlines, CBS News' Julianna Goldman reported earlier this month. Emirates Airlines' business class cabins are some of the world's most luxurious, complete with an onboard lounge that promises what the airline calls a "truly unique journey."

Pruitt needed special dispensation to take the flight. Government officials are bound by the Fly America Act, which requires them to "use U.S. air carrier service for all air travel ... funded by the U.S. government."

The entire trip cost more than $43,000, according to travel vouchers obtained by the Environmental Integrity Project. To make his departing flight to Rome on June 7, Pruitt flew on a military aircraft from Cincinnati, where he had attended a rally with the president.

Pruitt insisted to Garrett there is a "legitimate security issue," saying the "threats I have faced are unprecedented." Pruitt said there had been four to five times the amount of threats against him than against the last EPA administrator. Pruitt said he was flying coach until a threat assessment.

"There have been incidents in airports and those incidents you know occurred and they are of different types, but here what I really wanted to try to convey to you is that these threats have been unprecedented from the very beginning and that the quantity and type are unprecedented," Pruitt said. "You're gonna accommodate security threats as they exist, up to and including flying coach."

Pruitt called outgoing communications director Hope Hicks a "wonderful individual" and a "tremendous asset" to the administration. He also called White House chief of staff John Kelly a "tremendous leader" and said he has made a "tremendous difference." As for the White House's handling of spousal abuse charges against former White House staff secretary Rob Porter, Pruitt said "those kinds of matters I don't follow as closely as you might think. John [Kelly] is someone who does things the right way."

The Hill
http://thehill.com/homenews/administration/376183-pruitt-my-next-flight-will-be-coach
Pruitt: My next flight will be coach
By Julia Manchester, 2/28/18, 10:42 PM

Environmental Protection Agency (EPA) Administrator Scott Pruitt said on Wednesday that he would be flying coach on his next flight.

The comment by Pruitt to CBS News' "The Takeout" podcast comes as the EPA head faces scrutiny over reports that he used taxpayer funds to fly first class or on military jets on multiple occasions.

"What I've told them going forward is this: There is a change occurring, you're going to accommodate the security threats as they exist, you're going to accommodate those in all ways, alternate ways, up to and including flying coach, and that is what's going to happen on my very next flight," Pruitt said, referring to his security team. "So those things are happening right away."

The Washington Post reported in early February that Pruitt had spent thousands on travel, racking up at least $90,000 in taxpayer-funded travel over just part of June of 2017.

Pruitt has defended his first class flights, saying they were planned by his security detail for safety reasons.

“I'm not involved in any of those decisions," he told The New Hampshire Union leader earlier this month. "Those are all made by the [security] detail, the security assessment in addition to the chief of staff."

House Oversight and Government Reform Committee Chairman Trey Gowdy (R-S.C.) earlier this month pressed Pruitt about his use of first and business class while on government-funded trips.

"Clearly, federal regulations prohibit a blanket waiver to fly first class except to accommodate disabilities or special needs. Instead, a waiver for each flight is required in order to fly first or business class when traveling on official government business," Growdy said in a letter to Pruitt.

EPA spokesperson Jahan Wilcox told The Hill that Pruitt used a "blanket waiver" that allowed him to fly first class. However, he later told Politico, saying the EPA submitted a waiver for Pruitt on every trip.

Government employees must fly coach unless they are granted a specific waiver, according to U.S. law.

Bloomberg
https://www.bloomberg.com/news/articles/2018-03-01/bumped-epa-chief-signals-he-will-be-flying-coach-after-backlash
Bumped? EPA Chief Signals He'll Be Flying Coach After Backlash
By Jennifer A. Dlouhy and Terrence Dopp, 3/1/18, 9:05 AM

U.S. Environmental Protection Agency Administrator Scott Pruitt is getting ready to join passengers in coach after receiving bipartisan criticism for flying first-class around the globe on the taxpayers' tab.

"There's a change coming," Pruitt told CBS News Chief White House Correspondent Major Garrett in an interview. Pruitt said he had told his security detail that "you're going to accommodate the security threats as they exist; you're going to accommodate those in all ways -- alternate ways -- up to and including flying coach, and that is what's going to happen on my very next flight."

Pruitt's comments, included in CBS News' "The Takeout" podcast published Wednesday, come amid intense and mounting scrutiny of the EPA chief's travel. The EPA inspector general is already evaluating the appropriateness of Pruitt's trips, and both Democratic and Republican lawmakers asked the agency for more details after records revealed Pruitt relies heavily on first-class travel.

Representatives of the EPA did not immediately respond to emailed requests seeking more information.

Pruitt's pricey travel included a $1,641.43 trip from Washington, D.C. to New York City last June and a round-trip ticket to Italy last summer that cost taxpayers $7,003.52.

EPA officials have said Pruitt's use of first- and business-class service is appropriate to ensure his protection amid unprecedented threats and "vulgar" encounters. Pruitt has distanced himself from the specific travel arrangements, asserting that he is following the counsel of EPA security staff.

"The threats have been unprecedented from the very beginning," Pruitt told Garrett. "The quantity and type are unprecedented. I have a responsibility to listen to those individuals who are charged with the obligation to keep me safe and keep employees at the agency safe. And I listen to them."

Pruitt declined to detail specific threats, but he cited "incidents in airports" and other encounters.

Washington Times
https://www.washingtontimes.com/news/2018/mar/1/scott-pruitt-epa-chief-vows-my-very-next-flight-wi/
After first-class uproar, EPA chief Pruitt vows 'my very next flight' will be coach
By Ben Wolfgang, 3/1/18

After taking heat for spending thousands of dollars in taxpayer money for first-class flights, EPA Administrator Scott Pruitt has promised that his "very next flight" will be coach.

In an interview with a CBS News podcast released Wednesday night, Mr. Pruitt, the former Oklahoma attorney general, reiterated that he'd taken first-class tickets only because his security detail advised him it was safer to do so.

"There's a change coming, because, look, the security threat matters," he said. "What I've told them going forward is this: There is a change occurring, you're going to accommodate the security threats as they exist, you're going to accommodate those in all ways, alternate ways, up to and including flying coach, and that is what's going to happen on my very next flight. So those things are happening right away."

The EPA has refused to release a list of the security threats Mr. Pruitt has faced. At least one reported instance involved a passenger in coach shouting that Mr. Pruitt was "f–ing up the environment."

Democrats and environmental groups have pounced on the administrator for the pricey flights, which came on the heels of other officials — such as former Health and Human Services Secretary Tom Price — also coming under fire for their travel habits.

Late last month, Republicans also joined the chorus, with House Oversight Committee Chairman Rep. Trey Gowdy sending a letter to the EPA seeking records on Mr. Pruitt's travels. Specifically, Mr. Gowdy asked for more information on whether Mr. Pruitt had sought a so-called "blanket waiver" to fly first class.

Washington Examiner
http://www.washingtonexaminer.com/scott-pruitt-vows-to-curb-frequent-first-class-travel-if-unprecedented-security-risk-can-be-managed/article/2650378
Scott Pruitt vows to curb frequent first class travel if 'unprecedented' security risk can be managed
By Josh Siegel, 3/1/18, 9:49 AM

Environmental Protection Agency Administrator Scott Pruitt is vowing to curtail his frequent first class travel, saying he will fly coach going forward if threats to his security can be managed.

Pruitt has deflected criticism of his travel habits by saying he faces "unprecedented" security threats from taunting travelers, which has prompted EPA career security staff to grant him waivers before flights to sit in first class.

"What I've told them going forward is this: There is a change occurring, you're going to accommodate the security threats as they exist, you're going to accommodate those in all ways, alternate ways, up to and including flying coach, and that is what's going to happen on my very next flight," Pruitt told CBS News, in excerpts of an interview published Thursday. "So those things are happening right away."

Pruitt's travel has been heavily scrutinized in recent weeks after the Washington Post reported the EPA administrator and his top aides spent more than $90,000 on travel in just the first few weeks of June.

Democrats, and even Republican House Oversight Committee Chairman Trey Gowdy of South Carolina, have questioned Pruitt and the EPA over how has obtained waivers to fly first class.

An EPA official previously told the Washington Examiner the agency submits the same security-related waiver for Pruitt to fly first class before each trip.

The waiver has to be approved by multiple EPA officials before every trip.

The federal General Services Administration requires agencies' oversight staff to approve first-class travel "on a trip-by-trip basis ... unless the traveler has an up-to-date documented disability or special need."

Pruitt, in the interview with CBS, said he has received "unprecedented threats" from travelers on flights and in airports.

"There have been incidents on planes, there have been incidents in airports and those incidents occurred and they were of different types," he said. "What I wanted to really convey is these threats have been unprecedented from the very beginning and the quantity and type are unprecedented, so I have a responsibility to listen to the individuals charged with the obligation to keep me safe and the employees of the agency safe, and I listen to them."

Democrats earlier this month asked the EPA's inspector general to expand an existing probe of Pruitt's travel to include questioning related to his first class flights.

The investigation currently covers Pruitt's frequent travel to and from his home state of Oklahoma and his use of private and government planes.

Lawmakers want to understand how the EPA determined flying coach is a security risk and whether other EPA political appointees have been granted exceptions.

Daily Caller
http://dailycaller.com/2018/03/01/scott-pruitt-epa-security-concerns/
Pruitt Says His 'Very Next Flight' Will Be On Coach Despite Security Concerns
By Chris White, 3/1/18, 11:15 AM

Environmental Protection Agency Chief Scott Pruitt said Wednesday night that the agency's security detail will be changing to accommodate flying economy despite "unprecedented" physical threats.

"There's a change coming, because look the security threat matters," he told CBS White House correspondent Major Garrett. Pruitt did not detail what those changes might entail, but did say they would include allowing him to ride coach. Pruitt's "very next flight" will be in economic class, he added.

Pruitt has been under fire recently for his expensive flight travels to Italy, among other far-flung areas. Former President Barack Obama-era EPA officials have corroborated his explanations, telling reporters that waivers for first-class travel were made to assure the administrator's well-being.

"There have been incidents in airports and those incidents you know occurred and they are of different types, but here what I really wanted to try to convey to you is that these threats have been unprecedented," Pruitt said, noting also that his detail will find a way to incorporate flying coach into those plans despite concerns.

His comments came shortly after The Washington Post and CBS News detailed how Pruitt racked up nearly $90,000 in flight expenses. He traveled to Italy in June for meetings at the Vatican and to attend a summit with international energy ministers, CBS reported in February.

The entire trip — both ways — cost more than $43,000 dollars, according to travel vouchers environmental activist group Environmental Integrity Project obtained. Government policy allows officials access for first class travel on 14-hour international flights.

WaPo published a similar report and highlighted Pruitt's flight records dating back to President Donald Trump's first year in office. The headline from the outlet proclaimed: "First-class travel distinguishes Scott Pruitt's EPA tenure."

The CBS report did not mention the record number of death threats being leveled against the agency — WaPo didn't do much better.

Threats against officials at the agency and Pruitt have spiked 50 percent during 2017, according to an NBC report in 2017. EPA's Office of Inspector General launched more than 70 investigations into threats against Pruitt and others at

the agency, the Oct. 6 report noted. None of the threats resulted in injuries, but they were deemed legitimate risks to officials.

AP
https://apnews.com/75d7caacdfe34dae9640a621604af05e/EPA-chief-may-forego-1st-class-flights-amid-growing-scrutiny
EPA chief may forego 1st class flights amid growing scrutiny
By Michael Biesecker, 3/1/18

WASHINGTON (AP) — The head of the Environmental Protection Agency says he may start flying in coach amid increasing scrutiny of claims that he needs to fly first class because of security concerns.

EPA Administrator Scott Pruitt said in an interview with CBS News on Wednesday that there is “change occurring” with his travel arrangements that could include flying coach starting with his next airline flight. That’s a shift since last month, when Pruitt said in interviews that his chief of staff and security team had determined he should fly in premium class seats following some unpleasant interactions with other passengers.

Following recent media reports about Pruitt’s pricey airfare, the Republican-led House Oversight committee last week demanded copies of his travel records. An internal EPA watchdog is also auditing Pruitt’s travel costs.

Politico
https://www.politico.com/story/2018/03/01/scott-pruitt-fly-coach-432092
Pruitt says he will start flying coach
By Alex Guillen, 3/1/18, 11:20 AM

EPA Administrator Scott Pruitt will start flying coach instead of first class at least part of the time, he told CBS News' Major Garrett Wednesday.

Pruitt had been flying first or business class consistently because his security detail was alarmed by hostile encounters while traveling, as POLITICO reported last month.

But the pricey flights have attracted significant criticism and scrutiny, including a request for information from Rep. Trey Gowdy, the South Carolina Republican who chairs the House Oversight Committee. During one stretch of travel in early June, Pruitt and his staffers spent $90,000, The Washington Post reported.

EPA initially claimed Pruitt had a "blanket waiver" to fly first class, an arrangement that would appear to violate federal law. Staffers later said that Pruitt cites security concerns when asking for approval for the more expensive tickets for each trip.

Pruitt on Wednesday said he has instructed his security detail "to accommodate those security threats in alternate ways, including—up to and including, flying coach going forward," according to an excerpt of the interview released last night.

Pruitt said he would fly coach "on my very next flight." It's not clear what other "alternative" security measures are available while flying coach. The full Pruitt interview will be released on "The Takeout" podcast on Friday.

Washington Post
https://www.washingtonpost.com/news/energy-environment/wp/2018/03/01/after-uproar-epas-pruitt-says-he-plans-to-fly-coach-theres-a-change-coming/?utm_term=.a3624a930489
After uproar, EPA's Pruitt says he plans to fly coach: 'There's a change coming'
By Brady Dennis and Juliet Eilperin, 3/1/18, 11:58 AM

The head of the Environmental Protection Agency, facing ongoing criticism about his taxpayer-funded, first-class travels, says he plans to spend more time in coach.

"There's a change coming," EPA Administrator Scott Pruitt told CBS News in a podcast set to air Friday.

Pruitt has faced a public backlash and inquiries from Congress in recent weeks, after The Washington Post detailed dozens of first-class flights Pruitt had taken through last summer, as well as his penchant for staying at luxury hotels.

In the CBS interview, Pruitt stopped short of saying he plans to fly coach on all future trips, and he reiterated that his personal security detail recommended last year that he begin flying first class because of the number of threats he has faced.

"Look, there have been incidents on planes. There have been incidents in airports, and those incidents, you know, occurred, and they are of different types," Pruitt said. "These threats have been unprecedented from the very beginning, and the quantity and type are unprecedented."

Pruitt said he had a "responsibility" to listen to the advice of agency security officials, including one who wrote a memo to superiors last May after an incident in which a fellow traveler allegedly approached the EPA leader using "vulgar" and "threatening" language. The memo argued that Pruitt should be allowed to fly first or business class to provide "a buffer" between him and the public.

"Now, what I've done going forward is I've instructed those same individuals to accommodate those security threats in alternate ways — up to and including flying coach going forward," Pruitt told CBS. "There is a change occurring. You're going to accommodate the security threats as they exist, you're going to accommodate those in all ways, alternate ways, up to and including flying coach, and that's going to happen on my very next flight."

One option agency officials have explored is seating Pruitt in the bulkhead row, which has more legroom than a traditional coach seat and also would allow him to be among the first passengers to disembark.

The EPA has refused to release the written "waiver" that allows Pruitt to fly regularly in first or business class, based on security concerns. But since Pruitt began flying in upscale cabins last spring — a practice that sets him apart both from his predecessors and other current Cabinet members — he has logged numerous trips and amassed a hefty set of expenses.

On one occasion, he took a $1,641.53 first-class flight from Washington to New York for a pair of television interviews. Soon after, taxpayers paid roughly $90,000 for Pruitt and a group of aides to travel to an international gathering in Italy, including a visit with officials in Rome, where he toured the Vatican. That figure does not account for the costs of Pruitt's round-the-clock security detail, which have not been disclosed.

Pruitt spent $4,443 for separate round trips to Birmingham, Ala., and Atlanta for visits that included a power plant and farm tour. On at least four occasions, he has spent between $2,000 and $2,600 on first-class airfare to official meetings or tours near Tulsa, where he lives. Frequently, he stayed in Tulsa for the weekend, according to travel records released under the Freedom of Information Act.

Pruitt's future overseas travel plans are also likely to be influenced by his pick for head of EPA's Office of International and Tribal Affairs, which the White House will announce soon. Pruitt has recruited someone from the private sector,

according to two administration officials briefed on the decision, who will replace the acting principal deputy assistant administrator, Jane Nishida.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060075177/search?keyword=EPA
Pruitt looks to fly coach
By Kevin Bogardus, 3/1/18

U.S. EPA Administrator Scott Pruitt said he has asked his security team to prepare for him to fly coach from now on.

In an interview with CBS News yesterday, Pruitt said his next flight will be in economy class. The EPA chief has drawn scrutiny recently for flying first class, which the agency has said is because of security threats.

"There's a change coming," Pruitt said in an excerpt of the interview posted online yesterday. "So what I've told them going forward is this: There is a change occurring, you're going to accommodate the security threats as they exist, you're going to accommodate those in all ways, alternate ways, up to and including flying coach, and that's going to happen on my very next flight."

Pruitt said there have been incidents on planes and in airports while he has traveled as administrator. He said he must listen to EPA security officials when it comes to protecting him and other agency employees, including guidance on taking business or first-class flights.

"What I wanted to really convey to you is that these threats have been unprecedented from the very beginning, and the quantity and type are unprecedented," Pruitt said.

"I have a responsibility to listen to those individuals that are charged with the obligation to keep me safe and keep employees at the agency safe," he said. "And I listened to them, and that's what they recommended to occur going back until May or June of last year."

CBS will release the full interview with Pruitt in its podcast "The Takeout" tomorrow.

Reports of Pruitt taking the pricier flights have grabbed Capitol Hill's attention, with House Oversight and Government Reform Chairman Trey Gowdy (R-S.C.) sending a letter last week to EPA requesting information on Pruitt's trips. The administrator's travel is also subject of an ongoing audit by the EPA inspector general, which has expanded the scope of the probe twice already to examine all of Pruitt's trips through the end of 2017 (Greenwire, Feb. 21).

AP
https://apnews.com/1d1a3a0bf0f8403ea613c5e8f675d929/US-EPA-cleaning-up-Cleveland-warehouse-laden-with-toxins
US EPA cleaning up Cleveland warehouse laden with toxins
3/1/18

CLEVELAND (AP) — The U.S. Environmental Protection Agency has begun cleaning up a Cleveland warehouse where as many as 3 million fluorescent lamps and 250 drums filled with PCB-contaminated lighting ballasts have been stored.

The agency said Wednesday that it was notified Feb. 13 about a fire at Fluorescent Recycling on Cleveland's west side and provided technical help to firefighters concerned about the presence of mercury inside the building. The EPA says it detected mercury vapors and the presence of PCBs, a toxic organic chemical banned by the U.S. in 1979.

The EPA says the company operated as a transporter of spent fluorescent lighting waste.

Mother Jones
https://www.motherjones.com/kevin-drum/2018/02/scott-pruitt-kills-agency-that-studies-chemicals-harmful-to-children/
Scott Pruitt Kills Agency That Studies Chemicals Harmful to Children
By Kevin Drum, 2/27/18, 11:54 AM

Those of us of a certain age will remember the dynamic duo of James Watt and Anne Gorsuch during the Reagan years. As Secretary of the Interior and administrator of the EPA, respectively, they did everything they could to make America friendly to polluters in particular and corporate interests in general. In the end, Watt resigned after mocking a coal-leasing panel ("I have a black, a woman, two Jews and a cripple. And we have talent."). Gorsuch resigned after being held in contempt of Congress for refusing to turn over Superfund records.

Today we have Ryan Zinke and Scott Pruitt. Zinke has already slashed the size of two beautiful national monuments and gotten in trouble over his travel habits. Scott Pruitt, meanwhile, has been busy rescinding the Clean Power Plan and getting in trouble over his travel habits—and much more. In fact, Pruitt is so bad that Rebecca Leber's profile of him, "Making America Toxic Again," is on the cover of our current issue. Here's a bit of it:

Another accomplishment on Pruitt's list was "science board transparency"—a reference to one of the more obscure ways in which well-established facts have come under relentless assault....On Halloween, to an audience that included few reporters but several industry reps—including Steve Milloy, the former policy and strategy director of Murray Energy and a prominent climate denier—Pruitt announced a new plan. No scientist who received agency grants could serve on the boards.

....To replace the departing scientists, Pruitt appointed industry supporters, including Michael Honeycutt, a toxicologist from the Texas Commission on Environmental Quality who has built his career arguing that the impacts of air pollution are overstated. He is now the chair of the Science Advisory Board. Pruitt picked more than a dozen people to fill the empty seats of the 18-member Board of Scientific Counselors and 15 others for the 47-member Science Advisory Board, many of them former executives and staffers from organizations that have a stake in limiting the EPA's chemical and air quality work, such as the utility Southern Co., Phillips 66, Total, and the American Chemistry Council.

All of this leads up to Pruitt's latest effort to make America not just toxic, but specifically toxic to children:

A federal environmental program that distributes grants to test the effects of chemical exposure on adults and children is being shuttered amidst a major organization consolidation at the Environmental Protection Agency. The National Center for Environmental Research (NCER) will no longer exist following plans to combine three EPA offices, the agency confirmed to The Hill on Monday.

....The NCER is largely known for the funding it provides through its premiere program, Science To Achieve Results (STAR). Under the STAR program, grants are given to the Children's Environmental Health and Disease Prevention Research Centers, which were established in 1988 to discover methods to reduce children's health risks from environmental factors....A report released by the National Academy of Sciences last year that was compiled at the EPA's request championed the STAR program for its "numerous successes."

You can see the problem, of course. The STAR program has been successful. That means it identifies chemicals that might be harmful to children. And that in turn means trouble for the companies that make those chemicals. We can't have that, can we?

I don't remember who said this last night about the Trump administration, but it's as if they're in a contest to see who can be the most evil. For the moment, it looks like Pruitt is in the lead.

Mother Jones
https://www.motherjones.com/environment/2018/02/scott-pruitt-is-gutting-the-epa-because-he-thinks-its-gods-plan/
Scott Pruitt Is Gutting the EPA Because He Thinks It's God's Plan
By Rebecca Leber, 2/26/18, 1:32 PM

Scott Pruitt may be at the center of another Trump administration flight scandal over the skyrocketing costs of his first-class flights, but recently he's been more likely to talk about how deeply his evangelical faith influences his work running the Environmental Protection Agency. Pruitt comes from a conservative brand of Christianity that interprets the Bible as sanctioning human exploitation of oil, gas, and coal, which are seen as gifts from God for man's benefit.

> "We have a responsibility to manage and cultivate, harvest the natural resources that we've been blessed with to truly bless our fellow mankind."

Pruitt has alluded to his religion in EPA speeches and interviews before, but in an interview last week with the conservative Christian Broadcasting Network, he was more expansive than usual.

"The biblical world view with respect to these issues is that we have a responsibility to manage and cultivate, harvest the natural resources that we've been blessed with to truly bless our fellow mankind," he said. In a recent interview with the Heritage Foundation's blog The Daily Signal. Pruitt also spoke about extracting "these natural resources that we're blessed with as a country."

He has made these references before when he's talked about his deregulatory work at the EPA. In order to understand this philosophy better for a profile I was writing about Pruitt, I visited his church in Broken Arrow, Oklahoma, this winter and interviewed his senior pastor Nick Garland:

The 114-year-old Broken Arrow church subscribes to a conservative branch of the Southern Baptist tradition. When dozens of evangelical leaders endorsed Pruitt's nomination in late 2016, they wrote an open letter explaining their rejection of "any ideology that sees human beings as a blight upon the planet and would harm human flourishing by restricting or preventing the rightful use and enjoyment of creation." This echoed a view of environmental stewardship that has become widely accepted in conservative evangelical communities: "He created human beings in His own image, bearing responsibility to advance human flourishing through many forms of human activity, from agriculture and enterprise to technology and innovation," the religious leaders wrote. In other words, the planet's resources are there for the purpose of human use.

This approach is the polar opposite from that of other religious leaders—including Pope Francis—who interpret stewardship as the responsibility humans have to protect God's creation for as long as possible. "Is true environmentalism 'do not touch'?" Pruitt remarked last year. "It's like having a beautiful apple orchard that could feed the world, but the environmentalists put up a fence around the apple orchard and say, 'Do not touch the apple orchard because it may spoil the apple orchard.'"

I asked Garland to shed some light on the remark. "Either we're going to steward the Earth and use it for God's glory and man's good, or we serve the Earth," Garland says. Failing to use the Earth for our benefit, he notes, would violate Genesis 2:15, which concerns the relationship between humans and the natural world: "The Lord God took the man and put him in the Garden of Eden to work it and take care of it." Garland does not believe humans are the main cause of climate change, and neither does Pruitt. "I would not agree that it's a primary contributor to the global warming that we see," Pruitt said in March 2017. Pruitt's two guiding stars—evangelical faith and political zeal—sometimes seem interchangeable. In October, when he announced a controversial new "conflict of interest" policy barring researchers

who receive EPA grants from serving on the agency's science advisory boards, he quoted the Book of Joshua: "Choose this day whom you're going to serve."

Not only is Pruitt's refrain on stewardship familiar, but it's also worth noting who his most receptive audience is likely to be. Pruitt has overwhelmingly relied on a conservative echo-chamber while he shuts out mainstream reporters. As I wrote in my profile, the two constants in Pruitt's life are his evangelicalism and his political ambitions. The EPA has proved to be fertile territory for both.

E&E News PM
https://www.eenews.net/eenewspm/stories/1060075057/search?keyword=EPA
Dems protest agency website changes
By Arianna Skibell, 2/28/18

Lawmakers in the House Safe Climate Caucus today criticized the Trump administration for removing climate change information from agency websites, which they see as an effort to suppress public access to federal resources pertaining to global warming.

"As members of the Safe Climate Caucus, we have been alarmed by the systematic effort by your administration over the past year to reduce access to climate change resources, science, and other information that had previously been accessible through federal government channels," the lawmakers wrote in a letter to the White House.

"We are concerned that several of the administration's actions violate the intent of the Federal Records Act," they wrote.

The lawmakers referenced a recent report from the Environmental Data and Governance Initiative (EDGI), which found that a number of federal agencies have been systemically altering their websites to reduce mentions of climate change or make related material more difficult to navigate.

Additionally, they noted that U.S. EPA Administrator Scott Pruitt personally had a hand in removing climate information from his agency's website (Greenwire, Jan. 29).

"These actions are concerning not only because they downplay the serious threat that climate change poses to the future of our planet, but also because they impede access to important resources for the public to understand and address climate change," caucus members wrote.

The lawmakers include Democratic Reps. Alan Lowenthal of California, Don Beyer of Virginia, Nanette Diaz Barragán of California and Paul Tonko of New York and 22 others.

While it is customary for incoming administrators to update agency websites to reflect new policy goals, the lawmakers said this past year's overhaul is a "blatant attempt" to obscure the relationships between global warming and human activity.

"These changes, combined with a widespread failure to archive the previous administration's climate resources in a way that makes them readily accessible to the public or accessible at all, fundamentally interfere with the American public's ability to access reliable information on this issue," said the letter.

The lawmakers wrote that agency actions may constitute a violation of the Federal Records Act, which requires arms of government to collect and preserve their records.

"Therefore, we urge your administration, when editing the content of web pages such as those mentioned above, to consider the fact that human-caused global climate change is one of the greatest existential threats to the future of our planet," said the letter. The lawmakers urged agencies to refrain from removing climate-related webpages in the future.

The administration has defended website changes as a refocusing of priorities and presentation, and has said that all content on climate has not disappeared.

AP
https://apnews.com/74f06bd936a8431fbbc6411ca6fe8670/Justice-Department,-Potlatch-agree-on-Superfund-settlement
Justice Department, Potlatch agree on Superfund settlement
By Keith Ridler, 3/1/18

BOISE, Idaho (AP) — A Washington state company with land holdings in Idaho will pay $6 million in a settlement with the federal government over the cleanup of a northern Idaho Superfund site.

Potlatch Corporation and its subsidiary, Potlatch Land & Lumber, signed an agreement in early February with the Department of Justice, Environmental Protection Agency and the Federal Highway Administration.

“The site is completely cleaned up and we don’t anticipate any more costs,” Justice Department spokesman Wyn Hornbuckle said in an email to The Associated Press.

The Justice Department said in court documents that a railroad company that went bankrupt caused the initial pollution that included arsenic and lead at the Avery Landing Superfund Site next to the St. Joe River near the town of Avery. Activities by Potlatch made the pollution problem worse, making that company financially responsible, the court papers said.

It demanded $13.5 million in 2015 for reimbursement costs for the federal cleanup. The company and federal officials signed a consent decree in early February, agreeing to a $6 million settlement.

Mark Benson, Potlatch’s vice president of public affairs, didn’t respond to a message left by The Associated Press.

“Our concern at the Avery Landing site was the contamination leaking into the St. Joe’s River,” the Environmental Protection Agency said in a statement. The EPA said it removed more than 116,000 tons (105,233 metric tons) of contaminated soil and treated about 22 million gallons (83 million liters) of contaminated groundwater.

“Yearly monitoring has shown the site has been successfully cleaned up and is ready for re-use and re-development,” the agency said.

About 66 miles of the St. Joe River, beginning upstream of Avery, has been designated part of the National Wild and Scenic Rivers System and offers a range of recreational opportunities.

The site has mixed ownership that includes Potlatch, the state of Idaho and a private owner. The Federal Highway Administration was involved because pollution spread from the site to soil beneath nearby National Forest Highway 50.

The entire 10-acre site, according to court documents, was owned from 1907 to the 1980s by the Chicago, Milwaukee, St. Paul, and Pacific Railroad, which used the area for refueling and maintenance. The company went bankrupt, and another company emerged from those proceedings and also went bankrupt.

Potlatch or Potlatch subsidiaries have owned portions of the site since about 1980.

The lawsuit said that Potlatch demolished above and below ground structures at the site to make way for log and materials storage, a rail line, and housing for employees.

Demolishing structures, the lawsuit said, spread contamination. Potlatch's attempt to clean up the area, the lawsuit said, made the problem worse because the company didn't use any form of treatment or filtration to remove hazardous substances and ultimately forced the migration of hazardous substances into the soil and groundwater.

The consent decree must be approved by a federal judge. The Justice Department is taking public comments on the agreement through March 23.

Washington Examiner
http://www.washingtonexaminer.com/trump-brings-oil-refiners-ethanol-companies-to-white-house/article/2650408
Trump brings oil refiners, ethanol companies to White House
By John Siciliano, 3/1/18, 12:42 PM

President Trump will convene a large meeting of the largest oil refiners and ethanol companies in the country Thursday afternoon to discuss the direction of the nation's renewable fuel mandate, the White House confirmed to the Washington Examiner.

"President Trump will sit down with Republican senators and industry stakeholders to discuss the Renewable Fuel Standard," a White House official said. "He looks forward to a productive discussion."

The Trump administration supports the Environmental Protection Agency's Renewable Fuel Standard, but wants to hear from the industry's CEOs on what the policy should be.

Trump heard from Republican Iowa Sens. Chuck Grassley and Joni Ernst from the pro-ethanol camp on Tuesday, where they entertained an idea put forth from Sens. Ted Cruz, R-Texas, and Pat Toomey, R-Pa. The Cruz proposal would cap the price of ethanol credits, or RINs, which refiners have complained are hurting their businesses.

The senators will be joining the president once again Thursday, but with a dozen CEOs in tow, including the head of Poet, one of the country's largest ethanol companies, and Valero, the largest U.S. refiner.

Jeff Broin, the head of POET, and Todd Becker, CEO of Green Plains Renewable Energy, will be in the same room as Joe Gorder, CEO of Valero, Thomas Nimbley, CEO of refiner PBF Energy, and Jeff Warmann, CEO of Monroe Energy. Monroe and PBF have been vocal on a number of proposals to waive their commitments to the RFS.

The meeting also will include: Randy Howard, CEO of Renewable Energy Group, Inc.; Mike Irmen, director of Ethanol Marketing and Risk Management, the Andersons Inc.; Ryan O'Callaghan, president of United Steelworkers Local 10-1; Rick Schwarck, president and CEO of Absolute Energy; Bill Horan of West Iowa Energy; and Charlie Good, owner of Good & Quick Tire and Auto Service.

The meeting will begin at 2 p.m., the White House confirmed to the Washington Examiner.

Politico
https://www.politicopro.com/energy/whiteboard/2018/03/grassley-presses-epa-on-biofuel-credits-712711
Grassley presses EPA on biofuel credits

By Eric Wolff, 3/1/18, 10:52 AM8

Sen. Chuck Grassley (R-Iowa) wants EPA to reaffirm the conclusion it issued last year that refiners' profits aren't hurt by the biofuel credits they purchase to comply with the Renewable Fuel Standard.

Grassley released a letter today that he, Sens. John Thune (R-S.D.), Deb Fischer (R-Neb.), Roy Blunt (R-Mo.), and Joni Ernst (R-Iowa), sent to EPA on Jan. 11 asking the agency to confirm that refiners typically make up the cost of high prices for Renewable Identification Numbers by selling their product at a higher price.

EPA's official position will be a critical discussion point at a meeting today between President Donald Trump and members of the biofuel and oil industries.

In a statement released today, Grassley asks why the questions haven't been answered.

"We are told that action needs to be taken to lower RIN prices to help refiners. But under both Democratic and Republican administrations, EPA has found that RIN prices don't affect whether refiners are successful or not," Grassley said today in a statement. "That was true of President Obama's EPA and it's true of President Trump's EPA. Several of my colleagues and I asked EPA about this in light of calls to make changes to the RFS, but we've yet to receive a response."

Grassley pointed to EPA's decision not to change which companies are obligated to comply with the program. Under Obama, EPA also proposed rejecting the change, saying RIN prices don't hurt refiners, and then EPA under Trump finalized the change in November.

WHAT'S NEXT: Trump will meet with Republican senators on the issue at 2 p.m.

E&E Daily
https://www.eenews.net/eedaily/stories/1060075091/search?keyword=EPA
Measure seeks to boost funding for reuse programs
By Ariel Wittenberg, 3/1/18

A new bill from Rep. Grace Napolitano (D-Calif.) would help fund water reuse and recycling programs.

The "Water Recycling Investment and Improvement Act," H.R. 5127, pushes back against a Trump administration proposal to fund Bureau of Reclamation water reuse and recycling programs at just $3 million — a fraction of the current spending level of $34 million.

Napolitano's bill would not only increase funding for those programs to $500 million, but would also authorize the expired Alternative Water Source Projects Program from U.S. EPA. That program would get $375 million for grants to projects that conserve, manage, reclaim or reuse water, wastewater or stormwater.

"As we explore new ways to enhance our water portfolio and safeguard our local communities from future water shortages and drought, it is imperative that we prioritize water recycling infrastructure projects," Napolitano said in a statement.

"Climate change, unpredictable drought cycles, and population growth have strained our water supplies and economies in recent decades, and we in Southern California know full well that every drop of water is vital."

Napolitano was a vocal supporter of water reuse programs at a recent House Natural Resources Subcommittee on Water, Power and Oceans hearing.

At a hearing where Republicans hailed the president's recently released infrastructure plan, Democrats were quick to slam the proposed budget cuts.

Napolitano said the committee should spend more time on innovative solutions to water shortages in the West rather than focusing so much on dams and reservoirs (E&E Daily, Feb. 15).

She said she hoped the committee "will hold a hearing soon on the importance of water recycling, which has been dramatically cut by the Trump administration."

New York Times
https://www.nytimes.com/2018/02/28/opinion/trump-worst-cabinet.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream_unit&version=latest&contentPlacement=2&pgtype=collection
Trump's Worst: The Winners Are In! (*Opinion Columnist)
By Gail Collins, 2/28/18

Well, the votes are in, people, and the winner of our latest competition for Worst Member of the Trump Administration is ...

Scott Pruitt of the Environmental Protection Agency!

It was a landslide. To be fair, if we had included Donald Trump himself in the balloting, I'm sure the big guy would have swept the field — actually winning the popular vote for the first time in his presidential career.

But pitted against his peers, Pruitt walloped the competition. The winner of our last Worst survey, Education Secretary Betsy DeVos, hardly got a mention. She even came in behind Sarah Huckabee Sanders, a person whose only actual power is to be irritating while claiming the president was just joking/isn't really going to do that/was totally misunderstood.

It's pretty clear that DeVos's slide was due to a growing public realization that she's too inept to destroy the public school system, no matter how fervent the desire. Several of the other big names in the cabinet got a similar pass. "Guess we can't nominate Ben Carson because we don't know what he does," complained one reader. (This was before we learned that Carson's signature achievement has been buying a $31,000 dining room set for his office.)

Attorney General Jeff Sessions also fell off the charts, presumably because of his negative clout in the administration. Just the other day, Trump twittered a demand that the public "Ask Jeff Session!" why the Obama administration hadn't stopped Russian meddling in the elections. If your boss doesn't remember how to spell your name, no way we're going to give you an award.

As usual, a lot of voters complicated our count by demanding to pick All of the Above. One reader suggested that if the swamp got really drained, "only the White House chef and maintenance crew will remain."

There certainly were plenty of strong contenders — and the vote happened before we learned that Trump is pressing to have his personal pilot appointed head of the Federal Aviation Administration. But the biggest worry on people's mind was the environment and Pruitt's capacity to screw it up. His latest proposed budget would eliminate the E.P.A.'s climate-change research program and even a government initiative promoting voluntary emissions reductions.

Following the same theme, voters picked Secretary of the Interior Ryan Zinke as runner-up. Zinke has bid adieu to five-sixths of the unpaid members of the National Park System Advisory Board — although it's not actually clear that Zinke knows they're gone, since he refused to meet with them.

"It is SO tough to pick one," moaned a voter torn between Pruitt and Zinke.

Both men seem to have a particular obsession with flying in style. Pruitt's round-the-clock security detail has conveniently decided that it's dangerous for him to sit in coach. Their concern for the dangers he might encounter crammed in with the rank-and-file was so intense that Pruitt felt compelled to spend $1,641 of public money to sit up front on an exhausting one-hour flight from Washington to New York.

What is it with these people and travel?

You'll remember at one point Secretary of the Treasury Steve Mnuchin tried to get a government plane for his honeymoon. The first head of Health and Human Services was canned because of his penchant for high-end transport. But Pruitt, unfazed, is still being spotted in first-class seating.

We the taxpayers paid for a $36,000 military flight to get Pruitt from Cincinnati to New York on one occasion when he felt particularly pressed for time. The trip was to promote infrastructure improvements, and the money the government spent just getting Pruitt out of Ohio could have paid for paving cracks in approximately 110 square miles of road.

Pruitt needs special seating, the E.P.A. claims, because other travelers have begun to verbally assault him in the airports. On the one side we have a guy accompanied by guards, in an enclosed space inhabited only by people who have walked through metal detectors. On the other side there's the danger of being yelled at by an environmentalist. Obviously, no price for protection is too high.

Zinke, whose department is considering a plan to more than double the entrance fee to the Grand Canyon, spent $6,250 to helicopter back from a meeting in Virginia so he could make a date to go horseback riding with Mike Pence. A staff member explained that the expense was well worthwhile since it enabled Zinke "to familiarize himself with the in-flight capabilities of an aircraft he is in charge of."

We would like to tell you more, but the inspector general assigned to investigate Zinke's possible travel transgressions says her report has been delayed by "incomplete documentation." While we're waiting, you will know whether he's on the move because every day the secretary is in his office a security (!!) aide goes up on the roof and raises a special Secretary of the Interior flag, featuring a buffalo and some stars.

"Does our vote mean the winner goes away?" asked one reader plaintively. Sorry, no. But top finishers will get a special gold-embossed frequent flier card.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060075143/search?keyword=EPA
EPA office led by ex-Walker aide to rule on Wis. smog case
3/1/18

In the months since U.S. EPA ruled that southeast Wisconsin needs to significantly reduce smog pollution, Republican Gov. Scott Walker has fought back with a fury.

Walker had already won the state contracts with Foxconn Technology Group with promises of $3 billion in incentives and of environmental regulation cuts, as well as access to Lake Michigan water for a new electronics factory just over the Illinois border — an area that ranks among the state's worst for air quality.

Walker and the state blame Chicago for the air quality, but studies show Wisconsin contributes to the pollution. He wants the Trump administration to reverse the smog ruling.

The regional EPA office that released the previous air quality analysis will decide in the next three months the degree of emissions regulations for Foxconn and other area factories.

But now the office is led by Cathy Stepp, a former top aide to Walker who has spent years trying to cut smog and emissions regulations in Wisconsin.

Walker said he picked her to lead the state's environmental agency for her "Chamber of Commerce mentality." In her six years leading the Natural Resources Department, Stepp cut environmental laws, slashed science research funding and removed references to climate change from the agency's website. She also advocated for the Foxconn project.

The EPA office said Stepp will recuse herself from air quality decisions, but environmental observers are worried. Former EPA officials say the regulations are vital and court-tested.

"I don't know how anyone can justify exempting areas with dirty air," said Janet McCabe, former EPA assistant administrator for air and radiation. "These areas already have too much pollution, so the idea is you shouldn't be adding new sources unless you ensure there is an overall decrease in pollution that is protective of public health" (Michael Hawthorne, Chicago Tribune, Feb. 28). — NB

New York Times
https://www.nytimes.com/2018/03/01/climate/jay-inslee-carbon-tax.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection
Washington State Is Set to Vote on a Carbon Tax. For the Governor, It's a Gamble.
By Coral Davenport, 3/1/18

This week in the statehouse in Olympia, Wash., Gov. Jay Inslee is battling to bring a vote on a historic climate change policy that he has pursued for years: instituting the nation's first tax on planet-warming carbon dioxide pollution.

It's a tough sell, even in his traditionally Democratic, West Coast state. But the State Senate vote, expected in the next few days, will be watched around the country, and around the world. Economists broadly agree that taxing the carbon pollution produced by burning fossil fuels is the most efficient way to fight climate change. But politicians agree that it is also a nearly surefire way to get voted out of office.

After all, a carbon tax is, by design, an energy tax. Among other things it would most likely raise the prices that voters pay for gasoline and electricity, which is why the idea has long been seen as politically toxic.

Governor Inslee said he would like to change that perception. "We are not afraid of being a vanguard," he said in an interview in Washington, D.C. "We invented commercial jet airliners and the best software in the world," he said, referring to Boeing and Microsoft, two global companies that were founded in his state. "In this case, we're developing a new policy system, and we hope it would be followed."

But even if Governor Inslee's carbon tax bill fails this time, he intends to keep pushing the plan either as a ballot initiative this year or possibly as part of a platform in a 2020 challenge against President Trump for the presidency. Governor Inslee declined to say whether he intends to run for President, but his name is increasingly appearing on lists of possible Democratic contenders.

If he does run, Governor Inslee is expected to make climate change central to his platform. Governor Inslee, who has spent the past decade of his political career focusing on climate change, earning the sobriquet "greenest governor in America," sees the issue as a way to directly attack Mr. Trump, who has mocked established climate science, rolled back environmental regulations and promised to withdraw the United States from the landmark Paris climate accord.

This past Sunday, Governor Inslee said, he made his views clear at a governors' breakfast with Scott Pruitt, the head of Mr. Trump's Environmental Protection Agency and the president's point man in undoing climate change rules. "I told him, you're killing my state," Governor Inslee said of his conversation with Mr. Pruitt. "My state is going up in smoke because our forests are involved in these catastrophic fires." He added, "I told him, this administration is not just irresponsible but morally reprehensible."

An E.P.A. official didn't immediately respond to a request for comment from Mr. Pruitt.

The global interest in the Olympia vote comes as several state leaders are signaling to the world that they intend to act on climate change with or without the Trump administration. More significantly, the state has drawn attention as a major global economy that is willing to buck conventional wisdom by taking on a carbon tax at all.

"This is very significant. Washington is not just any state, it's home to so many global companies: Starbucks, Microsoft, Amazon," said Erik Solheim, the head of the United Nations Environment Program, speaking by phone from New Delhi, India. "It is part of the signal to the world that the major states, big business are in disagreement with the U.S. withdrawing from the Paris climate agreement, and they are doing something about it."

Opponents of climate change policy, including the fossil fuel industry and allies of the Trump administration, also see the upcoming Washington state vote as seminal. "We're watching this vote intensely," said Michael McKenna, a Republican energy lobbyist and political strategist who advised Mr. Trump's campaign and transition.

"If it works in the state of Washington, it's going to be tried in 10 states next year and 35 states the year after that," Mr. McKenna said. "If Inslee's successful, it will be a game-changer. Everyone will take it and copy it and be off and running."

Already, carbon tax bills have been introduced in the legislatures of Utah, Maryland, New York, Hawaii, Rhode Island, Vermont, Maine and Washington, D.C.

Mr. McKenna is one of many analysts and strategists who see Governor Inslee's push to pass a carbon tax in his home state as his first step toward a national campaign. "This is not just about the state of Washington. This is about Jay positioning himself is a national leader on climate change," Mr. McKenna said. "He is testing out themes and strategies."

Even if Governor Inslee's tax brings him a victory in his home state and in the eyes of environmental advocates around the world, Republicans see it as a political liability, and are preparing to attack him on it.

"I'm a big fan of having votes on carbon taxes," said Thomas J. Pyle, president of the Institute for Energy Research, a think tank that supports fossil fuels and supplied the Trump administration with its energy policy blueprint, including rolling back climate change regulations and expanding coal and oil exploration. He recounted the history of politicians losing their jobs as a result of backing a price on carbon pollution.

There was Al Gore in 1993 when, as vice president, he urged Congress to pass an energy bill that would have taxed the heat content of burning fossil fuels. After Democrats pushed the bill through the House, Republicans attacked them for backing an energy tax, and the vote was seen as a key reason that Democrats lost control of the House in 1996.

The pattern was repeated in 2009, when President Barack Obama tried to push Congress to pass a so-called cap-and-trade bill, which would have required carbon polluters to pay for permits to pollute. The bill passed in the House but cost coal-state Democrats their seats.

Carbon taxes have helped fell politicians around the world. In 2012, Prime Minister Julia Gillard of Australia successfully pushed to pass a carbon tax. The following year, she was ousted from office in a campaign that was partly seen as a referendum on the tax.

Climate Change Is Complex. We've Got Answers to Your Questions.
We know. Global warming is daunting. So here's a place to start: 17 often-asked questions with some straightforward answers.

Although Hillary Clinton campaigned in 2016 on a pledge to tackle climate change, she stopped short of endorsing a carbon tax. "Even Obama recognized, even Hillary Clinton recognized, that a carbon tax is politically toxic," Mr. Pyle said. Governor Inslee, he said, is "going to find out real quickly that it doesn't play in Peoria."

Even some people who have voted for Governor Inslee express concern about how a carbon tax might be used against him in the hardball of a national political campaign. "I would like to see him run," said Dan Rystrom, 56, a retired investor from a suburb of Seattle who identified himself as a Democrat. "But I think it would be the end of him," he said, describing the political ads he expected to see across the country, saying: "Who is this man from the West Coast who just raised the prices of gasoline?"

Still, there are signs that other politicians might be willing to take the carbon tax plunge. In Canada, Prime Minister Justin Trudeau is pushing to implement a national carbon tax by the end of the year. And while Washington would be the first state in the nation with a straight carbon tax, it is not the first to force polluters to pay for emitting carbon dioxide: As governor of California, Arnold Schwarzenegger signed a cap-and-trade law in 2006.

Many environmental economists say that in order for a carbon tax to significantly cut planet-warming pollution, it should be set at a rate of $30 to $50 per ton of pollution. The proposed Washington state tax is $12 a ton, although it would increase at $2 per year until it reaches $30.

The tax is also likely to have a smaller impact on Washington's economy than it might in other states, because of its unique energy mix. The state gets most of its electricity from carbon-free hydropower, rather than coal.

In the interview, Governor Inslee said that whoever ultimately runs against Mr. Trump in 2020 on the Democrat side should put climate change front and center in his or her campaign. The politics of global warming are changing, he said, as more Americans experiencing economically damaging weather events that scientists can attribute to the changing climate.

"Climate change used to be an abstraction. It used to be a graph," he said. "Now we're seeing biblical events play out on the 6 o'clock evening news."

"I believe it is a successful and winning issue," Governor Inslee said.

E&E Daily
https://www.eenews.net/eedaily/stories/1060075095/search?keyword=EPA
Bill would outlaw almost all uses of asbestos
By Corbin Hiar, 3/1/18

House Democrats are backing a revived bill that would outlaw nearly all domestic uses of the carcinogenic mineral asbestos.

The "Alan Reinstein Ban Asbestos Now Act," from Oregon Rep. Suzanne Bonamici and eight other Democrats, would give U.S. EPA three months to do an assessment of current asbestos exposures and 18 months to prohibit "the manufacture,

processing, use, distribution in commerce, and disposal of asbestos and mixtures and articles containing asbestos" as necessary "to eliminate human or environmental exposure to asbestos."

H.R. 5114 includes a narrow exemption for national security reasons in instances where asbestos use is necessary, "no reasonable alternative" exists and there isn't "an unreasonable risk to health or the environment." The president would have to sign off on such exemptions, and they could only last for up to six years.

"We have known about the dangers of asbestos for decades, and many countries have banned it for good reason," Bonamici said in a statement earlier this week. "We must protect our communities and make sure that nobody else is exposed to this deadly toxin."

Reinstein, the legislation's namesake, died in 2006 at the age of 66 from mesothelioma, a disease caused by exposure to asbestos. Two years before then, his wife, Linda Reinstein, co-founded the Asbestos Disease Awareness Organization, which is backing the bill along with several other public health groups.

Bonamici noted that as many as 15,000 people die annually from asbestos-related diseases, and 3,000 people are diagnosed with mesothelioma, a deadly form of cancer.

The bill's co-sponsors are Democratic Reps. Anna Eshoo of California, Betty McCollum of Minnesota, Jim McGovern of Massachusetts, Mark Pocan of Wisconsin, Jamie Raskin of Maryland, Jan Schakowsky of Illinois, Paul Tonko of New York and Steve Cohen of Tennessee.

Sen. Jeff Merkley (D-Ore.) introduced the same bill in the upper chamber last November, also without any Republican support. Sen. Barbara Boxer (D-Calif.) championed the measure in the last Congress.

Democrats are in the minority in both houses of Congress, making it unlikely that either bill will clear committee, much less make it to the president's desk.

Prized for its flame-resistant qualities, asbestos was once widely used in insulation, tiles and other building materials. But because of health and liability issues associated with it, consumption of the mineral has fallen from a record high of 803,000 metric tons in 1973 to 343 tons in 2015.

The following year, however, asbestos imports doubled to 705 tons, raising the stakes for the legislation and EPA's review of the mineral under the Toxic Substances Control Act (Greenwire, Sept. 19, 2017).

The chloralkali industry is currently the nation's only major asbestos consumer. The mineral is a crucial component of semipermeable diaphragms that help produce chlorine, a commonly used industrial chemical.

Message

From: Hassell, Emily [hassell.emily@epa.gov]
Sent: 2/23/2018 7:47:13 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: News Clips - 23 February 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

EPA Record-keeping

Politico - Lawsuit claims EPA does not keep proper records

The Hill - Groups sue EPA over lack of records

E&E Greenwire - Lawsuit claims agency bypassed written records requirements

General

CBN News - Unraveling the 'Weaponization' of the EPA is Top Priority for Scott Pruitt

The Hill - Pruitt: Bible says 'harvest the natural resources'

E&E Climatewire - Pruitt says people 'obviously' affect climate

E&E Greenwire - Pruitt ag adviser has waiver from Trump ethics pledge

The Hill - How Scott Pruitt created such a mess at EPA (*Op-Ed)

E&E Greenwire - University yanks study EPA used to strike Obama truck rule

E&E Greenwire - Trump admin to float RFS changes to senators

The Hill - Trump calls meeting with Cabinet officials on biofuels policy: reports

Reuters - Trump calls meeting on biofuels policy blamed by bankrupt refiner

E&E Greenwire - Judge grills EPA on delays in ozone designations

The Hill - EPA scientists find black communities disproportionately hit by pollution

E&E Greenwire - Officials push EPA to reverse decision on Conn. petition

E&E Climatewire - Closing public lands to fossil fuel production cuts CO2 5% — study

Bloomberg - Icahn's Biofuel Fight Lives On

Madison.com - EPA experts arrive at volatile chemical scene on Far West Side, Madison police say

Madison.com - State Assembly passes bill to curb use of air-pollution data from Lake Michigan state park

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Politico
https://www.politicopro.com/energy/whiteboard/2018/02/lawsuit-claims-epa-does-not-keep-proper-records-664040
Lawsuit claims EPA does not keep proper records
By Emily Holden, 2/22/18, 5:47 PM

Two groups today sued EPA for allegedly violating federal records laws by avoiding creating and maintaining documents about agency activities.

Citizens for Responsibility and Ethics in Washington and Public Employees for Environmental Responsibility filed a lawsuit in federal court claiming that EPA policies do not comply with record-keeping requirements. The groups cite news reports that Administrator Scott Pruitt and his political appointees have told EPA staff not to keep written records, including in rewriting regulations.

Those records should be maintained under the Federal Records Act and made available within a month by request under the Freedom of Information Act.

CREW has submitted 16 FOIA requests, "virtually all of which remain outstanding," according to the complaint. PEER has four lawsuits pending against EPA for failing to produce records. EPA faces another lawsuit, from the Sierra Club, about its FOIA practices. The agency has been sued dozens of times over unanswered or rejected FOIA requests.

The suit also targets Archivist of the U.S. David Ferriero and the National Archives and Records Administration, which the groups argues are failing to enforce the law.

An EPA spokesperson said the agency doesn't comment on pending litigation.

The Hill
http://thehill.com/policy/energy-environment/375150-groups-sues-epa-over-lacking-record-keeping
Groups sue EPA over lack of records
By Miranda Green, 2/22/18, 4:49 PM

A pair of environmental groups representing public employees sued the Environmental Protection Agency (EPA) on Thursday, claiming officials failed to adequately take and maintain public records in violation of federal law.

Public Employees for Environmental Responsibility (PEER) and Citizens for Responsibility and Ethics in Washington (CREW) filed a joint lawsuit against the EPA and Administrator Scott Pruitt for failing to keep records in accordance with the Federal Records Act (FRA).

The groups charge that the Trump administration operated in "secrecy" to avoid creating a paper trail of notes that would be considered public records under the FRA. Those notes would also be open to Freedom of Information Act (FOIA) requests by the public and journalists.

"Under Scott Pruitt, the EPA has assumed a bunker mentality where paper trails are religiously avoided unless penned in invisible ink," PEER counsel Adam Carlesco said in a statement. "By law, the American public has a right to know the basis for public health and anti-pollution decision-making that affects their lives."

The suit also accuses David Ferriero, the federal archivist, and the National Archives and Records Administration of failing to enforce the law to take and maintain public records.

PEER sued the EPA last year for failing to respond to its FOIA requests regarding recommendations from the agency's Superfund Task Force. In December, the EPA revealed that the task force had kept no record of its deliberations for its nearly three-dozen-page report on recommendations for waste clean-up sites.

EPA additionally revealed that there was no written criteria for its selection of 107 employees to serve on the task force.

"It appears EPA Administrator Pruitt has operated in secrecy to avoid creating an adequate record of his and the EPA's actions," CREW Executive Director Noah Bookbinder charged in a statement.

"We should not have to sue him to force him to follow the law and allow the public a window into what he is doing about the many critical issues before the EPA, but he has given us no other choice."

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060074625/search?keyword=EPA
Lawsuit claims agency bypassed written records requirements
By Amanda Reilly, 2/23/18

Two watchdog groups allege in a new lawsuit that U.S. EPA has illegally failed to maintain written records documenting agency decisions and activities.

The groups, Citizens for Responsibility and Ethics in Washington and Public Employees for Environmental Responsibility, say EPA has violated the Federal Records Act.

CREW and PEER filed the suit yesterday in the U.S. District Court for the District of Columbia.

"It appears EPA Administrator Pruitt has operated in secrecy to avoid creating an adequate record of his and the EPA's actions," CREW Executive Director Noah Bookbinder said. "We should not have to sue him to force him to follow the law and allow the public a window into what he is doing about the many critical issues before the EPA, but he has given us no other choice."

The complaint cites news reports claiming that Pruitt and other political appointees at the agency instructed staff to not create written records about certain items, including proposed changes to the Obama-era Clean Water Rule. It also cites as evidence reports that Pruitt barred staff from bringing cellphones into meetings and taking written notes.

In a response to a Freedom of Information Act request by PEER, EPA also said it did not have any internal records related to the agency's Superfund Task Force, even though the task force issued dozens of recommendations on cleaning up hazardous sites.

The lawsuit names EPA and Pruitt, as well as the National Archives and Records Administration and Archivist of the United States David Ferriero, as defendants. According to the complaint, NARA and Ferriero failed to inform Pruitt of Federal Records Act violations.

James Pritchett, a NARA spokesman, said in an email that the Office of Chief Records Officer Laurence Brewer has formally reached out to EPA leadership about the concerns raised by the watchdog groups.

"This matter is active and ongoing, and as is the case with all such allegations of improper recordkeeping, we consider each case seriously and expect that the agency complies with existing records management laws and regulations," Pritchett wrote.

EPA did not respond to a request for comment.

CBN News
http://www1.cbn.com/cbnnews/us/2018/february/unraveling-the-weaponization-of-the-epa-is-top-priority-for-scott-pruitt
Unraveling the 'Weaponization' of the EPA is Top Priority for Scott Pruitt
By David Brody, 2/22/18

WASHINGTON —The growing attention to environmental issues and the question of climate change makes Scott Pruitt's job more important by the day.

President Trump chose him to lead the Environmental Protection Agency and Pruitt hopes to unravel what he calls the "weaponization" of the EPA by the Obama administration.

Pruitt hopes to pursue that mission with a servant's heart. After all, he's the kind of guy you might meet in Bible study. The former Sunday school teacher and church deacon wants to use that faith background in his role as EPA administrator.

Maintaining an Attitude of Service

"As I serve, and as we seek to make decisions, I want to do so based upon an attitude that we're here to minister to people, serve people and have a light and a cheerfulness as we do it," Pruitt told CBN News.

Some of his moves have definitely put smiles on the faces of conservatives. Pruitt believes the Obama administration meddled in Americans' livelihoods and went too far with unnecessary regulations and executive orders.

Rolling Back Regulations That Went Too Far

"Actions taken by the executive branch were really actions that the legislative branch should have been taking or addressing and it impacted liberty," said Pruitt. "When you declare a 'war on coal' from a regulatory perspective, the question has to be asked: where's that in the statute? Where did Congress empower the EPA to declare a war on coal? … There's a role for the EPA. There's a very important role for the agency. The problem is in the last several years that role has been morphed into something it's not," he added.

Pruitt is clearly making his mark at the agency. He played major roles in the United States leaving the Paris Climate Agreement and ending President Obama's "clean power" plan. It sought to curb emissions from coal-fired plants and Pruitt says that unfairly attempted to pick winners and losers on electricity.

Cutting Bureaucratic Red Tape

He also wants to cut bureaucratic red tape. One stated victory: more timely action on nuclear waste sites near people's homes.

"How do you have some of these sites take 30 to 40 years to get re-mediated, cleaned up or in some cases, just a decision made on how to clean up? That's unacceptable," Pruitt said.

Not everyone's cheering. Environmental activists see Pruitt as an administrator who's not a good steward of nature. Pruitt pushes back against that notion.

"The 'environmental left' tells us that, though we have natural resources like natural gas and oil and coal, and though we can feed the world, we should keep those things in the ground, put up fences and be about prohibition," Pruitt said. "That's wrongheaded and I think it's counter to what we should be about."

Caring for the Environment with a Biblical World View

Pruitt believes God commands us to take care of the environment and that also means to use what He has provided. "The biblical world view with respect to these issues is that we have a responsibility to manage and cultivate, harvest the natural resources that we've been blessed with to truly bless our fellow mankind."

Science Denier?

As for climate change or global warming, the 'environmental left' labels Pruitt a science denier. "Truly and clearly, the climate changes," Pruitt acknowledges.

"For someone to say that someone's a skeptic or a climate denier about the climate changing, that's just nonsensical. We see that throughout history. We impact the climate by our activity," Priuitt observed. "How much so is very difficult to determine with respect to our CO2 or carbon footprint, but we obviously do. But here's the key: we as a country have reduced our carbon footprint by almost twenty percent from the year 2000 to 2014. You know how? Through innovation and technology: not government mandate."

Pruitt has also been under criticism for flying around the country in first class or business class rather than coach. The EPA says Pruitt needs the privacy because of people who are angrily confronting him at airports. Recently Pruitt cancelled a trip to Israel over the controversy.

Overall Philosophy: Less Government

Meanwhile, the president is sticking by him. In Pruitt, he gets a man who says his overall philosophy is less government control. It's why Pruitt went into politics a while back and God was at the center of the conversation.

"I spent a couple years just earnestly praying, asking the question that I don't think we ask enough, 'God what do you want to do with me?'" Pruitt said. "Really getting into our prayer closet, seeking His heart, asking what He wants to do in our lives."

"It was actually Isaiah chapter one that I was reading through at that time that really spoke to my heart," he continued. "Specifically, in the latter part of chapter one where God says to Israel, 'I will restore your leaders as in the days of old, your judges as at the beginning.' And there was just a desire that welled up in me to say, 'I want to be like those leaders that we had at our founding, at the inception of our country.'"

For Pruitt, the need to pursue what the founding fathers intended is more important than ever.

"There's never been more of a threat to liberty, to what we know as the protections that are inherent in our constitution than what we live today," he said.

It's another reason Pruitt would remind critics that the constitution reads, 'we the people' not, 'we the government.'

The Hill
http://thehill.com/policy/energy-environment/375148-pruitt-bible-says-harvest-the-natural-resources
Pruitt: Bible says 'harvest the natural resources'
By Timothy Cama, 2/22/18, 4:28 PM

Environmental Protection Agency (EPA) head Scott Pruitt said his desire to use the Earth's resources like oil and coal is grounded in the Bible.

In an interview with the Christian Broadcasting Network published Thursday, Pruitt spoke about how his Christian views inform his views on the environment and environmental policy.

"The biblical world view with respect to these issues is that we have a responsibility to manage and cultivate, harvest the natural resources that we've been blessed with to truly bless our fellow mankind," he told CBN's David Brody.

Trump's top environmental regulator, who has overseen aggressive rollbacks of rules on greenhouse gases, air pollution, water pollution, chemicals and more, tied religion also into his ongoing criticisms of left-wing environmentalists. He accuses them of wanting to shut down drilling and other resource development.

"The 'environmental left' tells us that, though we have natural resources like natural gas and oil and coal, and though we can feed the world, we should keep those things in the ground, put up fences and be about prohibition," he said. "That's wrongheaded and I think it's counter to what we should be about."

Pruitt said his Christianity also informed his decision to work in government and his views of how government should work.

"I spent a couple years just earnestly praying, asking the question that I don't think we ask enough, 'God, what do you want to do with me?'" he told CBN.

"It was actually Isaiah chapter one that I was reading through at that time that really spoke to my heart," he said. "Specifically, in the latter part of chapter one where God says to Israel, 'I will restore your leaders as in the days of old, your judges as at the beginning.' And there was just a desire that welled up in me to say, 'I want to be like those leaders that we had at our founding, at the inception of our country.'"

E&E Climatewire
https://www.eenews.net/climatewire/stories/1060074583/search?keyword=EPA
Pruitt says people 'obviously' affect climate
By Niina Heikkinen, 2/23/18

U.S. EPA Administrator Scott Pruitt says his faith inspired him to be like the nation's founding fathers.

In an interview with the Christian Broadcasting Network published yesterday, Pruitt described how, before entering politics, he had prayed for insight into God's plan for him and said he found meaning in a chapter of the Bible.

"Specifically, in the latter part of Chapter 1 [of Isaiah] where God says to Israel, 'I will restore your leaders as in the days of old, your judges as at the beginning.' There was just a desire that welled up in me to say, 'I want to be like those leaders that we had at our founding at the inception of our country.'"

The EPA administrator has long been rumored to be seeking future political office, potentially in his home state of Oklahoma, where he served as attorney general from 2011 to 2017 and as a state senator from 1999 to 2007. His possible political aspirations have raised questions about his commitment to environmental protection and his allegiance to the fossil fuel industry, which is poised to benefit from his focus on deregulation.

Pruitt warned that there has never been more of a threat to liberty and the protections of the Constitution. He pointed specifically to EPA actions under former President Obama; he described the executive branch as infringing on the role of Congress.

"There's a very important role for the agency. The problem is, in the last several years, that role has been morphed into something it's not," he said to CBN.

This isn't the first time Pruitt has warned of a threat to the Constitution. In 2016, he made similar criticisms about his future boss.

"I believe that Donald Trump in the White House would be more abusive to the Constitution than Barack Obama," he said during a radio interview (Climatewire, Jan. 31).

In much of the interview with CBN, the administrator repeated well-worn talking points, but he hinted at how his faith shapes his approach to environmental protection.

"The biblical worldview with respect to these issues is that we have a responsibility to manage and cultivate, harvest the natural resources that we've been blessed with to truly bless our fellow mankind," he told CBN.

Religious scholars have noted that Southern Baptists, as Pruitt is, are less inclined to interpret the Bible as saying that humans are responsible for environmental protection.

"The more common view is God is in charge, and so anything that happens is really God's divine plan, or at minimum, God allowed it to happen. God's in charge, so it's not for us to try and stop something," said Marie Griffith, director of the John C. Danforth Center on Religion and Politics at Washington University in St. Louis (Climatewire, July 14).

Pruitt also put more emphasis than usual on the influence that people have on rising global temperatures.

The EPA administrator said humans "obviously" affect the climate, but he also said calling someone a climate skeptic is "nonsensical."

"Truly and clearly, the climate changes," Pruitt told CBN. "For someone to say that someone's a skeptic or climate denier about the climate changing, that's just nonsensical. We see that throughout history. We impact the climate by our activity. How much so is very difficult to determine with respect to our CO2 or carbon footprint, but obviously we do."

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060074649/search?keyword=EPA
Pruitt ag adviser has waiver from Trump ethics pledge
By Kevin Bogardus, 2/23/18

Jeff Sands, U.S. EPA Administrator Scott Pruitt's senior agricultural adviser and a former pesticide lobbyist, received a limited waiver from President Trump's ethics pledge.

White House counsel Don McGahn said in a memo that he gave the waiver at EPA's request for Sands, who lobbied for the global agribusiness company Syngenta AG before his government job.

Under the waiver, Sands is exempt from the pledge's lobbyist restrictions that bar political appointees from participating in issues they lobbied on within two years prior to joining the administration.

The document, dated Oct. 2 last year, said Sands' "extensive expertise" in farming issues warranted the waiver from the president's ethics pledge.

"I have determined that it is in the public interest to grant this waiver because of Mr. Sands' extensive expertise in this area and various entities, programs and policies," McGahn wrote in granting the waiver, which was posted online by the Office of Government Ethics.

"His deep understanding of agricultural issues forged through his previous service with Congress, a trade association and a company make him an ideal person to assist the Administrator and his senior leadership team to make EPA and its agriculture programs more efficient and effective," he said.

Sands joined EPA in October last year. Prior to lobbying for Syngenta, he was director of public policy for the Agricultural Retailers Association and also was an agricultural aide for Rep. Tom Marino (R-Pa.) on Capitol Hill (E&E Daily, Oct. 18, 2017).

"Accordingly, I authorize Jeff Sands to be able to participate personally and substantially in matters regarding agricultural issues, including those on which he previously lobbied," McGahn said, noting he understood Sands would comply with the ethics pledge's other requirements.

At Syngenta over the past year, Sands lobbied on several issues that come before EPA, according to disclosure records. The company listed Sands as a part of its team that lobbied on the renewable fuel standard, policies dealing with pesticides, as well as reform of EPA's scientific advisory work.

Even with his waiver, Sands cannot work on specific issues that affect Syngenta. In EPA's request for the waiver, then acting general counsel Kevin Minoli said, "In particular, Mr. Sands will remain restricted by the Executive Order, Section 1, paragraph 6, from participating in any particular matter involving specific parties that is directly and substantially related to his former employer, Syngenta."

An EPA spokesman noted that employees, including Sands, receive ethics briefings when they arrive at the agency and work with those officials if conflicts of interest arise.

"All EPA employees get ethics briefings when they start and continually work with our ethics office regarding any potential conflicts they may encounter while employed here. Jeff Sands is no exception," said the spokesman.

Minoli argued in his waiver request that Pruitt needed to be able to use all of Sands' "subject-matter expertise" in agricultural issues as the administrator drafts policies at EPA.

"The Administrator still lacks the senior members of his political team and must be able to rely upon his policy advisors. He has identified Mr. Sands as a valuable addition to his team, but needs for him to be able to work on the full range of agricultural issues to the maximum extent possible," Minoli said.

Sands joins at least two other Trump political appointees at EPA who have received waivers from the president's ethics pledge.

Dennis Lee Forsgren, deputy assistant administrator in EPA's water office, was given a waiver so he could interact with the Miccosukee Tribe of Indians of Florida, a former lobbying client, during hurricane season.

Erik Baptist, senior deputy general counsel at EPA, also has a waiver so he could work on the RFS, which he lobbied on at the American Petroleum Institute (Greenwire, Oct. 25).

EPA last week announced a consent decree with one of Syngenta's subsidiaries over violations of pesticide regulations. Under the decree, Syngenta would pay a $150,000 civil fine, but EPA under the Obama administration was seeking more than $4.8 million in penalties (Greenwire, Feb. 14).

The Hill
http://thehill.com/opinion/energy-environment/375141-how-scott-pruitt-created-such-a-mess-at-epa
How Scott Pruitt created such a mess at EPA (*Op-Ed)
By Keith Gaby, 2/22/18, 4:30 PM

What does it say about EPA Administrator Scott Pruitt that he repeatedly flew first class, wasting taxpayer money and creating a new scandal for the Trump administration? It's initially difficult to understand why Pruitt, an ambitious politician and careful lawyer, would make such a huge unforced error.

But Pruitt's history suggests it is less of a blunder than the natural outcome of how he has built his political career.

In congressional testimony, Pruitt's answers are often focused on legalistic posturing, rather than the actual intent of the law. At EPA he sought and received waivers to work on rules he had challenged as a litigant and made decisions that benefitted companies which have contributed money to further his political career. It seems meeting the letter of the law — which he claimed to do — meant it was fine to engage in actions that were an obvious conflict of interest.

So he likely considers it entirely proper to travel in luxury as long as he obtains the proper waiver. It seems unimportant to him whether this is ethical behavior for a public servant, as long as he believes he can argue it is legal.

Pruitt is also deeply ideological, believing government rules hamper the free market. He has rashly canceled a range of Obama-era health safeguards and pollution limits without properly taking public input. However, the courts keep telling him he acted improperly. He seems to believe his views are so important that cutting corners to get his preferred policy outcomes is fine.

If you believe that you are doing such important work, you likely have the tendency to develop a sense of entitlement: that you can't be bothered with the public (in coach) and that it's worth the extra money to be able to focus on your surpassingly important mission (in first class).

It is, in short, a deep sense of entitlement — a feeling that the spirit of the rules may be put aside in service of your higher purpose.

More importantly, Pruitt believes his real audience is far narrower than the coach-flying public. Rather, it seems he looks to the CEOs in first class, on whom he has lavished so much attention. His hand-picked efficiency expert even created a video in his former position explicitly saying the "customer" for environmental officials is not the "general public because they benefit from clean air" but businesses. That likely sums up Pruitt's view of government.

But what Pruitt forgot is that members of Congress live by the opposite set of rules, and are accountable to those same economy class constituents — hence the inquiry into Pruitt's actions by the GOP controlled House.

Why would such a careful politician not see the danger in a "let them fly coach" attitude? After all, Pruitt is most definitely a political animal. He served in the Oklahoma state House and Senate and as attorney general, lost races for Congress and lieutenant governor, and is widely rumored to want to run for Sen. James Inhofe's (R-Okla.) seat.

But almost all of his experience is from Oklahoma — an essentially one-party state, where scrutiny is much lower, especially for someone leading the charge on conservative issues.

Pruitt may have thought that being the tip of the spear in dismantling Obama's environmental agenda would excuse ethical transgressions. And for a while, it did, as the White House looked the other way at some of Pruitt's scandals (the EPA's Office of Inspector General currently has three ongoing investigations into his activities). But Washington, with a lively opposition party and active press corps, is a different place. Wasting public money — especially to sit apart from the average American taxpayers — is a political drag for a White House.

There is also one more, even less flattering, reason for Pruitt air travel indulgences. Pruitt's chosen career, politics, is not lucrative. But he's always seemed comfortable grabbing what luxuries his connections could afford. When he was a $38,000 a year state legislator, his friend Albert "Kell" Kelly — who ran a family bank — lent Pruitt money for a fancy house. Kelly also lent him money to become part owner of a minor league baseball team, helping the former college second baseman live out a dream. (Kelly, barred from banking by the FDIC, now works at EPA.)

Pruitt is accustomed to conventions at fancy hotels paid for oil and gas companies who have funded his political rise. It seems likely that someone who had always used his position to add a little style to his life didn't think it a big deal to get some extra leg room and a free glass of champagne on the taxpayers' dime.

It's time for Trump to listen to the bipartisan calls for Pruitt to leave government. The good news for Pruitt is, flying first class is just fine in the private sector.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060074651/search?keyword=EPA
University yanks study EPA used to strike Obama truck rule
By Camille von Kaenel, 2/23/18

Tennessee Tech University, whose research was used by U.S. EPA to justify the proposed repeal of an Obama-era clean truck rule, has asked the agency to stop using that industry-funded study pending an internal investigation of alleged misconduct.

The study was bankrolled by Fitzgerald Glider Kits, a Tennessee-based manufacturer that would benefit from the EPA proposal. Citing the study and contradicting its own staff, the agency said glider kits — new truck chassis equipped with refurbished diesel engines and powertrains — are more efficient and cleaner than new rigs (Greenwire, Nov. 27, 2017).

In a letter sent Monday to EPA Administrator Scott Pruitt, Tennessee Tech President Philip Oldham said that "knowledgeable experts within the University have questioned the methodology and accuracy of the report."

"We request that you withhold any use or reference to said study pending the conclusion of our internal investigations," Oldham wrote to Pruitt. He added that the university was pursuing a peer review of the study and investigating allegations of research misconduct.

Oldham also disavowed the study in a letter to Rep. Diane Black (R-Tenn.), who has received campaign donations from Fitzgerald and helped facilitate Pruitt's meeting last year with Fitzgerald executives.

In a town hall yesterday attended by dozens of students, faculty and community members, Oldham said he had not intended for the study to be used in the EPA rule proposal.

He had sent a letter with study results to Black last year at her office's request and expected it to be used for "background context" only. But his letter, with preliminary results, ended up in a petition sent to EPA by Fitzgerald Glider Kits, Harrison Truck Centers and Indiana Phoenix to exempt glider kits from the pollution rule.

A student posted live video of the town hall on Facebook.

EPA has said it didn't rely on the research to justify its proposed repeal of the rule and was simply summarizing the petition when it cited the data.

But EPA's Office of General Counsel did use the same legal argument as Fitzgerald to justify the exemption, saying glider kits were not "new motor vehicles" and therefore fell outside the agency's jurisdiction under the Clean Air Act.

"We've issued a proposal, will review comments and make a final decision," an EPA spokeswoman said.

EPA staff had previously found that glider kits are about 25 percent cheaper than a new rig but pollute 20 to 40 times more than a new truck.

An agency analysis projected the unchecked manufacture and sale of glider kits would generate lifetime pollution that could cause between 350 and 1,600 premature deaths.

EPA didn't include a cost-benefit analysis with its proposal to exempt glider kits. It also did not wait for its staff to complete new testing on gliders last fall that ultimately found the glider kits polluted more than new, regulated trucks.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060074643/search?keyword=EPA
Trump admin to float RFS changes to senators
By Marc Heller, 2/23/18

The Trump administration will pitch changes to federal ethanol standards in a meeting with key senators next Tuesday, sources familiar with the matter said today.

Among the ideas is a directive from President Trump for U.S. EPA to move toward lifting seasonal restrictions on the sale of high-ethanol fuel, according to a petroleum industry source close to policy negotiations with Congress.

In return, the administration would seek a cap on the price of renewable fuel credits, which refiners that don't blend fuels buy to show compliance with the biofuel mandate. The move wouldn't necessarily involve an executive order but would involve formal rulemaking, industry sources said, although lobbying groups said they were short on details.

The discussions stem from refining industry complaints about the high cost of renewable credits, known as Renewable Identification Numbers. Philadelphia Energy Solutions, a Pennsylvania refiner, has filed for bankruptcy protection, blaming RIN costs that were more than double the cost of payroll last year.

Expanding availability of fuel with 15 percent ethanol — up from 10 percent in most gasoline today — is a top priority for the ethanol industry. Capping prices on renewable fuel credits is the opposite: one of the industry's top ideas to fight.

"I think ethanol producers will reject it outright," said the source, who requested anonymity to speak frankly about the yet-to-be-announced proposal. He said he hadn't seen a written proposal.

The issue was the topic of a meeting this morning at the USDA involving EPA Administrator Scott Pruitt and Agriculture Secretary Sonny Perdue, who has been frustrated by Sen. Ted Cruz's (R-Texas) hold on the nomination of Iowa Agriculture Secretary Bill Northey to a USDA undersecretary position over the dispute.

Others close to the fuel industry said they expect a second meeting next week with Trump, Pruitt, Perdue, and Sens. Cruz, Chuck Grassley (R-Iowa), Joni Ernst (R-Iowa) and Pat Toomey (R-Pa.).

The plans for a White House meeting were first reported last night by Bloomberg News and Reuters.

Cruz has been in regular communication with the White House about potential compromises. Grassley and Ernst's offices didn't return messages this morning seeking reactions.

Controls on RIN prices remain a non-starter with the Renewable Fuels Association, representing biofuel companies. A cap would prevent growth in the industry, said RFA President and CEO Bob Dinneen.

"Capping RINs codifies a blend wall and makes growth in renewable fuels exponentially more difficult," Dinneen said in a statement. "The objective of the RFS was to grow the renewable fuels industry, not to stagnate it."

Cruz has proposed capping RIN prices at no more than 10 cents each, well below the 60 or 70 cents seen recently in the market. Congress didn't envision RIN prices above a few pennies each, he said at a rally at a refinery Wednesday (E&E News PM, Feb. 21).

In addition to pressing E15 fuel and the RIN price cap, the administration would seek restrictions in the RIN market that would discourage speculation, an industry source said. That could happen by limiting the ability of companies that fall under the RFS requirements — so-called "obligated" parties — to sell RINs to other companies that aren't obligated under the law to meet the mandate, the source said.

The debate has political overtones, as well, with around 1,000 jobs at stake at the Philadelphia refinery, which is in a swing state that helped elect Trump in 2016.

Ethanol supporters say Philadelphia Energy Solutions overstates the impact of the fuel mandate, and that the company's own financial missteps over the years set the stage for its troubles.

PES could have avoided trouble with RINs by upgrading its plant with blending equipment, as other refiners have done, said Jon Doggett, executive vice president of the National Corn Growers Association.

Cruz has cast himself as a dealmaker on ethanol, saying he has a "win-win solution" that would save refineries while boosting corn and ethanol production. But he's been silent on the industry's call to let gas stations sell E15 year-round; current EPA fuel volatility rules restrict sales in summer.

"He has not bit on that hook at all," Doggett said.

Instead, Cruz in a speech on the Senate floor earlier this month said ethanol would flourish if the biofuel mandate were lifted entirely and the market was allowed to dictate supply and demand (E&E Daily, Feb. 8).

The proposal from the White House may not please lawmakers or companies that have sought broader changes in the renewable standard — and that might see a short-term solution as undercutting that bigger goal. Sens. John Cornyn (R-Texas) and Tom Udall (D-N.M.) are leading that effort.

The Hill
http://thehill.com/policy/energy-environment/375263-trump-calls-meeting-with-cabinet-officials-on-biofuels-policy
Trump calls meeting with Cabinet officials on biofuels policy: reports
By Timothy Cama, 2/23/18, 10:44 AM

President Trump is organizing White House meetings with Cabinet officials about a federal biofuel mandate that a major refiner blamed for its bankruptcy, Bloomberg and Reuters report.

The first meeting on potential changes to the Environmental Protection Agency's (EPA) Renewable Fuel Standard (RFS) will be Friday with EPA head Scott Pruitt and Agriculture Secretary Sonny Perdue, Bloomberg said.

Trump will then meet Tuesday with those Cabinet officials and a handful of senators from both oil- and corn-heavy states who care about the policy, both news outlets report.

The meetings come weeks after Philadelphia Energy Solutions, the largest fuel refiner on the East Coast, declared bankruptcy, blaming compliance costs associated with the RFS.

The policy requires refiners to blend certain amounts of ethanol and other biofuels into their fossil fuels, or to buy credits on an open market.

PES, which doesn't have blending facilities, said its costs for credits exceeded its payroll. But Reuters, and ethanol advocates, say other financial problems with the company caused the bankruptcy.

Trump's meetings may focus on changes tailored to PES or may look at larger tweaks.

Sen. Ted Cruz (R-Texas), who is expected to be at the Tuesday meeting, proposed capping the price for which the ethanol credits can be sold. That idea is opposed by ethanol companies, who say it would reduce incentives to produce the renewable fuel.

Reuters
https://www.reuters.com/article/usa-biofuels-trump/update-1-trump-calls-meeting-on-biofuels-policy-blamed-by-bankrupt-refiner-idUSL2N1QD12I
Trump calls meeting on biofuels policy blamed by bankrupt refiner
By Jarrett Renshaw, 2/23/18, 11:05 AM

NEW YORK, Feb 23 (Reuters) - U.S. President Donald Trump has called a meeting early next week with key senators and Cabinet officials to discuss potential changes to biofuels policy, which is coming under increasing pressure after a Pennsylvania refiner blamed the regulation for its bankruptcy, according to four sources familiar with the matter.

The meeting comes as the oil industry and corn lobby – powerful forces in Washington – clash over the future of the Renewable Fuel Standard (RFS), a decade-old regulation that requires refiners to cover the cost of mixing biofuels such as corn-based ethanol into their fuel.

Trump's engagement reflects the high political stakes of protecting jobs in a key electoral state. Oil refiner Philadelphia Energy Solutions (PES), which employs more than a thousand people in Philadelphia, declared bankruptcy last month and blamed the regulation for its demise.

The meeting, scheduled for Tuesday, will include Republican Senators Ted Cruz of Texas, Chuck Grassley and Joni Ernst of Iowa, along with Environmental Protection Agency Administrator Scott Pruitt, Agriculture Secretary Sonny Perdue, and potentially Energy Secretary Rick Perry, according to the four sources, who asked not to be named because they were not authorized to speak publicly on the matter.

One source said the meeting would focus on short-term solutions to help PES continue operating. PES is asking a bankruptcy judge to shed roughly $350 million of its current RFS compliance costs, owed to the EPA which administers the program, as part of its restructuring package.

The other sources said the meeting will consider whether to cap prices for biofuel credits called RINs, let higher-ethanol blends be sold all year, and efforts to get speculators out of the market.

Prices for ethanol RIN credits were trading at 62 cents each on Friday morning, down from 66 cents each on Thursday, according to traders.

Officials at the EPA, Agriculture Department, and Energy Department declined to comment. A White House official, Kelly Love, said she had no announcement on the matter at this time.

The offices of Cruz, Ernst and Grassley did not immediately return requests for comment.

The sources said the options moving forward would be constrained by political and legal realities that have derailed previous efforts at reform.

The Trump administration has already considered changes to the RFS sought by refiners this year - including reducing the amount of biofuels required to be blended annually under the regulation, or shifting the responsibility for blending to supply terminals - only to retreat in the face of opposition from corn-state lawmakers.

NARROW OPTIONS, BROAD RESISTANCE

The EPA is expected to weigh in officially in the coming weeks on PES's request to the bankruptcy judge to be released from its compliance obligations. But any such move would likely draw a backlash from other U.S. refiners, who have no hope of receiving a waiver.

Under the RFS, refiners must earn or purchase blending credits to prove they are complying with the regulation. As biofuels volumes quotas have increased, so have prices for the credits - meaning refiners that invested in blending facilities have benefited while those that have not, such as PES, have had to pay up.

PES said its RFS compliance costs exceeded its payroll last year, and ranked only behind the cost of purchasing crude oil.

Other issues may have contributed to PES's financial difficulties. Reuters reported that PES's investor backers withdrew from the company more than $594 million in a series of dividend-style distributions since 2012, even as regional refining economics slumped.

Regulators and lawmakers have been considering how to cut the cost of the RFS to the oil industry.

In recent months, for example, the EPA has contemplated expanding its use of an exemption available to small refineries - a move that would likely push down RIN prices, but which both the oil and corn industries have said would be unfair.

Cruz last year proposed limiting the price of RINs to 10 cents, a fraction of their current value – an idea that was roundly rejected by the ethanol industry as a disincentive for new ethanol blending infrastructure investment.

Senator John Cornyn, also a Texas Republican, is preparing draft legislation to overhaul the RFS in Congress that would include the creation of a new specialized RIN credit intended to push down prices - but it too faces resistance from both the corn and oil lobbies.

E&E Greenwire

https://www.eenews.net/greenwire/stories/1060074635/search?keyword=EPA

Judge grills EPA on delays in ozone designations

By Debra Kahn and Sean Reilly, 2/23/18

OAKLAND, Calif. — A federal judge here yesterday questioned U.S. EPA's decision to delay a determination last year on whether the San Antonio metropolitan region meets 2015 ground-level ozone standards.

During oral arguments, the agency said it needs more time to finish analyzing that region, as well as the rest of the nearly 500 counties still awaiting ground-level ozone designations under the 2015 standards.

Ozone, the prime ingredient in smog, is tied to asthma attacks in children and wider-ranging problems in people with chronic lung diseases.

Under the Obama administration, EPA set the 70 parts per billion standard in October 2015 on the grounds that a stricter threshold was needed to adequately protect public health in light of fresh research on ozone's dangers.

In November, EPA deemed the bulk of the country in attainment for that standard but delayed decisions for areas in Texas, California and other states that are unlikely to meet the threshold.

The attainment designations are a significant first step in enforcement because they start the clock for states to come up with cleanup plans for areas out of compliance.

Yesterday's hearing in the U.S. District Court for the Northern District of California combined two separate lawsuits challenging the delay: one by a coalition of public health and environmental groups and the other by California and more than a dozen other Democratic-led states.

Besides asking Judge Haywood Gilliam to order EPA to make all remaining designations by April 30, environmental and public health groups want those decisions to take effect immediately for compliance purposes. Typically, EPA allows for a month or two of lag time.

The eight-county San Antonio area requires even more time, until Aug. 10, federal lawyers said, because the agency is waiting until Feb. 28 for Texas officials to submit additional information.

San Antonio's status has been particularly thorny. State regulators last fall backed away from their original recommendation to deem the most heavily populated of those counties in nonattainment, right before EPA's Oct. 1 deadline (Greenwire, Jan. 22).

Gilliam quizzed the federal government on why EPA would have taken Texas officials' move so seriously. "Why is that entitled to the EPA's respect or the court's respect?" he asked. "The deadline was Oct. 1. Did they really need to show up Sept. 27 and delay the process?"

Justice Department attorney Simi Bhat said the question of Texas' role was irrelevant because EPA was not ready to issue the designation at the time.

"Had EPA begun its technical analysis before and was ready to issue a proposed designation, I think that would be a valid question," she said. "The timeline now as we stand here is being driven by EPA's need to conduct the technical analysis."

EPA air chief Bill Wehrum filed a declaration with the court defending the Aug. 10 time frame. He cited the need to analyze Texas' data and hold another public comment period.

Environmental plaintiffs' lawyers jumped on Bhat's assertion. "This is the first time the agency has said it was sitting on its hands for the last year and a half with regard to San Antonio," said Seth Johnson, an attorney with Earthjustice. "That's sort of incredible they were doing absolutely nothing for the last year and a half."

'Process has to be completed'

Gilliam cast a wide net on the rest of the designations, probing into whether he had the authority to order EPA to publish the full set of designations immediately despite the agency's insistence on the need to incorporate a round of public comments, which ended Feb. 5.

The states are asking that the agency be required to make all remaining designations immediately except in instances where EPA intends to make changes to the recommendations turned in by individual states.

"I can order you, couldn't I, to proceed whether or not you've processed the comments because the comment process was gratuitous and is delaying the implementation of the already overdue designations?" Gilliam asked.

Bhat said that none of the potential designations was totally undisputed and that it would be "arguably indefensible" to forgo responding to comments. "There are no areas where EPA can finalize designation without responding to public comment," she said.

Even in cases where EPA and the state or tribe in question agree on the scope of the designation, she said, "there is no subset of areas where there just wasn't any public comment that EPA needs to respond to."

Gilliam also questioned whether it would make a substantive difference if he agreed with the plaintiffs that EPA must publish the designations immediately, rather than giving the agency until April 30.

"Even if I issue the order in two weeks, it seems to me we're talking about a difference of seven weeks, which is not generally the sort of time frame I see when I read these cases," he said. "We're looking at a relatively limited difference in the time given the commitment the EPA has made to this April 30 deadline."

Plaintiffs warned that EPA might ask for additional time past April to process the comments. Bhat said the agency would reserve the right to ask for an extension "if there's something unexpected that happens."

"I suppose you can reserve whatever right you want, but I would be very disappointed, even if I go with the April deadline, to say, 'Let's stretch it out,'" Gilliam said. "At some point, the process has to be completed."

Most of the same plaintiffs are also involved in a related tangle of litigation before the U.S. Court of Appeals for the District of Columbia Circuit. Those lawsuits date back to last summer, when EPA Administrator Scott Pruitt sought to impose a blanket one-year delay that would have pushed back all attainment designations until October 2018.

Pruitt later dropped that idea. As a result, EPA attorneys are asking the appeals court to dismiss those legal challenges as moot.

The American Lung Association and other plaintiffs say the litigation should be kept alive until the agency completes all designations. The appeals court recently ordered EPA to provide a status report by May 15 (Greenwire, Feb. 7).

The Hill
http://thehill.com/policy/energy-environment/375289-epa-scientists-find-emissions-greater-impact-low-income-communities
EPA scientists find black communities disproportionately hit by pollution
By Miranda Green, 2/23/18, 12:50 PM

A study conducted by Environmental Protection Agency (EPA) scientists found that minority and poorer communities are disproportionately affected by air pollution relative to the overall population.

The findings by five EPA scientists, published Thursday in the American Journal of Public Health, found that when looking at areas most affected by particulate air emissions, like soot, there were large disparities between communities differentiated by color and social strata.

African-Americans faced the highest impact, with the community facing a 54 percent higher health burden compared to the overall population, the study found. Non-white communities overall had a 28 percent higher health burden and those living under the poverty line had a 35 percent higher burden.

The report cited historical racism and economic inequality as major factors for the disparity due to the locations of facilities emitting particulate pollution, and used that knowledge as the basis for the study.

The scientists concluded that measuring a community's impact solely on their socioeconomics may not be sufficient, as it found that African-Americans are more affected by air pollution than the impoverished.

The study also found that the disparities held nationally and across states and counties.

Leslie Fields, director of Sierra Club's environmental justice program, called the results "a travesty."

"This report illustrates how people of color and people with limited means have been grossly taken advantage of by polluters who don't care about the misery they cause," Fields said in a statement. "Locating polluting facilities in low-income neighborhoods and communities of color means that people with marginalized identities experience more asthma, a greater likelihood of heart attacks, even premature death."

Numerous studies have linked the effects of air pollution to negative health impacts including asthma. EPA's website states Particulate Matter Pollution is linked to premature death in people with heart or lung disease, irregular heartbeats and decreased lung function.

However, the Trump administration has moved to rollback a number of environmental regulations linked to decreasing air pollution and particulate matter in the air including changes to the Clean Air Act and the Clean Power Plan.

In March, a key environmental justice leader at EPA, who helped found the agency's environmental justice office during the early 1990s, resigned amid the White House's budget proposal to dismantle such programs.

In October, the EPA formally proposed scrapping the monumental Obama-era CPP, which aimed to reduce emissions from the power sector. At the end of January this year, the administration announced it would be ending a key part of the Clean Air Act known as the "once-in always-in" policy, which regulated major sources of hazardous air pollutants. Under the agency's new interpretation of the law, coal-fired plants were downgraded to "area sources."

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060074631/search?keyword=EPA
Officials push EPA to reverse decision on Conn. petition
By Sean Reilly, 2/23/18

The owner of a Pennsylvania power plant can't be counted on to voluntarily curb ozone-forming pollution, two public speakers said this morning in urging U.S. EPA to reverse a preliminary decision and grant Connecticut's bid for lasting curbs on the facility's releases.

"Emissions reductions must be real, permanent and enforceable," Ric Pirolli, director of air planning for the Connecticut Department of Energy and Environmental Protection, said during the first part of a public hearing on the proposed decision.

Instead, Pirolli said, EPA officials denied Connecticut's petition on the assumption that a steep drop in emissions of nitrogen oxides (NOx) from the Brunner Island Steam Electric Station last summer will continue in the future. That cut came after the plant switched from coal to natural gas as a fuel source for the four-month summer ozone season.

While EPA predicts that the owner, Talen Energy Corp., will continue that practice in coming years, that might not be the case if fuel prices change and coal again becomes preferable to natural gas, Pirolli said.

Making a similar argument was Janice Nolen, assistant vice president for national policy at the American Lung Association. While the advocacy group is "pleased" that NOx emissions at the southeastern Pennsylvania plant tumbled by some 77 percent last year, "that change would not have occurred" without Connecticut's petition, Nolen said. Absent EPA action, she added, "that change is not enforceable."

In sunshine, nitrogen oxides react with volatile organic compounds to form ground-level ozone, a lung irritant that is the main ingredient in smog.

Connecticut had brought the Clean Air Act "good neighbor" petition in June 2016, arguing that pollution from the Brunner Island plant was helping to tip the state into nonattainment for the EPA's 2008 ozone standard of 75 parts per billion.

The state has the Northeast's highest ozone levels, Pirolli said today, with one monitoring station showing concentrations — technically known as the "design value" — of 84 ppb, well above both the 2008 threshold and the more stringent 70-ppb standard set in 2015.

After Connecticut's petition languished for almost a year with no action from EPA, the state sued last May to force a decision. EPA issued its proposed thumbs-down last week after senior U.S. District Judge Warren Eginton of Connecticut ordered the agency to give a final answer within 60 days (Greenwire, Feb. 19).

Under Eginton's order, that deadline is April 8, said Reid Harvey, one of three agency officials who heard today's testimony. Written public comments on the proposed decision are due by March 26.

The hearing's morning portion lasted barely 20 minutes; Nolen and Pirolli were the only registered speakers. The hearing was scheduled to resume early this afternoon, with Hannah Ashenafi of the Maryland Department of the Environment scheduled to speak.

Ashenafi, a regulatory and compliance engineer with the department's air office, also urged an EPA reversal, according to a copy of her statement provided in advance.

Under a recent deal with the Sierra Club, Talen has agreed to burn only natural gas at the 1,400-megawatt plant during the summer ozone season starting in 2023 and then completely phase out coal by the end of 2028 (Greenwire, Feb. 14).

In its proposed denial, Ashenafi said, EPA forecasts that all Connecticut ozone monitors will show compliance with the 2008 ozone standard by 2023. Even if those projections pan out, she said, there are still five ozone seasons from this year through 2022 "in which Connecticut will continue to be affected by interstate ozone pollution."

Maryland is similarly suing to compel an EPA decision on its own good neighbor petition alleging that NOx emissions from 19 power plants in five states are undercutting its ability to meet the 2008 ozone standard (E&E News PM, Sept. 27, 2017). The Brunner Island plant is not among those targeted in the petition.

E&E Climatewire

https://www.eenews.net/climatewire/stories/1060074565/search?keyword=EPA

Closing public lands to fossil fuel production cuts CO2 5% — study

By Brittany Patterson, 2/23/18

Ending fossil fuel leasing on federal lands could result in emissions cuts that are similar to the climate actions undertaken by the Obama administration, according to an analysis released yesterday.

Leaving that oil, gas and coal in the ground could save 280 metric tons of carbon dioxide per year by 2030, or about 5 percent of total U.S. emissions.

That would do more for the climate than U.S. EPA's fuel economy standards for light- and heavy-duty vehicles combined, the study found.

The research, published yesterday in the journal Climatic Change, was conducted by Peter Erickson and Michael Lazarus at the nonprofit Stockholm Environment Institute. It was commissioned during the Obama administration when many environmental groups were pushing for the Interior Department to "keep it in the ground." Environmentalists argued that in order to meet U.S. targets in the Paris climate agreement, the federal government must restrict fossil fuel leasing and development on public lands.

In 2016, Obama announced a three-year ban on new coal leasing and a comprehensive review of the program, a move environmentalists praised as a step in the right direction for the climate. Shortly after taking office, President Trump ended the moratorium and the review. The White House has tasked EPA and the Interior Department with rewriting many climate regulations, including the Clean Power Plan, and federal officials now say they are working toward "energy dominance."

The study's authors said the findings are still relevant, especially since the Interior Department has announced that it will hold some of the largest lease sales in the Gulf of Mexico and Alaska on record. It has also proposed to lease 90 percent of the outer continental shelf to oil and gas developers.

"Just because the federal government is not addressing climate change through policy doesn't mean we should not recognize the implications of all these actions to open up federal lands in terms of climate and keep that conversation going," said Lazarus, a senior scientist and director of SEI's U.S. Center. "Energy dominance can also mean climate loss."

The authors said their modeling debunks a talking point by the administration that asserts that by putting limits on fossil fuel production on public land, an equivalent amount of oil, gas and coal production will occur elsewhere.

The theory, called "perfect substitution," has been used by the Bureau of Land Management to explain why the agency has concluded there are no significant climate impacts from proposed coal leases on public lands. Last September, the 10th U.S. Circuit Court of Appeals rejected the "perfect substitution" theory and said the agency needed to take a closer look at the climate impacts of federal lease proposals (Climatewire, Sept. 18, 2017).

Overall, halting new oil, gas and coal leases and restricting the renewals of current leases on federal lands could lead to a 37 percent reduction in U.S. fossil fuel production in 2030, the authors found. Fuel prices in the U.S. would rise, which would push other nations to increase production, but overall there would still be a net benefit to the climate.

The study found that if leasing in the federally managed Powder River Basin were to cease, other coal suppliers across the U.S. would increase their production. About 40 percent of all U.S. coal is produced in the Powder River Basin in Wyoming and Montana. Natural gas would replace some of the coal-based electricity. For Asian markets currently using U.S. federal coal, some power plants may switch to using higher-cost coal from places like Australia and Indonesia, but the study estimates that overall coal consumption there would drop, as well.

Altogether, by 2030, stopping federal coal leasing could save 240 metric tons of CO2. That figure factors in new emissions generated by an uptick in natural gas use.

"We are the No. 1 global fossil fuel producer now, and other countries have stepped up and said, 'We're not going to license future fossil fuel exploration,'" Lazarus said. "It's important to focus on public lands, because it's clear here how government policy can manifest itself in terms of getting climate benefits."

Funding for the study was provided by the environmental group Friends of the Earth.

Bloomberg
https://www.bloomberg.com/news/articles/2018-02-23/white-house-meetings-said-to-be-planned-on-clash-over-ethanol
Icahn's Biofuel Fight Lives On
By Mario Parker and Jennifer A. Dlouhy, 2/23/18, 10:56 AM

Top Trump administration officials are planning two summits to discuss possible changes to the U.S. biofuel mandate, according to people familiar with the discussions, as the White House grapples with political fallout from the bankruptcy of the largest refiner in the Northeast.

The meetings, set to begin Friday, come amid intense and growing scrutiny of the Renewable Fuel Standard, a 13-year-old requirement that refiners mix biofuel -- generally ethanol -- into gasoline and diesel. The Friday session is planned with Environmental Protection Agency Administrator Scott Pruitt and Agriculture Secretary Sonny Perdue.

A follow-up meeting is scheduled for Tuesday morning with President Donald Trump and four key Republican senators, said the people, who asked not to be named in discussing internal deliberations.

The session is set to include Iowa's two senators -- Chuck Grassley and Joni Ernst -- who have opposed policy changes they see as weakening the biofuel mandate. Also slated to attend: Senator Ted Cruz of Texas and Senator Pat Toomey of Pennsylvania, who have argued that the high costs of complying with the current policy threatens the viability of some refiners.

The biofuel mandate is politically treacherous for the president because it divides two important political constituencies: Iowa farmers growing corn for ethanol and Pennsylvania laborers who work in that state's four oil refineries. Trump won both states in 2016.

The dispute intensified last month with the bankruptcy filing of Philadelphia Energy Solutions LLC, which supplies more than a quarter of the East Coast's crude refining capacity. Chief Executive Officer Greg Gatta has blamed much of the refining company's troubles on the cost of fulfilling annual biofuel quotas, specifically the refiner's need to buy tradable credits to prove it has complied with the mandate.

The cost of those credits, known as Renewable Identification Numbers, or RINs, has been volatile in recent years, straining independent refiners like Philadelphia Energy Solutions that lack the infrastructure to blend biofuel and generate those credits themselves. Instead, they are forced to buy them from other sellers -- including other oil companies as well as traders who have no tangible connection to the American fuels market.

Four state governors have formally asked the EPA to pare biofuel quotas and some small refineries have petitioned the agency for exemptions.

The White House meetings are set to focus on possible administrative changes that could lessen compliance costs, including a potential cap on RINs prices, possibly with the EPA selling its own credits whenever costs hit some newly established ceilings. Cruz has proposed a 10-cent cap on the cost of the credits -- representing just a fraction of their current value.

RINs tracking 2018 ethanol consumption targets fell 2.9 percent to 66 cents apiece Thursday, according to data compiled by Bloomberg. Prices for the variety tracking 2018 biodiesel quotas slipped 2.4 percent to 83 cents.

Participants also are likely to discuss the EPA's authority to grant a waiver that would allow E15 gasoline containing 15 percent ethanol to be sold year round. A waiver of environmental requirements already applies to gasoline containing 10 percent ethanol, but not higher ethanol blends, effectively barring their sale from June 1 until September 15 in areas where smog is a problem.

Biofuel supporters have argued the current limitation on E15 unfairly throttles the market for ethanol and should be lifted.

The EPA has limited room to maneuver, after Ernst, Grassley and other farm-state senators forced Pruitt to rule out several possible biofuel policy changes last year. The EPA also rejected a bid by some independent refiners to shift the obligation to fulfill annual quotas away from refiners to fuel blenders instead.

Madison.com
http://host.madison.com/news/local/crime/epa-experts-arrive-at-volatile-chemical-scene-on-far-west/article_bf0ea23a-051c-51f3-a82c-08629700f036.html
EPA experts arrive at volatile chemical scene on Far West Side, Madison police say
By Bill Novak, 2/23/18

Cleanup on a potentially volatile chemical site on Madison's Far West Side began Thursday afternoon after experts from the Environmental Protection Agency regional office in Chicago arrived at the scene.

Madison police said EPA experts are assessing what chemicals have been found in the apartment and garage of Brian Campbell, who was arrested on Tuesday for allegedly possessing dangerous materials.

Contractors were called in Thursday afternoon at Timberlake Village Apartments to begin the cleanup.

"A time frame for how long the job will take is not currently known," said Madison police spokesman Joel DeSpain.

The 50 or so residents evacuated from the apartment building in the complex along Watts Road on Tuesday have not been allowed to return to their homes, except for brief visits to retrieve valuables, pets and other possessions on Wednesday.

Campbell, 30, was arrested on suspicion of second-degree reckless endangerment, but he had not been charged as of Thursday, according to online court records.

Madison.com
http://host.madison.com/news/local/govt-and-politics/state-assembly-passes-bill-to-curb-use-of-air-pollution/article_499f52c2-4da3-5f7d-b99e-ebd4b6f5324c.html
State Assembly passes bill to curb use of air-pollution data from Lake Michigan state park
By Mark Sommerhauser, 2/23/18

The state Assembly has passed a bill that asks the federal Environmental Protection Agency to exclude a monitoring site in a Sheboygan County state park from a statewide air-monitoring plan.

The bill passed on a party-line vote Thursday. It now heads to the desk of Gov. Scott Walker, having passed the state Senate Tuesday.

The monitoring station is in Kohler-Andrae State Park on the shore of Lake Michigan. If the EPA declines the state's request under the bill, the state Department of Natural Resources could respond with a revised statewide plan that includes the Kohler Andrae monitoring site.

Proponents of the bill include Republicans and business groups. Rep. Terry Katsma, R-Oostburg, said during Thursday's debate that because of the monitoring station's location on Lake Michigan, most of the air pollutants it detects come from out of state, including from Chicago and Gary, Ind.

Message

From: Hassell, Emily [hassell.emily@epa.gov]
Sent: 2/13/2018 9:18:22 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: News Clips - 13 February 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

2019 Budget

E&E Greenwire - Pruitt talks 'war on lead,' but budget says little

Politico - EPA budget would tilt toward states, but cut funding for them

Washington Post - Trump budget seeks 23 percent cut at EPA, would eliminate dozens of programs

E&E Greenwire - Proposal would cut funding by 23%, ax hundreds of jobs

E&E Greenwire - As EPA touts cleanups, Trump seeks cuts in regulatory grants

Washington Examiner - Proposed EPA cuts dovetail with Trump infrastructure plan

E&E News PM - Trump proposes 25% funding cut for vehicles lab

Detroit News - Trump budget slashes funding for Great Lakes cleanup

AP - Trump budget again targets regional water cleanup programs

E&E Climatewire - Climate loses in Trump's plan. Here's who wins

E&E Climatewire - White House preserves Energy Star by charging fees

E&E Greenwire - IG says Trump's budget would hobble investigations

General

Washington Examiner - EPA reaches $10 million settlement with Shell

AP - O'Hare Airport gets EPA grant to reduce carbon emissions

E&E News PM - Okla. auditor: Pruitt 'acted improperly' on Tar Creek audit

E&E News PM - Strategic plan stresses 'rule of law,' silent on climate

Politico - EPA strategic plan avoids climate change

The Hill - EPA numbers hint at eased enforcement under Trump

E&E Energywire - EPA moving to give states control over CO2 storage

E&E Greenwire - Forecast: 'Tsunami of regulatory litigation'

AP - Sen. Markey: Trump infrastructure plan a monetary mirage

The Hill - Going in reverse on fuel efficiency will ultimately hurt consumers

E&E Greenwire - EPA oversight of states inconsistent — IG

E&E Climatewire - White House plan erodes oversight in floodplains

New York Times - Here Are the Places That Struggle to Meet the Rules on Safe Drinking Water

Bloomberg - Safety Gains From Heavier Cars May Be Cited to Cut Mileage Rules

E&E Greenwire - After court order, EPA sets hearing on Conn. petition

Madison.com - Wisconsin DNR's No. 2 to rejoin Cathy Stepp at EPA

E&E Greenwire - Judge rejects Gold King contractor's bid to dismiss lawsuits

Chicago Tribune - Judge denies East Chicago residents role in cleanup negotiations

Reuters - Syngenta Seeds settles Hawaii pesticide-exposure action by EPA

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E&E Greenwire
https://www.eenews.net/greenwire/stories/1060073761/search?keyword=EPA
Pruitt talks 'war on lead,' but budget says little
By Ariel Wittenberg, 2/13/18

U.S. EPA Administrator Scott Pruitt has promised Congress he'll wage a "war on lead" in fiscal 2019. But the agency's budget proposal released yesterday offers scant details on the effort.

In fact, while the Trump administration supports funding programs that help local communities pay to improve water infrastructure — including replacing lead pipes — EPA also proposes cuts to programs that have worked on lead contamination issues.

The agency's $84 million request for drinking water programs represents a $15 million decrease from current levels. Those proposed cuts come mostly from environmental programs, where EPA says it is "streamlining activities."

The agency is actually requesting a slight $100,000 increase in funding for science and technology in drinking water programs. Overall, funding for those programs would be spent, in part, to "continue to evaluate and address drinking water risks in 2019," the budget states, including "evaluating recommendations from stakeholders to develop revision" to the Lead and Copper Rule.

EPA says it will "continue to focus on working with states to optimize corrosion control treatment and develop other strategies to minimize exposure to lead."

Also on the chopping block is the Safe and Sustainable Water Resources Research Program. The administration is proposing a $38 million cut from current levels to fund the program at $67 million in 2019.

The budget notes researchers from that program are working to develop sampling protocols and exposure risk assessment models for lead in drinking water. Researchers there also recently evaluated lead corrosion control treatment strategies with partner utilities in eight states "to inform implementation" of standards for lead in drinking water.

But the proposal does not mention any lead-related research in a list of "high priority" efforts for the program in fiscal 2019. Instead, that list focuses on stormwater capture, using wetlands to improve drinking water, monitoring of waterborne pathogens, investigating harmful algal blooms and researching water reuse methods.

The administration is also proposing a 33 percent cut to the public water system supervision grant, which provides technical assistance to owners and operators of drinking water systems on how to monitor and sample drinking water and respond to violations.

While EPA emphasized the importance of lead-in-water programs in the budget, it is again proposing to eliminate the Lead Risk Reduction program, which works to reduce the number of children with blood lead levels of 5 micrograms per deciliter or higher. The program, which aims to reduce disparities in blood lead levels between children of different socioeconomic classes, has often focused on lead paint removal, not drinking water.

EPA is also proposing an $80 million cut to research in the Sustainable and Healthy Communities program, which, among other things, has been researching how various sources of lead poisoning, including water and paint, contribute to blood lead levels in infants.

The budget does emphasize infrastructure improvements, listing infrastructure first on a list of fiscal 2019 funding priorities.

"A top priority for EPA is modernizing the outdated water infrastructure on which the American public depends," the budget states.

Indeed, three grant programs that help state and local governments improve drinking and wastewater infrastructure were some of the only programs for which EPA is requesting increased funding over current levels in a budget that proposes an overall 23 percent cut from fiscal 2017 funding for the agency.

EPA is requesting $2.3 billion for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund, as well as $20 million for the Water Infrastructure Finance and Innovation Act.

Those proposed increases come as Congress is considering a similarly sized bump to water infrastructure funding grants.

The agency writes that these grants are crucial to solving the nation's lead-in-water crisis.

"Clean and safe drinking water is critical to the health of communities," the budget states. "While most small systems consistently provide safe and reliable drinking water, many small systems face challenges with aging infrastructure, increasing costs and decreasing rates bases, making the drinking water [state revolving fund] an important source of funding for these communities. This SRF funding also supports efforts across the country to eradicate lead pipes that may leach into the nation's drinking water supply."

The budget mentions its effort to revise standards for lead in drinking water only a handful of times, and EPA officials are similarly mum on the issue.

Peter Grevatt, director of the Office of Ground Water and Drinking Water, declined to answer questions about whether EPA is considering requiring utilities to begin replacing lead pipes when approached by E&E News after a speech at the Ground Water Protection Council in Tulsa, Okla., yesterday.

"It's really premature to be able to answer that question," he said.

"It's important to know that EPA hasn't yet issued a proposal, so we're still thinking through these issues," he said of the revised lead standards.

Grevatt noted EPA is in the middle of its "federalism consultation" on lead-in-water regulations, and said the agency's proposed changes to standards would be based on that process, along with recommendations the agency received in 2015 from the National Drinking Water Advisory Council and lessons learned from the Flint, Mich., drinking water crisis.

Politico
https://www.politicopro.com/energy/article/2018/02/epa-budget-would-tilt-toward-states-but-cut-funding-for-them-340952
EPA budget would tilt toward states, but cut funding for them
By Emily Holden, Annie Snider, and Alex Guillen, 2/12/18, 5:35 PM

The Trump administration's plan to slash EPA's budget by more than a quarter is aimed at moving the agency toward Administrator Scott Pruitt's goal of shrinking its footprint and shifting environmental regulation back to the states — even as it would cut the funding that states often rely on to implement federal programs.

The White House proposed a 26 percent cut in EPA spending from fiscal 2017 levels, including the last-minute infusion of money after Congress raised spending caps last week, H.R. 1892 (115). Without those funds, EPA's budget was targeted to shrink 34 percent.

Under the proposed cuts, the number of EPA employees would fall to 12,250, from 15,408, the agency said.

"As EPA continues to focus on its fundamental responsibilities, and strengthens its relationships with States and Tribes on the implementation of Federal environmental laws, there is an opportunity to reshape the Agency's workforce, ensuring that EPA operates efficiently while maintaining critical skills and expertise," a White House budget summary says.

EPA's budget request would organize agency spending around the Trump administration's goals, categorizing 71 percent of spending as going toward the agency's "core mission" and 25 percent for "rule of law and process," which Pruitt has described as scaling back rules he says exceed EPA's authority and easing the regulatory burdens for industry. The remaining 3 percent would be designated for cooperative federalism, or working with states that implement federal laws.

Despite its emphasis on returning control to states, the budget would slash key grants it provides them by 16 percent to a total of $2.9 billion. And it would cut funding to state and local air agencies even more, by 34 percent, to $152 million.

"It's literally half of what we need," said Miles Keogh, executive director of the National Association of Clean Air Agencies. "If we see another 30-something percent cut, we go from doing the minimum required by law to a lot less than that."

The agency budget briefing book calls for a "robust enforcement program," focusing on programs that aren't delegated to the states, with a priority on creating "consistency and certainty for the regulated community." EPA also wants $29 million to streamline permitting and reporting and $907 million to "improve efficiency and effectiveness."

Compared to its request last year, EPA is asking for a modest increase in spending on criminal enforcement to $48.2 million from $44.5 million, and about 60 percent more, or $151 million, for Superfund enforcement.

The budget again invites a fight with Congress by targeting programs popular with states. Last year, the Trump administration got an earful from lawmakers by proposing to eliminate geographical watershed programs. This year EPA offers two watersheds — the Great Lakes and Chesapeake Bay, which it dubs "waterbodies of national significance" — one-tenth of the funding they received in fiscal 2017. That money would be only for monitoring, unlike the current funding that supports a range of cleanup, restoration and planning activities. In addition, the budget targets the popular National Estuary Program for elimination.

Other programs popular with Congress that are targeted for significant cuts are the Diesel Emissions Reduction grant program and water infrastructure in Alaska Native villages. The proposal would reduce money for brownfields, pesticides and wetlands. The budget would zero out climate work, targeted airshed grants, beach cleanups and projects targeting lead and radon pollution. EPA would change the well-known Energy Star program to a fee-based system in which companies are required to pay to get their products labeled as energy efficient.

Spending on Superfund would remain steady, while water infrastructure — a Trump administration priority — is one of the budget's winners. The Clean Water and Drinking Water State Revolving Funds would hold level, with additional funds meant to reflect Congress' recent increase of spending caps. The budget would fund the Water Infrastructure Finance and Innovation Act program at $20 million, which EPA said could leverage as much as $2 billion in credit assistance.

However, even as Pruitt touts his "war on lead" and prioritizes drinking water protection, the budget would cut the agency's drinking water program focused on human health by more than $15 million, or roughly 17 percent.

In a twist of irony, a cross-border program in which EPA helps fund upgrades at wastewater treatment plants in Mexico to stanch the flow of sewage across the border into California would be zeroed out under the budget. Southwestern border patrol agents have asked for $20 million, and pointed out that President Donald Trump tweeted about the issue last summer.

Washington Post
https://www.washingtonpost.com/news/energy-environment/wp/2018/02/12/trump-budget-seeks-23-percent-cut-at-epa-would-eliminate-dozens-of-programs/?utm_term=.480ff1a76ce3
Trump budget seeks 23 percent cut at EPA, would eliminate dozens of programs
By Brady Dennis, 2/12/18, 4:39 PM

The White House is seeking to cut more than $2.5 billion from the annual budget of the Environmental Protection Agency — an overall reduction of more than 23 percent.

The fiscal 2019 proposal released Monday marks the Trump administration's latest attempt to shrink the reach of an agency that the president once promised to reduce to "little tidbits." The EPA already has lost hundreds of employees to buyouts and retirements over the past year, and its staffing is now at Reagan-era levels.

Under the latest budget, the agency would continue to shrink in size and ambition, leaving much more of the work of environmental protection to individual states. The administration said Monday that its proposal will help "return the EPA to its core mission," reduce "unnecessary reporting burdens on the regulated community" and eliminate programs that "create unnecessary redundancies or those that have served their purpose and accomplished their mission."

But environmental groups on Monday were quick to criticize the proposal, calling it a thinly veiled attempt to gut federal environmental safeguards.

"The Trump administration budget released today is a blueprint for a less healthy, more polluted America," Fred Krupp, president of the Environmental Defense Fund, said in a statement. "A budget shows your values — and this budget shows the administration doesn't value clean air, clean water, or protecting Americans from toxic pollution."

The administration's plan would cut several dozen programs altogether. Among them: funding for state radon-detection initiatives, assistance to fund water system improvements along the U.S.-Mexico border and partnerships to monitor and restore water quality in the Gulf of Mexico, Puget Sound and other large water bodies. Funding for restoration of the Chesapeake Bay would fall from $72 million to $7 million, and a similar program for the Great Lakes would be cut from $300 million to $30 million — though neither would be completely wiped out.

The head of the Chesapeake Bay Foundation called the proposal "another assault on clean water, from a president who campaigned saying he valued it."

"This administration says they want to partner with states, but a 90 percent budget reduction says the opposite," William C. Baker said in a statement. "The Chesapeake Bay Program is the glue that holds the state/federal partnership together. A cut of this magnitude would severely damage Bay restoration efforts, just at a time when we are seeing significant progress."

In addition, the Trump budget would eliminate — or very nearly eliminate — the agency's climate change-related programs. Funding for the agency's Office of Science and Technology would drop nearly in half, from $762 million to $489 million. And funding for prosecuting environmental crimes and for certain clean air and water programs would drop significantly.

The Superfund cleanup program, a priority of EPA Administrator Scott Pruitt, would not face the same draconian reductions as were proposed last year. The agency expects to use the $1 billion fund "to reduce administrative costs, identify efficiencies, and prioritize the cleanup of sites."

The agency also would receive an additional $397 million to bolster investment in wastewater and storm water infrastructure. The White House is no longer seeking to eliminate the Energy Star program, though it would be funded entirely through fees.

The fiscal 2019 proposal comes a year after the Trump administration proposed slashing the EPA's budget by 31 percent, as well as cutting 3,200 positions, or more than 20 percent of the agency's workforce.

"You can't drain the swamp and leave all the people in it. So, I guess the first place that comes to mind will be the Environmental Protection Agency," Mick Mulvaney, director of the White House Office of Management and Budget, told reporters at the time. "The president wants a smaller EPA. He thinks they overreach, and the budget reflects that."

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060073607/search?keyword=EPA
Proposal would cut funding by 23%, ax hundreds of jobs
By Kevin Bogardus, 2/12/18

President Trump proposed drastic budget cuts today for U.S. EPA, although not as deep as last year.

Under his fiscal 2019 budget plan, EPA would receive $6.15 billion in funds, about a 23 percent decrease from funding levels enacted for fiscal 2017.

Some of EPA's relief is due to Congress' passage last week of a two-year budget deal that raised spending caps.

In an addendum included today with the White House's budget blueprint, the Trump administration would send an additional $724 million to EPA for fiscal 2019, specifically to help clean up toxic waste sites in the Superfund program and fund grants to help build water infrastructure projects.

With those added funds, Trump proposed the $6.15 billion EPA budget. The president had planned to offer $5.4 billion for the agency's funding in fiscal 2019 before the budget agreement was reached last week, according to other White House budget documents.

Trump would have proposed a smaller dollar amount for EPA in fiscal 2019 than what he offered under last year's plan without the additional funds from the budget deal. For fiscal 2018, the White House planned for $5.7 billion for EPA under his budget blueprint.

Still, Trump's EPA fiscal 2019 budget released today also falls far below what Congress has proposed for the prior fiscal year.

Under the House appropriations bill, EPA would receive $7.5 billion in fiscal 2018. It would receive even more funds, $7.91 billion, under the Senate version of the bill for that year. Congress still hasn't approved fiscal 2018 spending, so those figures are not final.

The budget deal passed last week raised spending caps in fiscal 2018 and 2019 for $300 billion more in defense and non-defense funds. That legislation did not set out specific appropriations, so it may not save energy and environmental agencies from future targeted budget cuts by the Trump administration.

Several EPA programs remain on the chopping block, or would see their funding source reworked under Trump's budget plan.

As part of Trump's plan, EPA would administer its Energy Star program, meant to improve energy efficiency, through collecting user fees rather than from agency funds.

Trump is also requesting the elimination of a number of voluntary partnership programs related to energy and climate change, saying they aren't essential to EPA's core mission and can be implemented by the private sector. Fiscal 2017 enacted spending levels for these programs were $66 million.

Overall, the fiscal 2019 budget proposal would bring in substantial savings for EPA. The plan would eliminate funding for several EPA programs that cost the agency $598.5 million.

Hundreds of employees would leave the agency under Trump's budget blueprint.

Trump's fiscal 2019 plan for EPA has funding for 12,250 full-time employees, comparable to Reagan-era staffing levels at the agency. That's still more employees at EPA than what Trump had proposed for fiscal 2018, which was about 11,600 workers.

EPA currently has about 14,000 employees.

In its fiscal 2019 proposal, the White House said its budget plan focuses EPA on its "core mission," which would help restrain federal spending and "promote operational efficiencies" that would improve the agency's performance.

As they did for fiscal 2018 legislation, lawmakers in both parties are likely to ignore Trump's fiscal 2019 budget plan. Environmental groups were quick to pan the proposal, along with the president's infrastructure plan that was also released today.

"This year Trump once again recommends gutting the agencies that protect our clean air, water, lands and wildlife, while adding an extreme rollback of our bedrock environmental laws disguised as an infrastructure plan," Tiernan Sittenfeld, the League of Conservation Voters' senior vice president for government affairs, said in a statement.

Water

The Trump administration is requesting just 10 percent of the funding EPA normally receives for the Great Lakes Restoration Initiative and Chesapeake Bay Program.

Historically, the Great Lakes and Chesapeake Bay programs have received roughly $300 million and $73 million, respectively. EPA is now requesting just $30 million for the Great Lakes Restoration Initiative and $7.3 million for the Chesapeake Bay Program.

The administration proposes eliminating funding for the six other geographic programs, including those for Puget Sound and Long Island Sound.

The White House says the proposed budget "enhances monitoring of America's significant watersheds."

"The Budget provides funds to support basin-wide monitoring in these watersheds, which would assist decision-making on health and economic issues including harmful algal blooms and invasive species management," the administration writes.

"The Budget also supports cooperative federalism by building State and local capacity to conduct monitoring, while recognizing that the primary responsibility for local ecosystem restoration rests with States and local groups."

Last year, the administration proposed zeroing out all regional programs, including those for the bay and Great Lakes, prompting outrage from regional lawmakers.

While the House and Senate have not yet agreed on spending for fiscal 2018, they will not be eliminating those programs.

Both House and Senate proposals would maintain funding for the Great Lakes initiative at $300 million, while a Senate proposal would maintain funding for the Chesapeake Bay Program at $73 million, and a House bill would provide $60 million.

The administration's budget proposal also states that EPA would support other Clean Water Act-related programs nationwide, including water quality criteria, total maximum daily loads, National Pollutant Discharge Elimination System permits, water infrastructure and "core wetlands programs."

In the budget blueprint, EPA also vows to work with states and tribes on reducing contaminants in drinking water by revising standards for lead and copper.

In addition, the administration requests more funding for programs to help fund drinking water and wastewater system improvements.

The fiscal 2019 proposal includes $2.3 billion for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund. That request lines up with a Senate proposal.

Just under $400 million of that was requested following Congress' budget deal, and that portion of funding would be spent on investments in wastewater and stormwater infrastructure.

The administration writes that the rest of the State Revolving Fund request would be used "to reduce lead exposure and ensure small and disadvantaged communities have access to clean and safe water."

The administration also requests $20 million for the Water Infrastructure Finance and Innovation Act program. The administration estimates that funding would result in $2 billion in credit assistance to communities, which could spur up to $4 billion in infrastructure investment when combined with other funding sources.

EPA is requesting $84 million for drinking water programs. That funding would be put to work as EPA revises lead and copper standards for drinking water.

The administration requests an additional $1 billion for direct loans under the Water Infrastructure Finance and Innovation Act program.

Superfund, chemicals

The president's budget would be a mixed bag for Superfund and lead paint cleanup efforts, two of EPA Administrator Scott Pruitt's top environmental priorities.

The Superfund program, which the administrator has vowed to improve, was initially slated for a $327 million cut from its current spending level of almost $1.1 billion.

The Office of Management and Budget justified those cuts by pointing to legislative reforms to the program that the White House proposed in its infrastructure plan (see related story).

But in recognition of the more generous two-year budget deal struck by Congress, OMB ultimately recommended restoring those Superfund cuts.

The "war on lead" that Pruitt has talked about waging could take a hit, as well. The budget calls for zeroing out categorical grants to support state and tribal authorized programs to train lead paint professionals and the Lead Risk Reduction Program, a certification effort.

The cuts would save about $14 million and $13.2 million, respectively. The budget notes that the Chemical Risk Review and Reduction program would take on the responsibilities of the eliminated lead paint efforts.

The administration made similar proposals regarding lead paint programs last year. The corresponding increase to the Chemical Risk Review Reduction program, however, didn't offset those suggested cuts (Greenwire, Dec. 8, 2017).

The budget also calls again for the elimination of the U.S. Chemical Safety Board. The independent agency, which is tasked with reviewing accidents at chemical facilities, would receive $9 million in fiscal 2019 — just enough to wind itself down.

CSB's investigations have often focused on "need for greater regulation of industry, which frustrated both regulators and industry," OMB argued. Because of that and the "relative duplicative nature of its work," Trump renewed his request to end the agency.

Congress rejected that proposal in the president's previous budget and held the agency's spending level steady at $11 million.

Air pollution, climate change

As part of a broader reorganization, the proposed budget would abolish the "Clean Air and Global Climate Change" account, which is expected to receive $245 million in fiscal 2018. Instead, that money — along with funding previously allocated to other core land, water, heathy communities and compliance programs — would be folded into two new accounts, dubbed "Core Mission" and "Rule of Law and Process."

Together, those core programs are projected to receive $739 million in fiscal 2018; the two new accounts that would replace them are in line for $469 million in 2019, a reduction of almost 37 percent.

Traditional program boundaries would similarly be erased for state and tribal assistance grants, with overall funding slashed 30 percent, from $3.4 billion in discretionary budget authority this year to $2.4 billion in 2019.

The proposed budget would revive a "multipurpose" grant program that would give states $27 million for carrying out mandatory responsibilities for delegated programs. After Congress launched the program in fiscal 2016, to the tune of $21 million, it has not since received any follow-up funding.

But the administration is again trying to chop funding for the popular Diesel Emissions Reduction Act grant program, which hands out money to replace or retrofit older diesel-fueled vehicles and other equipment. In fiscal 2017, lawmakers gave the DERA program $60 million; for fiscal 2019, the White House is proposing to allocate $10 million.

Trump is also requesting significant investment in "cooperative federalism," under which advocates say EPA and states would work collectively to protect the environment and public health, rather than EPA sending down mandates from on high.

Under the budget request's environmental programs and management, Trump is asking for $148 million for cooperative federalism. He's also requesting $68 million for state and tribal grants to be set aside for the practice.

Investing in cooperative federalism has long been a priority for Pruitt, who endorsed the notion in his long-term strategic plan, setting a broad goal of rebalancing "the power between Washington and the states to create tangible environmental results for the American people."

Last summer, the Environmental Council of the States asked Pruitt to increase the flexibility for states to account for local ecological, social and economic conditions specific to a region. It argued that state programs have matured over the last 10 to 20 years and are now capable of adequately addressing environmental challenges (E&E News PM, June 12, 2017).

Democrats and former EPA employees have urged caution around this area, saying cooperative federalism amounts to the federal government renouncing oversight of state programs. States aren't funded well enough to operate with maximum efficacy without federal assistance, they argue (E&E Daily, Jan. 24).

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060073779/search?keyword=EPA
As EPA touts cleanups, Trump seeks cuts in regulatory grants
By Sean Reilly, 2/13/18

On the same day that U.S. EPA chief Scott Pruitt officially enshrined the words "clean air" in his agency's core mission statement, the Trump administration sought to slash grants to state and local air agencies by more than one-third.

Another grant program intended to reduce emissions from older diesel-fueled equipment would be cut by more than 80 percent under the administration's fiscal 2019 budget request, released yesterday.

And a third, intended to help clean up soot and ozone hot spots, would be eliminated entirely and staffing at a key EPA air office significantly reduced.

The White House attempted similar cuts last year, only to be largely rebuffed on Capitol Hill. Hours after the proposed budget went public, some advocates were already rooting for a similar outcome this time around.

"I hope Congress will see things differently than the administration does," Miles Keogh, executive director of the National Association of Clean Air Agencies, said in an email. The association's members include almost 160 state and local air regulators, according to its website. In a statement, Keogh said the proposed $75 million cut in grants to those agencies — which would leave their 2019 funding at $152 million — is even deeper than what the administration sought last year.

Given that the White House wants state and local agencies to assume new responsibilities under the banner of cooperative federalism, Keogh said, "more funding, not less" is needed.

The administration also hopes to slash the Diesel Emissions Reduction Act (DERA) grant program, which hands out money to replace or retrofit older diesel-fueled vehicles and other equipment with newer cleaner-burning models. The program this year is getting $60 million; Trump's budget would cut that number to $10 million.

Funding for the targeted airshed grant program would be erased. The program, which is receiving $30 million this year, is intended to help areas suffering from particularly severe pollution from ozone and fine particulates, which are commonly known as soot.

Neither proposal is likely to fly with lawmakers. The DERA program enjoys support from a broad coalition that encompasses both engine makers and environmental groups; defenders of targeted airshed grants include Sen. Lisa Murkowski (R-Alaska), who chairs the Senate Interior, Environment and Related Agencies Appropriations Subcommittee. A Murkowski spokeswoman stopped short of critiquing on the White House's proposal yesterday but noted that it's only "the first step" in a process that will ultimately be concluded by Congress.

At the Association of Air Pollution Control Agencies, with some 45 members clustered in the South and West, Executive Director Jason Sloan said in an email this morning that the group is reviewing the administration's proposal "and will continue to closely follow the congressional appropriations process."

The White House's proposed cuts to air programs are part of a draft 2019 budget that would chop overall EPA spending by 23 percent, to $6.15 billion (Greenwire, Feb. 12). They stand in higher relief this year in light of the simultaneous release yesterday of EPA's new long-term strategic plan, which defines the agency's core mission as delivering "real results to provide Americans with clean air, land and water, and ensure chemical safety."

EPA spokespersons did not reply to an email sent late yesterday asking how the proposed reductions square with that mission. The strategic plan also calls for EPA to reduce the areas in nonattainment for various air pollution standards from 166 to 138 by late next year. But the draft budget would cut money for the agency's Office of Air Quality Planning and Standards — which has the lead in that process — from almost $69 million to about $47 million. The office's workforce would fall from about 360 employees to 240.

The administration would be similarly tough on the Office of Enforcement and Compliance Assurance (OECA). The office's funding would tumble 24 percent to about $411 million; total staffing would drop 29 percent to around 2,000 employees.

The administration is pursuing those cuts even as the strategic plan lists improvement in a key yardstick of Clean Water Act compliance as one of a half-dozen priority goals. By the end of September 2019, the plan says, the agency will reduce the percentage of National Pollutant Discharge Elimination System permit holders in "significant noncompliance" from 24 percent to 21 percent, according to the plan.

But for EPA, the administration's proposed budget "would be a huge blow" to both civil and criminal enforcement, even more so than the aggregate numbers would suggest, according to Cynthia Giles, who headed the Office of Enforcement and Compliance Assurance under the Obama administration.

While the White House would protect enforcement of the Superfund program, she said in an email to reporters this morning, "everything else is drastically cut."

On top of a major reduction to the environmental program and management account, which is the only source of money for air, water, hazardous waste and toxics enforcement, Giles said, the science and technology account would see a 23 percent drop. Money from that latter source funds the lab that supports enforcement investigations, she said, adding that the planned cut "would be devastating" to EPA's ability to bring cases.

Washington Examiner
http://www.washingtonexaminer.com/proposed-epa-cuts-dovetail-with-trump-infrastructure-plan/article/2648877
Proposed EPA cuts dovetail with Trump infrastructure plan
By John Siciliano, 2/12/18, 4:37 PM

The Environmental Protection Agency fiscal 2019 budget request pairs budget cuts with White House priorities under President Trump's infrastructure blueprint.

It's not just about budget cuts in the proposal released by the EPA Monday, although there are plenty of those. The budget proposal, which is accompanied by a four-year EPA strategic vision document, dovetails with the administration's themes of deregulation and infrastructure development.

The budget proposal, at $6.1 billion, is slightly more giving than Trump's fiscal 2018 budget request of $5.6 billion, but not by much. The proposals both have sizable 25 percent and 31 percent spending cuts to the EPA, respectively, compared to Obama-era fiscal 2017 spending levels.

But more importantly, the agency's fiscal 2019 budget appears to be closely tied to Trump's plans for infrastructure development, while cutting out environmental regulations and program reviews that slow down development.

Big changes would come from EPA's work to eliminate requirements under the Clean Air Act and other statutory programs under the president's "One Agency, One Permit" concept.

The concept would designate "a lead federal agency" to meet a two-year deadline of issuing a single record of decision for a major project.

"Duplicative environmental reviews and processes would be eliminated in favor of more cooperation and earlier engagement by all relevant agencies in order to achieve positive environmental outcomes, regulatory certainty, and public transparency," according to the agency.

Some of the specific changes would include amending a Clean Air Act section "to eliminate the requirement for EPA to review and publicly comment on other agencies' Environmental Impact Statements" to expedite reviews.

The EPA also would seek to amend Clean Water Act requirements "to eliminate EPA's ability to veto" an Army Corps infrastructure project.

The fiscal 2019 budget also targets more than $598 million in programs that "create unnecessary redundancies or those that have served their purpose and accomplished their mission."

It also moves forward on shifting agency operations under a presidential executive order for developing a comprehensive plan for reorganizing the executive branch, according to an EPA summary. "The plan includes a series of

projects focused on managing EPA programs more effectively and delivering results, including streamlining EPA's permit review process, deploying a lean management system, and reducing unnecessary reporting burdens on the regulated community," the agency said.

The first four-year EPA Strategic Plan for fiscal 2018-2022 adheres to EPA Administrator Scott Pruitt's "Back to Basics" campaign, which seeks to restore the agency's "core mission," while restoring power to states through "cooperative federalism" and leading the agency through improved processes and adherence to the law.

Many of those points were reiterated by Pruitt at a meeting at the White House Monday to discuss Trump's infrastructure plan. "Through regulatory reforms and targeted investments, EPA will play a leading role in this effort," he said before the meeting.

That effort will begin by improving the nation's drinking water infrastructure by amending the Clean Water Act, Safe Drinking Water Act, and the Water Infrastructure Finance and Innovation Act. Changing those laws would be "a way to promote private investment and improved management of water infrastructure through expanded use of State Revolving Loan Funds," the agency said.

The infrastructure plan also calls for the EPA to increase its Water Infrastructure Finance and Innovation Act funding authorizations to use water infrastructure funds to include certain Superfund, brownfields and Army Corps flood projects.

Part of the EPA's plan to change the definition of "navigable waters" under the Obama administration's Waters of the U.S. rule is also part of the Trump infrastructure plan.

The definition change is part of the EPA's effort to repeal the WOTUS rule, which has been criticized for expanding EPA's jurisdiction to everything from drainage ditches and watering holes, to streams, creeks, and rivers. It has been broadly criticized by states, industry, farmers, and ranchers as a prime example of federal overreach.

Repealing the WOTUS rule and redefining EPA's jurisdiction is key to meeting one of Trump's first executive orders, directing EPA's review and move to repeal the regulation.

E&E News PM
https://www.eenews.net/eenewspm/stories/1060073611/search?keyword=EPA
Trump proposes 25% funding cut for vehicles lab
By Camille von Kaenel, 2/12/18

The White House is proposing to downscale funding and operations at U.S. EPA's vehicles lab for monitoring emissions cheating.

The spending blueprint released today for fiscal 2019 would cut roughly 25 percent for the state-of-the-art National Vehicle and Fuel Emissions Laboratory in Ann Arbor, Mich.

The budget would allocate $75.1 million for vehicle and fuel standards and certification. Current spending is much higher at $98 million.

In addition, the request for EPA proposes zeroing out a $7 million "climate protection" program designed to ensure automaker compliance with greenhouse gas rules.

Engineers at the lab anticipate reviewing around 5,275 different engines and vehicles, from lawn mowers to heavy-duty trucks, in fiscal 2019, an increase from the previous year.

They also spot-check for compliance, which has led to massive settlements with Volkswagen AG and Fiat Chrysler Automobiles NV over emissions cheating.

The EPA team is responsible for regulating pollution from engines and fuels, including the greenhouse gas regulations for passenger cars and trucks the Trump administration is considering rolling back.

A 25 percent cut could seriously hamper the lab, which has been expanding its testing program following the Volkswagen scandal, former EPA officials said (Climatewire, May 11, 2017).

The lab's fixed costs run around $55 million a year, meaning cuts would likely significantly reduce testing or the salaries of the approximately 430 scientists and technicians. The budget envisions slashing 46 full-time-equivalent positions.

The White House proposed a similar 25 percent cut to the lab last year, but lawmakers trashed the proposal, choosing smaller reductions instead.

EPA's strategic plan hints at reducing the lab's efforts, saying the lab will focus "on certification decisions." It would continue to "perform its compliance oversight functions on priority matters, where there is evidence to suggest noncompliance."

The lab would also continue "testing activities for pre-certification confirmatory testing for emissions and fuel economy for passenger cars."

That represents a slight shift from last year's proposal, in which the administration suggested the lab reduce its pre-certification testing. That's when regulators catch defects, intentional or unintentional.

California air regulators, who also set tailpipe rules, have already started making alternative plans if the Trump administration hampers federal enforcement (Climatewire, Feb. 9).

Last week, they approved a set of rules for big trucks that deviates slightly from federal standards and said they would ramp up their own certification and enforcement in light of potential federal budget cuts. That sets up a potential legal conflict over the Golden State's special authority under a federal waiver.

The White House has also proposed to cut the popular Diesel Emissions Reduction Act grant program, which hands out money to replace or retrofit older diesel vehicles and other equipment, to $10 million from current spending levels of $40.6 million.

The Detroit News
http://www.detroitnews.com/story/news/politics/2018/02/12/white-house-budget-great-lakes/110346058/
Trump budget slashes funding for Great Lakes cleanup
By Melissa Nann Burke, 2/12/18, 1:43 PM

Washington — President Donald Trump revealed his budget proposal on Monday, proposing to cut funding for a cleanup program for the Great Lakes region from $300 million to $30 million next year.

Trump's proposal would reduce the Environmental Protection Agency's budget by nearly $3 billion, or 34 percent from 2017 levels, including slashing the budget for the $300 million-a-year Great Lakes Restoration Initiative, which enjoys strong bipartisan support in Michigan and other Great Lakes states.

A budget summary provided by the White House says the spending plan "enhances" basin-wide monitoring of "significant watersheds," including the freshwater lakes, to aid decision-making on issues such as algal blooms and invasive species management, while "recognizing that the primary responsibility for local ecosystem restoration rests with states and local groups."

Sen. Debbie Stabenow, D-Lansing, who co-chairs the Great Lakes Task Force, said that's "very bad news" for the GLRI program.

"I am pretty shocked after the major bipartisan effort that we had, and the push-back was so hard after they zeroed out the money last year," Stabenow told The Detroit News.

The Trump administration last year proposed effectively ending federal support for the program – something that Congress rejected in spending legislation that fully funded the Great Lakes Restoration Initiative with $300 million for 2018.

Rep. Bill Huizenga, R-Zeeland, said he would continue working with bipartisan colleagues to fully fund the GLRI.

"The Great Lakes Restoration Initiative plays a leading role in preserving and restoring the Great Lakes ecology while strengthening the Great Lakes economy," said Huizenga, co-chair of the Great Lakes Task Force.

"Congress makes the determination regarding which federal programs will be funded."

The budget proposal also would cut federal funding for cancer, mental health and drug abuse research – a proposal that "flies in the opposite direction of what we just did," Stabenow said.

She was referring to the two-year budget deal approved by Congress last week that invests $2 billion over two years for the National Institutes of Health.

"I do think that the president's budget is really tone deaf on what people have said they need in communities and what Congress has agreed to on a bipartisan basis," Stabenow said.

Lawmakers ultimately control federal spending levels, though the White House's budget reflects the priorities of the Trump administration.

The Department of Energy's $30.6 billion spending plan does include $75 million to complete construction of the Facility for Rare Isotope Beams – a physics research center at Michigan State University projected to create 1,000 permanent jobs.

And the proposal for the U.S. Department of Housing and Urban Development requests funding to evaluate pilot EnVision Centers – Detroit is home to the first – meant to help those receiving housing assistance to develop long-term skills for self-sufficiency.

The White House on Monday also released Trump's long-awaited infrastructure plan, which envisions using $200 billion in taxpayer money to generate $1 trillion in private investment over 10 years to rebuild roads and highways.

The outline also calls for shortening the permitting process to two years and targeting rural infrastructure.

Republican leaders on the House Energy & Commerce Committee issued a statement saying that Trump "hit the nail on the head" with his plan to rebuild U.S. infrastructure," noting the panel's work on promoting broadband deployment and improving energy infrastructure.

"More than 20 targeted infrastructure bills from this committee have passed the House, and we've got more in the pipeline," said the lawmakers, including Chairman Greg Walden, R-Oregon.

Gov. Rick Snyder and other state governors a year ago submitted their top infrastructure projects to the National Governors Association, which presented a list to the White House.

Michigan's priority list included federal funding for a new shipping channel at the Soo Locks, high-speed broadband Internet service, and work on customs plazas for the new Detroit River span to Canada and at the Blue Water Bridge in Port Huron.

"The governor is happy to see President Trump and his team discussing infrastructure across the board – which includes things we can see and things we can't," spokeswoman Tanya Baker said by email.

"As we work diligently to improve our state's infrastructure in Michigan, we look forward to working with the Trump administration and serving as a role model for infrastructure development and solutions."

Democrats and others have expressed concern that Trump's plan could leave Michigan and its cities and counties in a position of competing against other jurisdictions for grant funding and likely paying for more project costs.

The plan describes a $100 billion "incentive" program in which state and local governments, or other sponsors of projects, could use federal grants for no more than 20 percent of project costs.

Federal dollars typically comprise 80 percent of most highway projects and up to 50 percent of transit projects.

"It's quite shocking to me after what the president has talked about that he would be putting forward a plan with so little real resources, and that would really disadvantage rural communities," Stabenow said.

"Any place in Michigan not on a major highway would not benefit from this at all."

Stabenow said she's already heard from mayors around Michigan who are "deeply" concerned, as the formula could make it "impossible for many communities to find the funding."

AP
https://apnews.com/14261a936b2d42d7a305a21fe5606fc7/Trump-budget-again-targets-regional-water-cleanup-programs
Trump budget again targets regional water cleanup programs
By John Flesher, 2/13/18

TRAVERSE CITY, Mich. (AP) — For a second consecutive year, President Donald Trump is trying to drastically reduce or eliminate federal support of cleanups for iconic U.S. waterways including the Great Lakes and Chesapeake Bay.

Trump's proposed 2019 budget for the Environmental Protection Agency released Monday would cut funding by 90 percent for the Great Lakes Restoration Initiative — an Obama-era plan for dealing with pervasive pollution in the world's biggest surface freshwater system — and a similar program for Chesapeake Bay, the nation's largest estuary.

It would remove all EPA funding of cleanup programs for the Gulf of Mexico, Lake Champlain, Long Island Sound, San Francisco Bay, Puget Sound and South Florida, including the Everglades and Keys. The administration's EPA spending plan said the agency would "encourage state, tribal and local entities to continue to make progress" in those places.

The administration sought to zero out spending on the regional water initiatives in its first budget a year ago, describing them as "primarily local efforts" and contending state and local governments were capable of paying for them.

But Congress decided otherwise, illustrating the popularity of the cleanups among lawmakers of both parties and voters who want progress on long-standing problems such as toxic algae that fouls beaches, invasive species that starve out native fish, and industrial toxins embedded in river bottoms.

The Great Lakes program is the largest, taking in about $300 million annually since it was established in 2010. Trump's budget would give it $30 million. Chesapeake Bay, which is getting nearly $73 million this year, would receive $7.3 million. The other programs receive significantly less federal funding.

Supporters pledged another fight to keep them intact.

U.S. Sen. Debbie Stabenow, a Michigan Democrat, denounced the proposed Great Lakes cuts as "outrageous." Rep. Bill Huizenga, a Michigan Republican, pledged to seek full funding of the initiative, which he said boosts the economy and environment of an eight-state region extending from New York to Minnesota.

"Why the Trump administration would continue to try to slash funding for the world's most important freshwater resource is beyond my comprehension," said Mike Shriberg, regional director for the National Wildlife Federation.

The Chesapeake Bay program, which dates to 1983, has accelerated in recent years in the watershed's six states and Washington, D.C., with adoption of pollution reduction targets. Trump's budget would provide money for water quality monitoring but none for cleanup work, advocates said.

"A cut of this magnitude would severely damage Bay restoration efforts, just at a time when we are seeing significant progress," said William Baker, president of the Chesapeake Bay Foundation.

EPA spokesman Jahan Wilcox declined comment.

E&E Climatewire
https://www.eenews.net/climatewire/stories/1060073713/search?keyword=EPA
Climate loses in Trump's plan. Here's who wins
By Adam Aton, 2/13/18

President Trump's budget proposal would slash funding for the people most vulnerable to climate change while nudging energy companies to extract more fossil fuels from government land.

Winning in the Trump administration sometimes means just not losing. Some renewable energy and climate-adjacent programs were spared from proposed cuts, including a few that were targeted last year. But the unifying message of the White House's central planning document is that government should do less, even when Congress boosts budget caps.

The spending blueprint ignores rising temperatures. It doubles down on environmental and diplomatic cuts that lawmakers have already disregarded. And it invites private capital to replace publicly funded research, infrastructure and services.

These proposals matter, even if Congress blows them off, because they signal what the administration values and where officials are directing their attention.

So even if the White House doesn't get all the cuts it wants, here's who's in the limelight and who's in the crosshairs.

Losers
People most affected by rising temperatures: The budget only mentions climate change in its list of programs slated for elimination. A closer look reveals that several other cuts would hit especially hard for people grappling with rising sea levels, stronger droughts and other consequences of climate change.

The Delta Regional Authority — serving people in regions especially vulnerable to floods, erosion and storms — would see its funding slashed to $3 million from $25 million as the Trump administration shuts it down. And in Alaska, where temperatures are rising much more quickly than the mainland, the Trump administration wants to cut several programs tailored to the state, like the Denali Commission and grants to Alaska Native villages.

"The rationale for a unique and additional Federal subsidy to Alaska is difficult to justify given that the State of Alaska's oil revenues allow it to pay an annual dividend ($1,884 in 2017) to each of its residents," the budget says.

The Appalachian Regional Commission would be spared, unlike in last year's proposal.

Globally, the story is the same. Along with eliminating the $160 million Global Climate Change Initiative, the budget would slash international food aid from the Department of Agriculture and the U.S. Agency for International Development. (The budget addendum restores $1 billion of USAID's $1.6 billion proposed cut.)

The African Development Foundation and Inter-American Foundation would each see most of its funding cut.

Flood mapping: The Federal Emergency Management Agency's flood mapping and risk analysis program would get cut to $100 million from $178 million, with the administration saying states and local governments could pick up the slack.

"Given limited resources and the backlog of flood mapping needs despite regular federal investment, the Budget proposes to reduce flood map funding to preserve resources for the Department of Homeland Security's core missions," the budget says.

Energy efficiency and mass transit programs: Energy Star, slated for elimination in last year's spending plan, could still continue under this budget — but federal funding would end. Instead, EPA would administer the program through revenues from a "modest fee" on participating manufacturers.

DOE's Weatherization Assistance Program would be eliminated.

And Amtrak would see its federal grants cut more than 50 percent, down to $738 million from nearly $1.5 billion, with its long-distance routes targeted specifically.

Research: EPA, DOE, NASA and NOAA would see research money slashed (see related story).

Five NASA Earth science missions would be cut, along with funding to the International Space Station by 2025.

Although the addendum reversed proposed cuts to several DOE programs, one that would remain on the chopping block is the $305 million Advanced Research Projects Agency-Energy program.

EPA's extramural Science to Achieve Results grants would be eliminated as part of a $229 million cut to the agency's research programs.

The National Science Foundation, originally slated for a $2.2 billion (nearly 30 percent) cut, was spared thanks to the congressional budget agreement. That would provide money for upgrading research facilities in Antarctica.

Winners
Scott Pruitt: The EPA administrator's rhetoric of "cooperative federalism" and returning to the agency's "core work" echoes throughout the budget proposal — even if the numbers suggest a more modest impact on his stated priorities.

The budget would cut categorical grants to states by $469 million (nearly 44 percent), while allowing more flexibility for $27 million of the remaining $597 million. And the administration used extra money from Congress' budget deal to keep funding roughly steady for state revolving funds — with the newly restored $397 million going to wastewater and stormwater infrastructure.

Funding for Superfund cleanup, initially proposed for a $327 million cut, will remain flat thanks to the spending hike by Congress.

Overall, the budget calls for cutting EPA by 23 percent to $6.15 billion. That funding is far less than what lawmakers are considering for fiscal 2018 — between $7.5 billion and $7.91 billion.

Coast Guard: The Coasties would finally get $720 million for their first new heavy icebreaker in more than 40 years.

Retreating sea ice is drawing more ships to the Arctic, and Coast Guard leadership has warned that the United States lacks the vessels to patrol the area. Its operational fleet of icebreakers currently consists of one heavy icebreaker near the end of its operational life and a smaller research vessel.

Fossil fuel companies: The budget proposes funding national park maintenance through leases of government land for energy development. The Interior Department has been trying to expand oil and gas drilling, and this would offer another incentive for government officials to look for more opportunities for energy leasing.

DOE would also devote $502 million to fossil energy research — $81 million more than fiscal 2017. At least $200 million would go to "clean coal" research (see related story).

Disaster preparation: FEMA would get a new $522 million grant program aimed at hazard preparation. By comparison, FEMA last year awarded $63 million in pre-disaster mitigation grants and $627 million in post-disaster grants.

Renewable energy: It could've been worse. Despite the cuts to ARPA-E and other research programs, DOE would still put $696 million toward its Office of Energy Efficiency and Renewable Energy. That's $1.3 billion less than fiscal 2017 but $60 million more than what the administration asked for last year.

E&E Climatewire
https://www.eenews.net/climatewire/stories/1060073667/search?keyword=EPA
White House preserves Energy Star by charging fees
By Niina Heikkinen, 2/13/18

In an about-face, the White House is continuing to support U.S. EPA's Energy Star program.

The decision to retain the popular voluntary partnership program comes after the Trump administration faced fierce backlash from supporters when it proposed slashing funding for Energy Star in its budget blueprint last year.

Climate-change-related programs remained a target for budget cuts at EPA. The fiscal 2019 proposal, which seeks to cut the agency's funding by about 23 percent, would zero out funding for climate research. It would also eliminate EPA's other partnership programs with businesses. These include the Natural Gas STAR and AgSTAR programs, both aimed at cutting methane emissions from the fossil fuel industry and agriculture, respectively.

The White House plan suggested an alternate source of funding to keep Energy Star running.

"The proposed budget shifts the Energy Star program to a fee-funded model, which will provide long term stability for the program," an EPA spokesperson said in an email.

Perhaps best known for certifying high-efficiency appliances, like washing machines, Energy Star also certifies buildings and offers resources to homeowners who want to lower their energy costs.

The budget states that EPA would collect "modest fees" from product manufacturers that seek to gain the Energy Star label for their products.

"Energy Star is a trusted resource for consumers and businesses that want to purchase products that save them money and help protect the environment," the budget states.

Before implementing the new funding structure, EPA would undergo a rulemaking process to figure out what products would be covered by the fees and how big they would be. This process would "ensure that a fee system would not discourage manufacturers from participating in the program or result in a loss of environmental benefits," according to the budget proposal.

The budget plan would keep $46 million available for the Energy Star program until Sept. 30, 2020, provided that the agency collects fees during fiscal 2019 to offset that amount by the time Congress makes a final appropriation from the general fund. Any fee revenue exceeding $46 million would also go into the general fund, according to the document.

Stan Meiburg, who served as a deputy under former Administrator Gina McCarthy, said the proposal to fund Energy Star through fees is not unique to the Trump administration.

"This is something that has been kicked around before. I'd be open to a discussion about it," he said.

Others are more skeptical.

"This is an incredibly successful program, it helps save energy, we don't want to risk its success," said Lowell Ungar, a senior policy adviser for the American Council for an Energy-Efficient Economy. "The program is meant to first and foremost serve consumers — if someone else is paying the program, will consumers be able to know that the program is working for them?"

Ungar noted that the question about how to pay for Energy Star came up last year when the administration first proposed cutting it. At the time, there were questions about whether Energy Star could be privatized and funded through user fees.

"The budget again would propose some really major cuts that would harm energy efficiency, consumers and research, and do damage to the very purposes of the budget in terms of job creation and developing the economy and infrastructure. It's making cuts in all those areas, it just doesn't make a lot of sense," he said.

In addition to keeping Energy Star running, EPA will continue to collect data on greenhouse gas emissions, as it's required to do by law. The agency will also implement the renewable fuel standard and address tailpipe emissions.

Overall, the budget proposal was primarily focused on promoting the agency's priorities of improving drinking water and water quality, along with brownfield and Superfund cleanups. The funding falls in line with the agency's finalized 2018-2022 strategic plan, also released yesterday.

In a break from previous administrations and from other members of Trump's Cabinet, Pruitt did not hold a press call to discuss the budget.

The cuts in the fiscal 2019 budget proposal would have been steeper without the additional $724 million that the White House allocated at the last minute to comply with the two-year budget deal passed by Congress on Friday. The administration initially planned to cut EPA's budget by 34 percent from fiscal 2017 enacted levels, slightly more than what was proposed in last year's budget blueprint (Greenwire, Feb. 12).

Meiburg echoed Ungar's concerns about EPA's direction.

"It is disheartening that the core function of the agency with respect to science seems to be under attack. That is very discouraging," he said.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060073777/search?keyword=EPA
IG says Trump's budget would hobble investigations
By Kevin Bogardus, 2/13/18

U.S. EPA's internal watchdog's call for more funds went unheeded.

Under the agency's fiscal 2019 budget proposal, the EPA inspector general would receive $37.48 million — the exact same figure President Trump proposed for the IG in last year's budget plan. The lowballed request comes despite pressure from the EPA watchdog over the past months to have the Trump administration ask Congress for millions of dollars more.

EPA IG spokeswoman Tia Elbaum told E&E News that with sparse funds, the watchdog office will not be able to do many investigations. The inspector general is working on several sensitive probes involving Administrator Scott Pruitt, including spending on his travel and security detail.

"The president's budget request is substantially less than what we requested, seriously impacting the work we are able to perform. Without sufficient resources, we will not be able to do multiple audits and investigations that have considerable value and return on investment," Elbaum said.

In fact, the IG had hoped the Trump administration would ask lawmakers for almost $25 million more in funds.

Elbaum noted, "The IG determined that we need $62 million to perform the duties of our office, which includes completing statutorily mandated and risk-based projects, such as those requested by Congress."

Other IGs fared better under Trump's budget plan for fiscal 2019.

The Department of the Interior's inspector general would receive $52.47 million under the proposal, about $2.4 million more than what was slated for that IG in fiscal 2018.

"The OIG is appreciative of the requested amount and the support it represents. The much-needed increase, if enacted by Congress, will allow for additional oversight reviews and improved oversight," Stephen Hardgrove, chief of staff for the Interior IG, told E&E News.

Still, Trump has left some watchdog offices without political leadership. He has not yet nominated anyone to fill the IG jobs at Interior and the Department of Energy,

EPA IG Arthur Elkins, confirmed by the Senate in 2010, himself expressed his concerns about the budget in a memo dated Feb. 9 to Office of Management and Budget Director Mick Mulvaney, which was included in EPA's fiscal 2019 budget justification released yesterday. Elkins actually cited a higher budget figure in his memo than what was requested in Trump's proposal.

"A budget of $46 million will virtually eliminate the OIG's ability to perform discretionary audits and evaluations," Elkins said.

Asked about the $46 million number in Elkins' memo, Elbaum with the EPA IG office declined to share any more details.

"We cannot discuss the details of negotiations between the IG and the Office of the President," Elbaum said.

Elkins has been vocal about his worries over his office's budget. He sent a similar memo last September to Mulvaney, which E&E News obtained under the Freedom of Information Act (Greenwire, Jan. 29).

The EPA Office of Inspector General has had better luck with its budget on Capitol Hill, although not enough to meet what Elkins has solicited.

Both House and Senate appropriations legislation that would fund EPA in fiscal 2018 gives the IG office $40 million, more than Trump's budget request for that year. That spending has not been finalized.

In fiscal 2017, the EPA IG received $41.05 million for its budget.

Washington Examiner
http://www.washingtonexaminer.com/epa-reaches-10-million-settlement-with-shell/article/2648888
EPA reaches $10 million settlement with Shell
By John Siciliano, 2/12/18, 5:55 PM

Energy giant Shell agreed to install $10 million in emissions control equipment at a Louisiana chemical plant as part of a settlement Monday with the Environmental Protection Agency and Justice Department.

EPA Administrator Scott Pruitt said the agreement demonstrates the agency's "dedication" to working with the states to pursue violations of federal clean air laws and bring violating companies into compliance.

“This settlement will improve air quality for citizens of Louisiana by reducing emissions of harmful air pollution,” Pruitt said.

The EPA, Justice Department and the Louisiana Department of Environmental Quality announced the settlement with Shell Chemical for emissions violations stemming from the company's chemical plant in Norco, La.

The settlement will result in the elimination of more than 150 tons of excess emissions of harmful air pollutants. It resolves charges that Shell violated the Clean Air Act and state law by not properly operating flaring units to burn off excess gases.

The settlement, in addition to making the $10 million in improvements, also fined the company civil penalties totaling $350,000, including $87,500 to state regulators.

"This agreement is the latest in EPA's and the Justice Department's continuing efforts to work with our state partners to protect the American public from harmful air pollution," said Jeffrey Wood, the Justice Department's acting assistant attorney general for environment and natural resources.

AP
https://apnews.com/973f381eae9248d28e1351ef0d70fa71/O'Hare-Airport-gets-EPA-grant-to-reduce-carbon-emissions
O'Hare Airport gets EPA grant to reduce carbon emissions
2/12/18

CHICAGO (AP) — Chicago's O'Hare International Airport will receive a $640,000 grant from the federal Environmental Protection Agency to buy zero emissions ground support equipment.

City officials said Monday that the grant will let the Chicago Department of Aviation and United Airlines invest $1.4 million to buy 26 new pieces of equipment to replace older, diesel-fueled equipment. The city and airline say the effort will save more than 1.4 million gallons of diesel fuel and reduce carbon dioxide emissions.

Officials say the total amount of carbon dioxide emissions that will be eliminated is equal to emissions from 3,100 passenger vehicles or 2,200 homes' electricity use.

Chicago's aviation department has been awarded nearly $18 million in grant money since 2011 to reduce emissions from cars, trucks, support equipment and power units.

E&E News PM
https://www.eenews.net/eenewspm/stories/1060073617/search?keyword=EPA
Okla. auditor: Pruitt 'acted improperly' on Tar Creek audit
By Mike Soraghan, 2/12/18

Oklahoma's state auditor today said Scott Pruitt "acted improperly" when, as Oklahoma's attorney general, he sent a copy of an audit to the attorney of the board the auditor had been investigating.

Now U.S. EPA administrator, Pruitt's duties include overseeing Superfund. The auditor was investigating allegations of corruption in a Superfund cleanup in Oklahoma.

"The former attorney general acted improperly when he shared the contents of the audit report with the subject of the audit," State Auditor Gary Jones said in a news release today. "Don't cover up the issue by withholding a public document, paid for with public funds and conducted on behalf of the public."

Jones, a Republican elected statewide, is feuding with the current Republican attorney general, Mike Hunter, about whether to release the audit, concerning work at the Tar Creek Superfund site in Oklahoma's far northeastern corner. Jones is also running for governor.

A message to Pruitt's spokesmen was not immediately returned.

Jones has asked for a court order allowing him to release the audit. He argues Pruitt essentially made the audit public when he provided it to Andy Lester, attorney for the Lead-Impacted Communities Relocation Assistance Trust (LICRAT).

The LICRAT board was made up of residents who oversaw the buyout and demolition of homes in parts of the Tar Creek site. Lester is a well-connected former federal magistrate whose professional biography states that he "Successfully guided a Superfund cleanup agency through major state and federal investigations."

In a column published Saturday in The Oklahoman newspaper of Oklahoma City, Lester argued that Pruitt "did the right thing" in providing Lester with the audit, not bringing charges and keeping the report secret.

Jones had asked Pruitt in 2015 to release the audit after Pruitt declined to bring charges in the case. Pruitt said no, citing "unsubstantiated criminal accusations" against "private citizens." Jones has said the audit leveled substantiated criminal allegations and said the people investigated were acting as government officials.

The dispute was reopened late last year when the Washington watchdog group Campaign for Accountability sued Hunter and Jones seeking the release of the audit. Hunter refused, despite Jones' plea for its release (Energywire, Jan. 19).

Tar Creek is a 40-square-mile site in northeastern Oklahoma where land and water were contaminated by decades of lead and zinc mining that ended in the 1950s. In the early 1980s, EPA deemed it the most contaminated site in the country.

Pruitt requested the audit from Jones' office in April 2011 after the staff of then-Sen. Tom Coburn (R-Okla.) forwarded the corruption allegations.

E&E News PM
https://www.eenews.net/eenewspm/stories/1060073637/search?keyword=EPA
Strategic plan stresses 'rule of law,' silent on climate
By Sean Reilly, 2/12/18

U.S. EPA today released a long-term strategic plan that outlines a retrenchment around a "core mission" of ensuring clean air, land and water, but also effectively proclaims the need for the agency to yield more control to state regulators and accelerate permitting decisions.

The plan, scheduled to run through fiscal 2022, is intended as a tool for senior EPA managers "to guide the agency's path forward." It represents a stark departure from its Obama-era predecessor (Greenwire, June 26, 2017). In place of broad goals such as confronting climate change and supporting the development of green infrastructure, the new plan focuses the agency on a set of narrowly tailored numeric objectives.

By the end of September 2019, for example, EPA — "in close collaboration with states" — will strive to reduce the number of areas around the country in nonattainment for various air pollution standards from a baseline of 166 to 138.

By the same 2019 deadline, the agency will seek to reduce by half the number of permitting decisions that take more than six months. Another 102 Superfund sites will be made "ready for anticipated use."

Overlying those objectives are three mission goals:

- Delivering "real results" to provide the American people "with clean air, land, and water, and ensure chemical safety."
- Fostering "cooperative federalism" by rebalancing power between Washington, D.C., and the states "to create tangible environmental results."
- Maintaining "the rule of law and process" to "refocus the agency on its statutory obligations."

At least on paper, the Trump administration's fiscal 2019 budget request seeks to incorporate those three principles into how EPA would spend its money.

In place of program categories such as "clean air and global climate change," for example, the proposed budget sets aside hundreds of millions of dollars for items including the "rule of law and process" and "core mission."

How this system would work in practice, however, is unclear. It's equally uncertain whether the administration intends the fiscal 2019 blueprint as anything more than a symbolic statement of priorities. In an email, an EPA spokeswoman would only say that the proposed budget "will help support" those three principles with the intention of protecting human health and the environment.

The administration was required to issue the updated strategic plan by this month under a 2011 law known as the Government Performance and Results Modernization Act (E&E News PM, Oct. 4, 2017). Although EPA received more than 39,000 comments on the draft version released in October, there is little indication that agency officials took them into account.

While many commenters had urged the agency to use the plan to address climate change, the phrase remains absent from the final document, which is largely identical to the draft.

The new strategic plan also states that one of EPA's top priorities "must be to create consistency and certainty for the regulated community." While that goal entails modernization of agency permitting practices "to increase the timelines of reviews and decisions," the plan makes no reference to the White House's bid to slash overall EPA funding by 23 percent next year in comparison with a fiscal 2017 benchmark.

And while the plan calls on EPA to reduce the average period from identification of an environmental violation to the point that it is corrected, the agency gives itself until September 2022 to accomplish that "strategic measure." And for now, it's not clear what the baseline for measuring progress will be. That threshold will only be determined sometime in fiscal 2018, the plan indicates.

Politico
https://www.politicopro.com/energy/whiteboard/2018/02/epa-strategic-plan-avoids-climate-change-601503
EPA strategic plan avoids climate change
By Alex Guillen, 2/12/18, 3:39 PM

EPA's final strategic plan for 2018 through 2022 makes no mention of climate change, which topped the agency's agenda in the years before President Donald Trump's election.

Climate change was goal one in EPA's previous plan, issued in 2014. The new plan, however, makes no mention of the phenomenon, or EPA's mandate to regulate greenhouse gases.

Instead, the document categorizes its goals into three categories aligned to EPA Administrator Scott Pruitt's top talking points: EPA's "core" mission, cooperative federalism and "rule of law."

"EPA will improve its processes and reinvigorate the rule of law as it administers environmental regulations as Congress intended and will refocus the agency on its core statutory obligations," Pruitt wrote in an introduction to the 74-page document.

Among the goals EPA listed for 2022 are to reduce nonattainment areas to 101, down from 166 as of last fall; lower the number of community water systems that don't meet health-based standards from 3,600 to 2,700; finish work at 255 Superfund sites, 3,420 brownfields and 536 solid waste facilities; meet compliance deadlines for the updated Toxic Substances Control Act; increase compliance rates; and make permitting decisions within six months.

The agency also said it plans to cut "unnecessary or duplicative reporting burdens to the regulated community by 10,000,000 hours." The current annual rate is 173 million hours.

EPA also plans to eliminate its FOIA request backlog by 2022.

The Hill
http://thehill.com/policy/energy-environment/373478-epa-numbers-hint-at-eased-enforcement-under-trump
EPA numbers hint at eased enforcement under Trump
By Miranda Green, 2/13/18, 6:00 AM

The reported decline in enforcement actions at the Environmental Protection Agency (EPA) is a likely harbinger of what's to come from the Trump administration, experts say.

The EPA on Thursday reported that it had recommended that 115 cases of illegal pollution be prosecuted in the last fiscal year, down from 152 the year before and a peak of nearly 400 cases in 2009.

The findings seemed to confirm speculation that the EPA under President Trump has shifted its focus away from regulating pollution and prosecuting polluters, and experts and former EPA officials predict the enforcement numbers would continue to drop.

"The enforcement results today are heavily influenced by big cases brought by the Obama administration," said Eric Schaeffer, executive director of the Environmental Integrity Project (EIP) and head of EPA's Office of Civil Enforcement from 1997 to 2002. "Since President Trump took office, the long arm of the law has gotten shorter, at least when it comes to cracking down on illegal pollution."

The tally of enforcement actions for fiscal 2017 included the final four months of the Obama administration. If the tally had only included actions taken under current EPA Administrator Scott Pruitt, many suspect that the total would have been significantly lower.

Back in August, an EIP report looked at the first six months of Trump's presidency and found that 26 civil lawsuits were filed against polluters. During the comparable time period under President Obama and President George W. Bush, 34 and 31 cases were filed, respectively. The EIP report also found a 60 percent drop in civil penalties under Trump.

A New York Time analysis that looked at cases started specifically since Pruitt became administrator found that enforcement rates were even lower than the annual report. Civil enforcement cases were one third of the amount filed in the same time period under the Obama administration and about a quarter of those filed at the beginning of Bush's presidency.

Steven Chester, who served from 2011 to 2014 as deputy assistant administrator in EPA's enforcement office, said the fiscal 2017 caseload may only reflect the Trump administration's desire to finish those cases started by Obama.

"They say they concluded about 100 cases in 2017. That doesn't tell you anything about the future — just that they put an emphasis on resolving things," he said.

Chester also added that it's likely EPA's numbers dropped, and will drop further, as a result of the budget decrees, early retirements and job freezes happening at the agency. A joint New York Times and ProPublica project from December found that hundreds of EPA employees left the agency in 2017.

"Ultimately your ability to do inspections and investigations — to open files— depends on how many employees you have and staff working. I think if you look hard, you'd see some impact there," Chester said.

The EPA touted its ability to come to agreements with polluters outside of a courtroom when it released the enforcement numbers for fiscal 2017.

In a letter sent to EPA compliance staff just weeks before the release of the enforcement data, the agency's head of compliance Susan Bodine emphasized EPA's need to "use its entire toolbox" to work with states, not just through filing charges.

"It is also important for EPA to help and, if necessary, persuade states to take actions to address violations. And informal actions can bring about a return to compliance more quickly," she wrote.

An EPA employee, who works in the office of compliance and asked not to be named, said the true extent of the agency's enforcement practices under Pruitt wouldn't be apparent for a few years.

"It's still pretty early. I think a better measure of this administration's commitment will come after a couple years when you're looking at what they're putting into the pipeline, not just what they are completing in the pipeline," the source said.

"The new cases, the new complaints, number type etc. may in some ways be a better reflection of their priorities."

E&E Energywire
https://www.eenews.net/energywire/stories/1060073649/search?keyword=EPA
EPA moving to give states control over CO2 storage
By Mike Lee, 2/13/18

TULSA, Okla. — U.S. EPA is working to give states more authority to regulate the storage of carbon dioxide from power plants and other industrial sources, the agency's top groundwater official said yesterday.

The move to give states more control over Class VI injection wells — the kind used to store CO2 specifically for long-term sequestration — is part of EPA Administrator Scott Pruitt's larger campaign to push decisionmaking power down to the states, Peter Grevatt, director of the agency's Office of Ground Water and Drinking Water, said here at a meeting of the Groundwater Protection Council.

"Work is moving forward on Class VI, and we're pretty excited about it," he said.

EPA has already given many states primary permitting authority over other types of injection wells, such as those used to dispose of industrial and oil field waste, or the wells used to pump carbon dioxide into oil fields to increase their output. The Groundwater Protection Council, a consortium of state regulators, was formed in the 1980s to provide input to EPA's injection rules.

EPA has broken a couple of logjams on Class VI injection permits since Pruitt took over.

North Dakota asked for permission to regulate Class VI wells in 2011, and EPA issued a proposal in May to grant that request. The agency is reviewing comments on that proposal, Grevatt said. Wyoming has also applied for primacy over carbon sequestration (Climatewire, May 10, 2017).

Meanwhile, EPA gave final permission in April for the Archer Daniels Midland Co. to begin injecting carbon dioxide at an ethanol plant in Illinois. ADM broke ground on the project in 2011.

Since getting the permit, ADM has injected 500,000 metric tons of carbon dioxide and qualified for a $10.1 billion tax credit, Grevatt said.

"If you're thinking about it, watching what ADM has done, I would encourage [you] to think seriously about that. I think you'll find a positive reception from EPA," he said.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060073577/search?keyword=EPA
Forecast: 'Tsunami of regulatory litigation'
By Amanda Reilly, 2/12/18

Environmental lawyers are gearing up for another busy year.

At an annual Washington, D.C., conference last week, private practice attorneys and former government officials predicted a tumultuous year in the courtroom.

"I expect a real tsunami of regulatory litigation this year," said John Cruden, who formerly led the Justice Department's environmental division, at last week's American Law Institute conference on environmental law. "It's going to be a bumpy ride."

State attorneys general and environmental groups have already aggressively used the courts to challenge the Trump administration's deregulatory agenda. Many suits over the previous year have challenged federal environmental agencies' various attempts to delay compliance deadlines of Obama-era rules.

The Natural Resources Defense Council has boasted it has already filed more than 40 lawsuits against the Trump administration regarding environmental rollbacks.

Cruden, who is now a principal at Beveridge & Diamond PC, predicted that the Trump administration's pivot from largely defensive moves — such as delaying rules and sidelining ongoing court challenges — to offensive moves, such as issuing rules rescinding high-profile policies such as the Clean Power Plan and Clean Water Rule, will drive the court action in 2018.

"This year, there will be final decisions. If you rescind a rule, that is a final decision. You have to have an administrative record that supports the decision," he said, adding, "You're going to see way more litigation this year as those final decisions are being made."

Litigation over water policies, climate change rules, toxics regulations, the Endangered Species Act and environmental reviews are all expected to heat up this year, experts at the annual gathering of environmental lawyers in D.C. said.

Scott Fulton, president of the Environmental Law Institute and a former U.S. EPA general counsel, said "budget compression" — the White House revealed a budget plan today calling for cuts for environmental and energy agencies — will further open up agencies to lawsuits this year.

Environmental statutes are "chock-full of mandatory duties," he said.

"Don't be surprised to see EPA fall further behind in meeting its deadlines and mandatory duties," Fulton said. "This of course carries with it the potential for deadline suits and court orders."

Thomas Lorenzen, a former Justice Department attorney, warned that the Trump administration's policy against "sue and settle" could also this year start to have real impacts.

EPA Administrator Scott Pruitt last year issued a directive aimed at curbing settlements in lawsuits challenging the agency's failure to meet statutory deadlines.

Lorenzen said a court decision last week showed the "first sign of problems inherent in the sue-and-settle policy."

In the decision in the U.S. District Court of Connecticut, a federal judge ordered EPA to act within 60 days on Connecticut's 2016 petition seeking a crackdown on emissions from a Pennsylvania power plant. EPA had failed to respond to the petition for more than two years; under the law, the agency was supposed to have rendered a decision within two months (E&E News PM, Feb. 7).

Instead of negotiating for a settlement with Connecticut, "DOJ was forced to defend something that couldn't be defended, and throw themselves on the mercy of the court," said Lorenzen, a partner at Crowell & Moring LLP who often represents industry clients in litigation against EPA.

EPA Region 1 Administrator Alexandra Dunn said last week that the agency has put special emphasis both on meeting deadlines and on the rulemaking process as part of Pruitt's stated goal of returning the agency to the "rule of law."

The administration has put a "very intentional focus on the steps that need to be taken to make different decisions," she said.

AP
https://apnews.com/5b09511790094e518099fed63623f0e8/Sen.-Markey:-Trump-infrastructure-plan-a-%22monetary-mirage%22
Sen. Markey: Trump infrastructure plan a monetary mirage

2/12/18

BOSTON (AP) — U.S. Sen. Edward Markey is blasting President Donald Trump's $1.5 trillion plan for the nation's crumbling infrastructure, calling it a "monetary mirage."

The Massachusetts Democrat said the bill would commit just $200 billion of direct federal investment while cutting other core transportation and infrastructure programs like Amtrak and federal transit grants.

Markey said the plan would also limit the Environmental Protection Agency's ability to review, modify or block environmentally harmful projects.

Markey was joined by the Massachusetts Municipal Association and a transportation advocacy group in criticizing the White House infrastructure proposal at Monday's news conference. He said the bill relies on public-private partnerships and would force cash-strapped states and municipalities to bear the burden for paying for the infrastructure projects.

Markey serves on two committees with jurisdiction over the bill.

The Hill
http://thehill.com/opinion/energy-environment/373484-going-in-reverse-on-fuel-efficiency-will-ultimately-hurt-consumers
Going in reverse on fuel efficiency will ultimately hurt consumers
By Hal Harvey, 2/12/18, 5:00 PM

In 2012, the Environmental Protection Agency (EPA) finalized standards to double the fuel efficiency of new vehicles to 54.5 miles-per-gallon by 2025. This profound move would require new cars to reduce the gasoline needed by half, thereby reducing their oil dependence and CO2 emissions by half.

The plan aligned EPA with California's legal ability to set more stringent emissions standards, so automakers could build to one unified national standard instead of two. The plan had national implications: Other states can choose whether to follow California or federal standards, and today, 40 percent of America's population lives in the 13 states that chose California's. The plan even had the support of automakers, which like regulatory certainty and prefer building to one set of standards.

All in all, this was pretty brilliant policy. Unfortunately, the Trump administration is considering upending the deal by lowering future targets. Automakers, in a trust-crushing move worthy of VW, asked for softer standards in 2017, even though they promised to support the agreement. EPA Administrator Scott Pruitt seems determined to reverse any policy protecting the public, so EPA now faces an April 1 deadline to issue a review of the fuel efficiency requirements. The game is on.

A simple rollback faces obstacles — and here is where it gets interesting. Consumers love more efficient vehicles, as witnessed by the popularity of new Ford pickups, with lightweight aluminum beds and an "Ecoboost" V6. The Ford F150, featuring these technologies, is the top selling vehicle in America.

The federal government is also prohibited from simply deleting the regulations: The Administrative Procedures Act requires evidence, hearings, and justification for major regulatory changes, including rollbacks. And, perhaps most important, California will not give up this fuel-efficiency policy, so the country could revert to two sets of standards.

These obstacles pushed EPA into negotiations with the California Air Resources Board (CARB) to find a plan suiting the state and Pruitt's EPA. The EPA has a pretty big weapon to force California's hand: the EPA might try to revoke

California's waiver. This would inspire a mighty legal battle, and would be both an environmental and political disaster, but the threat is real.

Auto companies may intensely dislike California's process, but they dislike uncertainty even more. "The nightmare for the industry is California and the feds go their separate ways," Mike Jackson told the Wall Street Journal. Jackson is the CEO of AutoNation Inc., the largest U.S. car dealership chain. As a rule, car companies are okay with tough standards if they are uniformly applied, have long lead-times, and are not fraught with uncertainty.

One path to success might be to extend the standards to 2030, steadily tightening them the whole way (more certainty, more lead time), and allow more flexibility in the years in between. This would be good policy (if the devilish details are properly handled), but it would require good faith negotiations — unfortunately, EPA and the auto manufacturers have lost credibility there.

The darker scenario, which some consider most likely, is an all-out war by EPA to shut off California's power to set tighter standards — also, of course, restricting rights for the 13 states that now follow California's course. "EPA would have to take unprecedented legal action to try to revoke that waiver," CARB Chair Mary Nichols told Bloomberg.

A great deal is at stake: For 40 years, our national security worries have multiplied because of our foreign oil dependence, costing well over $1 trillion to defend access to that oil. That threat is ameliorating today, because of increased domestic oil production and a more efficient auto fleet, but are we really dumb enough to give back this leverage we finally wrested from OPEC?

U.S. automakers, too, are facing massive competition. Electric vehicles, autonomous cars, and ride-sharing services are moving in — their world is changing fast. Does that require relaxed fuel efficiency standards to give them breathing space? Quite the opposite.

China, Europe, and other countries are demanding cleaner, more efficient cars. If we relax our standards, our automakers will relax their imperative to innovate, and they will get crushed by foreign competition.

We already saw this movie. In 1986 General Motors and Ford requested a federal fuel efficiency rollback, and the Reagan administration complied, so until 2012, U.S. automakers added power and weight while Japanese and German competitors added new efficiency technologies. This helped drive two of the big three U.S. car companies into bankruptcy.

Strong standards make strong companies. If we demand safer cars, we get them. If car makers are required to make more efficient cars, well, they do that too.

Finally, we would be roundly anti-science to give up the climate benefits of more efficient cars. While this may be happening in Trump's EPA, it is hard to think of a better way to squander our American, or our global future, than throwing fuel efficiency in reverse.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060073771/search?keyword=EPA
EPA oversight of states inconsistent — IG
By Corbin Hiar, 2/13/18

Under a seven-decade-old law, U.S. EPA is supposed to closely monitor states' regulation of agricultural chemicals used to kill insects and weeds.

But an inspector general report released today said agency oversight of state compliance with the Federal Insecticide, Fungicide and Rodenticide Act has been dangerously inconsistent.

"The EPA cannot ensure that its FIFRA cooperative agreement funding achieves agency goals and reduces risks to human health and the environment from pesticide misuse," the report warns.

Cooperative agreements set out the number and type of pesticide inspections states complete annually and how much they ask EPA to reimburse them for those efforts.

But agency leaders who signed off on the deals "did not consistently assess whether the funding requested by states for compliance inspections was reasonable," the report says. The IG's office "found that EPA funding per planned inspection can vary significantly among state cooperative agreements."

For example, the report notes that North Carolina regulators get an average of $29 per inspection — the least of any state. On the other end of the scale is Oregon, where EPA pays $2,767 for each inspection of businesses that make, buy, sell or spray pesticides.

Another problem flagged by Inspector General Arthur Elkins: "EPA did not use the performance of state pesticide programs to help inform EPA-funded work plans and did not sufficiently monitor the programs' performance."

Regional EPA officials tasked with overseeing state FIFRA implementation "routinely approved and funded state work plans that committed to a low number of planned inspections relative to the number of inspections actually completed the previous year without adjusting goals or expectations," the report says.

The IG called for EPA to develop guidance to help regional officials determine "whether funding is reasonable given projected work plan tasks" and to "conduct a national review of state work plans and performance" to verify the consistent application of that guidance.

Susan Bodine, EPA's assistant administrator for enforcement and compliance assurance, agreed to implement both recommendations by November 2019.

EPA has currently granted primary enforcement of FIFRA, which was enacted in 1947, to all states other than Wyoming, according to the IG. The law, however, doesn't allow EPA to let tribes take the lead on regulating pesticides.

Last year, the IG also raised concerns about EPA's oversight of imported pesticides (Greenwire, Sept. 28, 2017).

E&E Climatewire
https://www.eenews.net/climatewire/stories/1060073665/search?keyword=EPA
White House plan erodes oversight in floodplains
By Daniel Cusick, 2/13/18

The Trump administration believes the federal environmental review process for building new infrastructure in floodplains is redundant, duplicative and inconsistent.

Its solution? Give more authority to states and eliminate environmental peer reviews by federal agencies.

Under its sweeping infrastructure plan released yesterday, the White House called for a further devolution of authority from agencies such as the Department of Transportation, the Interior Department and U.S. EPA, each of which holds some sway over the permitting of roads, bridges, pipelines and other infrastructure near wetlands and U.S. waters.

The Trump policy would shrink that federal oversight by expanding programs that allow states to shoulder more responsibility for enforcing the National Environmental Policy Act.

One of those is the DOT's "NEPA Assignment Program," currently in use by six states: Alaska, California, Florida, Ohio, Texas and Utah. The program gives those state agencies primacy over many aspects of the siting and permitting of highways and bridges, but the law does not extend state authority to floodplain and noise concerns.

"This inconsistent treatment diminishes the effect of the NEPA assignment program," says the 53-page infrastructure plan. "It causes the environmental review process assumed by a state to be interrupted or impacted by federal approvals or determinations during an environmental review that otherwise has been fully assumed by the states."

Environmentalists have long resisted efforts to shift floodplain management decisions to states, in part because many states lack the human and financial resources to identify, monitor and protect sensitive shorelines and other vulnerable waters from harmful development.

"This proposal doesn't begin to respond to the scale of assistance local communities need to cope with these mounting impacts — it merely shifts the burden of rebuilding our nation's crumbling infrastructure onto state and local budgets which are already strapped," Ken Kimmell, president of the Union of Concerned Scientists, said in a statement.

"Meanwhile, local leaders around the country are begging for help because they need to make their communities more resilient to hurricanes, floods, wildfires and other extreme events that climate change is making worse," he added.

R.J. Lehmann, a senior fellow at the R Street Institute, a Washington, D.C.-based free market think tank, said his organization generally endorses the idea of giving states more authority over floodplain management, so long as the federal government makes clear where the floodplain is.

"If you simply define the [construction] standard as 2 feet above base flood elevation, that's pretty clear. It shouldn't require an enormous amount of additional effort to figure that out," he said.

Chad Berginnis, executive director of the Association of State Floodplain Managers, said in an email that he was unsure how much the NEPA reforms, if put into effect, would change the way state regulators do their jobs.

"A state agency with the delegated authority would still need to follow the appropriate federal agency's guidelines [and] more importantly any federal executive orders on floodplain management," he said. "Of course, where this would be a big deal is if legislations that implement such an idea were to waive NEPA altogether."

The infrastructure plan stops short of scrapping NEPA, but it does call for sweeping changes to the nearly 50-year-old environmental law that serves as the foundation for much of the nation's environmental regulations, including rules governing development in floodplains.

For example, the plan proposes eliminating peer review of decisions involving the Army Corps of Engineers, which has broad oversight over development near rivers, lakes, wetlands and waters.

Under Section 404 of the Clean Water Act, the EPA administrator has final say over whether a project would impact a "navigable water," which would make it subject to tougher environmental restrictions. The White House wants to remove EPA from such decisions, including its veto authority under Section 404, shifting full authority for those determinations to the Army Corps.

"USACE has decades of experience and expertise in jurisdictional matters, providing the public approximately 59,000 written jurisdictional determinations per year," the plan says. "Establishing the Secretary of the Army's authority to make jurisdictional determinations under the Clean Water Act would eliminate duplication of work and streamline permit decisions."

But many environmental groups were not buying the White House's rationale.

"This isn't a plan," said Bob Wendelgass, president and CEO of Clean Water Action. "It's a scam to sell off our roads, bridges and other vital infrastructure to wealthy corporations while gutting the bedrock laws that have protected our water, air and health for decades."

New York Times
https://www.nytimes.com/2018/02/12/climate/drinking-water-safety.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection
Here Are the Places That Struggle to Meet the Rules on Safe Drinking Water
By Brad Plumer and Nadja Popovich, 2/12/18

WASHINGTON — To ensure that tap water in the United States is safe to drink, the federal government has been steadily tightening the health standards for the nation's water supplies for decades. But over and over again, local water systems around the country have failed to meet these requirements.

In a new study published in the Proceedings of the National Academy of Sciences, researchers found that, since 1982, between 3 and 10 percent of the country's water systems have been in violation of federal Safe Drinking Water Act health standards each year. In 2015 alone, as many as 21 million Americans may have been exposed to unsafe drinking water.

The problem is particularly severe in low-income rural areas, the study found. And the researchers identified several places, including Oklahoma and West Texas, that have repeatedly fallen short in complying with water safety rules issued by the Environmental Protection Agency over the past decade.

"These are often smaller communities flying under the radar," said Maura Allaire, an assistant professor of urban planning at the University of California, Irvine, and a lead author of the study. "They're struggling to maintain their aging infrastructure, and they're struggling to keep up with the latest water treatment techniques."

Concerns about the safety of America's tap water gained national prominence after the 2015 crisis in Flint, Mich., when residents discovered dangerously high levels of lead in their drinking water. Since then, a barrage of reports have revealed that a surprisingly large number of local water systems serving millions of Americans sometimes contain unsafe levels of contaminants like lead, nitrates, arsenic or pathogens that can cause gastrointestinal diseases.

In many cases, it can be unclear whether such contamination is isolated or evidence of a deeper systemic problem at a water utility.

To address that issue in this newest study, Dr. Allaire and her co-authors looked for patterns in health-based violations over time at 17,900 local water systems around the United States between 1982 and 2015. She said one question guiding the research was "What kind of factors make some water utilities more susceptible than others?"

One striking finding: Health violations for drinking water surged in rural areas in the 2000s after the E.P.A. enacted regulations focused on disinfectants. Utilities have long used chlorine or other chemicals to disinfect their drinking water supplies. But this process has a troubling side effect. Those chemicals can react with organic matter in the water to create new compounds that may pose their own health risks.

In recent years, the E.P.A. has required water utilities to limit these disinfectant byproducts, though doing so can be costly and technically challenging. That often poses difficulties for rural water utilities with smaller customer bases and fewer financial resources.

“Many of these smaller utilities have just a handful of people who are charged with managing the entire system,” said Manuel P. Teodoro, a political scientist at Texas A&M University who has studied the challenges facing small and rural water utilities.

He noted that this research suggests one possible strategy for improving water quality in rural areas: States might provide aid to help smaller water utilities merge and consolidate into larger systems that are better able to comply with complex safety rules. California has been exploring such an approach.

Dr. Allaire and her co-authors also found that water systems that serve minority and low-income communities were more likely to violate federal standards around coliform bacteria, which frequently accompany disease-causing pathogens. Their research also showed that privately owned utilities had fewer violations than publicly owned utilities, and that larger water systems tended to have fewer violations than smaller systems.

The whole point of tracing these patterns, Dr. Allaire said, was to help policymakers understand which parts of the United States might require additional scrutiny or assistance in meeting national water quality standards. “Otherwise,” she said, “we have no systematic way to identify problems and set priorities.”

This new study may understate the full extent of problems with the nation’s drinking water systems, said Kristi Pullen Fedinick, a scientist with the Natural Resources Defense Council, an environmental group that conducted its own nationwide survey of Safe Drinking Water Act violations last year.

State governments are largely responsible for implementing federal water-quality standards, and the quality of monitoring and enforcement can vary significantly. Some states have cut back on budgets for their drinking water programs, and many communities focus on tracking just a handful of key contaminants like coliform or disinfectant byproducts. That means potential violations involving other contaminants, like lead, may go underreported.

“On a national scale, we know that there’s a huge amount of underreporting,” Dr. Fedinick said.

In recent years, the E.P.A. and Justice Department have often been reluctant to penalize states or municipalities that fall behind on enforcement or reporting. The federal government can, however, provide technical assistance and funding to water utilities that are struggling with health violations.

Scott Pruitt, the head of the E.P.A., has expressed interest in modernizing the nation’s water infrastructure, telling Congress this month that he wants to declare a “war on lead.” He has not yet detailed a plan for doing so, although he has supported increases in funding for an E.P.A. program that can provide low-interest loans for state water projects.

But environmental groups like Natural Resources Defense Council have viewed Mr. Pruitt’s promises with suspicion, asserting that the Trump administration’s push for sharp budget cuts to other important federal drinking water programs at both the E.P.A. and the Department of Agriculture could end up undercutting water safety.

Bloomberg
https://www.bloomberg.com/news/articles/2018-02-12/safety-of-heavier-cars-may-be-used-to-lower-u-s-fuel-efficiency

Safety Gains From Heavier Cars May Be Cited to Cut Mileage Rules

By Ryan Beene and John Lippert, 2/12/18, 3:36 PM

The Trump administration is said to be reviewing the safety advantages of heavier cars -- a point of controversy among researchers -- as it considers lowering future automotive fuel economy targets by as much as 23 percent.

The National Highway Traffic Safety Administration is evaluating the implications of weaker targets as the Trump administration and California regulators discuss the fate of ambitious standards charted under President Barack Obama, according to documents obtained by Bloomberg News.

One advantage of the change the agency cites in the documents would be a potential drop in highway deaths, which have been stubbornly rising in recent years.

For example, one scenario in the draft NHTSA analysis would permit an average fleetwide fuel economy standard of 35.7 miles per gallon by 2026, down from a 46.6 miles per gallon under the Obama-era target. Traffic fatalities would be reduced by an average of nearly 1,200 per year from 2036 through 2045, according to the analysis.

NHTSA officials are considering highlighting those safety implications when the agency releases a range of proposed future fuel economy standards, according to a person familiar with the matter. A spokeswoman for NHTSA didn't respond to a request for comment on the documents.

NHTSA Acting Administrator Heidi King said in January that the agency would issue a notice of proposed rulemaking on March 30. The EPA plans to decide by April 1 whether its separate tailpipe emissions standards for cars and light trucks for model years 2022 through 2025 should be revised.

The documents show the factors that NHTSA officials are considering as they prepare to put fuel economy rules in place at least for model years 2022 to 2025. They also provide a glimpse into the talks between NHTSA, the Environmental Protection Agency and California regulators as they decide the fate of one of the Obama administration's signature environmental policies.

NHTSA first enacted its Corporate Average Fuel Economy standard in the aftermath of the 1973 Arab oil embargo. In 2009, they were linked with tailpipe greenhouse gas emissions standards set by the EPA and the California Air Resources Board under a deal brokered by the Obama administration.

Weakening the standards could set the Trump administration on a collision course with California environmental officials, who have vowed to defend their own efficiency standards.

On Saturday, the ARB said it hasn't received a formal proposal from NHTSA and so couldn't comment specifically. The state remains convinced that California is helping U.S. manufacturers remain competitive by prodding them to invest in electric cars and other fuel-saving technologies, according to Stanley Young, an ARB spokesman. The U.S. government would be taking an "unwise" step if it rolls back its requirements now, he said.

Dan Becker, director of the Safe Climate Campaign, pushed back against the notion that fuel economy standards contributed to traffic deaths, noting that fatalities have declined while fuel economy standards have become more stringent since they first took effect in the 1970's.

"The reason is better technology and design, not the changing weight of vehicles," said Becker, whose organization is affiliated with the Center for Auto Safety.

Researchers have studied the relationship between vehicle mass and highway deaths for decades. All things being equal, larger and heavier vehicles provide drivers and passengers with better protection in a crash, according to the Insurance Institute for Highway Safety.

A 2001 study by the National Academy of Sciences found that the downsizing of vehicles that occurred in the 1970's and 1980's -- whether caused by market forces or fuel economy standards -- may have contributed to 1,300 to 2,600 additional highway deaths in 1993.

The study recommended several changes to the efficiency regulations, including basing fuel economy on an attribute such as vehicle weight. That would mitigate an incentive for automakers to sell smaller, fuel-sipping cars to offset sales of gas-guzzling trucks.

That change was made in 2009, when NHTSA began tying fuel economy targets to a vehicle's "footprint," the area between a vehicle's four wheels.

"IIHS is supportive of the fuel economy standards as implemented," spokesman Russ Rader said. "The Obama-era changes to the rules, essentially using a sliding scale for fuel economy improvements by vehicle footprint, addressed safety concerns that IIHS raised in the past."

Automakers, meanwhile, have deployed new technologies while also shaving weight from cars and trucks. Lighter, stronger materials are increasingly found in vehicles large and small, like Ford Motor Co.'s decision to make the body of its F-150 pickup entirely out of aluminum. Automakers are also looking to deploy electronic stability control, automatic emergency braking and other active safety systems to prevent or mitigate crashes.

NHTSA's draft analysis estimates that reducing the 2026 target to 35.7 miles per gallon would cut the price of new vehicles in 2030 by nearly $1,800 on average but lead to 77 billion gallons in additional fuel consumption compared to the the Obama-era standards. Other scenarios offer less aggressive cuts to future standards. The document doesn't specify a preferred scenario.

Another one being considered by NHTSA would require a 42.1 mile-per-gallon fleet average in 2026 and would lead to a projected 675 fewer highway deaths per year over a decade starting in 2036, according to the document. New vehicle costs in 2030 would be $1,275 less on average some 49 billion gallons in additional fuel would be burned, the document shows.

Today, the federal rules are aligned with California's tailpipe standards as part of a deal struck by Obama regulators to raise the average fuel economy of new cars and light trucks to more than 50 miles per gallon by 2025. That translates to roughly 36 miles per gallon in real-world driving.

Even if NHTSA weakens its fuel economy rules, the Trump administration could choose to allow the EPA to continue strengthening its greenhouse gas emission limits so that they remain aligned with California's, said Robert Bienenfeld, assistant vice president for Honda Motor Co.'s U.S. environmental policy.

Such an agreement could even extend out to 2030, the time frame for which California is already preparing tougher rules, Bienenfeld said.

But to support such a plan, Honda would want some additional changes, he said. These include streamlining the rules to avoid added costs that don't help the environment, and periodic reviews to make sure they're having the desired impact. Honda would also support, he said, changing an Obama-era rule so that energy companies rather than automakers will be accountable for emissions that occur when they generate electricity for battery-powered cars.

The draft also indicates NHTSA may propose standards for as early as the 2021 model year and as far in the future as model year 2026, giving automakers additional time to achieve reductions in fuel consumption.

"Setting a long-term direction through 2030 would be very helpful for the industry, and having the EPA and California aligned so we continue to have one national market in the U.S. would be extremely beneficial for consumers and manufacturers alike," Bienenfeld said. "I'm sure Honda is not alone in advocating this,'' he said, referring to other automakers.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060073773/search?keyword=EPA
After court order, EPA sets hearing on Conn. petition
By Sean Reilly, 2/13/18

U.S. EPA is moving to comply with a federal judge's ruling last week on a lawsuit brought by Connecticut, albeit not precisely how the state wanted.

In the ruling, Senior U.S. District Judge Warren Eginton of Connecticut ordered EPA to hold a public hearing within 30 days on its proposed decision on the state's 2016 petition seeking a crackdown on Brunner Island Steam Electric Station, a Pennsylvania power plant whose emissions are blamed for contributing to Connecticut's ozone problems (E&E News PM, Feb. 7).

But while Connecticut Attorney General George Jepsen (D) had asked that the hearing take place in his state, EPA will instead hold it Feb. 23 at agency headquarters in Washington, according to a notice set for publication in tomorrow's Federal Register.

A Jepsen spokeswoman declined to comment this morning. Under Eginton's ruling, EPA must make a decision on the petition within 60 days. In the notice, EPA said it will issue its proposed response in the near future.

Madison.com
http://host.madison.com/news/local/govt-and-politics/wisconsin-dnr-s-no-to-rejoin-cathy-stepp-at-epa/article_e1fbddd1-4b71-5b03-a31b-5cd1569fd83b.html
Wisconsin DNR's No. 2 to rejoin Cathy Stepp at EPA
By Steven Verburg, 2/12/18

Wisconsin Department of Natural Resources' second in command is following former agency secretary Cathy Stepp to the U.S. Environmental Protection Agency office in Chicago, the DNR said Monday.

Kurt Thiede was a career DNR employee who was appointed deputy secretary by Republican Gov. Scott Walker in 2015. Unlike Stepp, Thiede holds a college degree and a background in the sciences. He was hired in 1999 to work in DNR wildlife management office.

Thiede will become Stepp's chief of staff in the EPA Region 5 office that oversees six Great Lakes states including Wisconsin, DNR spokesman Jim Dick said.

Stepp, a former home builder and Republican activist who campaigned for Donald Trump, has been criticized for her questioning of climate change science and her role in weakening environmental protection in Wisconsin.

Thiede helped lead a major reorganization of the DNR that was aimed at reducing the work the agency did and making it more efficient after two decades of reductions in workforce. The department's shortcomings in protecting water quality have been highlighted by the EPA and the nonpartisan state audit bureau.

Assistant deputy secretary Ed Eberle will move into Thiede's DNR post. Eberle joined the DNR in 2015 after working about 20 years in the Legislature, and the state department of administration.

DNR environmental management division administrator Patrick Stevens will fill the assistant deputy secretary. Before joining the DNR in 2011, Stevens served as counsel for the Wisconsin Transportation Builders Association and environmental policy director for the state business lobby, Wisconsin Manufacturers and Commerce.

Walker made the appointments of Eberle and Stevens effective Feb. 19.

Walker hired Stepp in 2011 to make the department friendlier to business. Last year replaced her with former GOP lawmaker Dan Meyer.

"I look forward to working with these two accomplished people in their new leadership roles," Meyer said. "Their knowledge, experience and dedication to our mission and values will help guide us as we move forward."

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060073759/search?keyword=EPA
Judge rejects Gold King contractor's bid to dismiss lawsuits
By Amanda Reilly, 2/13/18

A federal judge rejected yesterday most of a U.S. EPA contractor's bid to dismiss lawsuits over the Gold King abandoned mine spill.

Senior Judge M. Christina Armijo of the U.S. District Court for the District of New Mexico ruled New Mexico and the Navajo Nation could bring claims against the contractor, Environmental Restoration LLC, under both federal hazardous waste laws and state law.

But the path forward for litigation over the 2015 incident is still murky, despite the judge's issuance of a 69-page opinion.

The case was reassigned yesterday to Chief U.S. District Judge William Johnson. Armijo, who is a George W. Bush appointee, took senior status last week. She has not yet ruled on other motions to dismiss in the case, including one filed by EPA.

The court also put off a decision on whether requests for injunctive relief are barred because EPA has begun Superfund cleanup activities at the abandoned mine, due to disputes among the parties on the scope of EPA's work.

The U.S. Judicial Panel on Multidistrict Litigation, meanwhile, is still considering whether to consolidate all cases over the Gold King mine spill, including litigation filed by the state of Utah, in one district court.

In August 2015, EPA contractors accidentally triggered the rupture at the Gold King site, sending 3 million gallons of toxin-laced water into the Animas and San Juan rivers, which then flowed through a corner of New Mexico into Utah.

Both New Mexico and the Navajo Nation filed suit over the spill in the New Mexico district court, seeking to recover damages.

The district court is currently deciding whether allowing the plaintiffs to file amended complaints would be "futile" because of the pending motions to dismiss.

In its motion, EPA contractor Environmental Restoration argued that it did not have control over any of the actions that caused the spill and that the hazardous waste law bars citizen suits over ongoing cleanup actions at EPA Superfund sites. EPA added the Gold King site to the Superfund National Priorities List in September 2016.

But Armijo yesterday found that the allegations brought by New Mexico and the Navajo Nation were sufficient to state claims of liability under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Environmental Restoration could be found liable as an operator, an arranger or a transporter under CERCLA, Armijo ruled.

The judge also rejected the contractor's recommendations that both New Mexico and the Navajo Nation's claims for monetary damages under state law should be dismissed because they are pre-empted by CERCLA.

New Mexico is seeking damages for suffering what it says are special injuries, including lost economic activity and tax revenues, due to the spill.

"There is no authority for concluding that the claims are preempted," Armijo wrote.

She also rebuffed Environmental Restoration's attempt to raise the "government contractor defense" as a shield from liability under state law claims at this point in the litigation. The defense is used in certain cases when contractors are liable for work done for the federal government.

"ER has not persuaded the Court that it is plainly entitled to application of the government contractor defense based on the allegations in the proposed amended complaints," Armijo wrote, though she noted that Environmental Restoration could still raise the defense later in the court proceedings.

While Armijo rejected most of Environmental Restoration's arguments, she did grant the contractor's motion to strike claims for joint and several liability under state law, finding that Colorado law applies in the case since the pollution originated there. Colorado has abolished joint and several liability, under which a plaintiff can recover all damages from any of the defendants regardless of their share of liability.

The district court is continuing to hold New Mexico and the Navajo Nation's amended complaints in abeyance until it decides on the remaining motions to dismiss.

Chicago Tribune
http://www.chicagotribune.com/suburbs/post-tribune/news/ct-ptb-east-chicago-intervener-status-order-st-0213-20180212-story.html
Judge denies East Chicago residents role in cleanup negotiations
By Craig Lyons, 2/12/18, 4:35 PM

East Chicago residents who wanted a larger voice in the cleanup process at the U.S.S. Lead Superfund site lost their bid in federal court.

Federal Judge Philip Simon ruled late last week against a request from residents to intervene in court proceedings between the U.S. Department of Justice, U.S. Environmental Protection Agency and companies held responsible for the pollution in East Chicago's Calumet neighborhood. Simon's ruling concurred with a prior opinion from a magistrate judge that the residents' request came too late in the process.

"While I am sympathetic to the concerns of the citizens who seek better action from their government, and particularly from the EPA, ultimately, I agree with Judge (Paul) Cherry," Simon wrote. "Intervention in a case that has been closed for two years, and where there are settled expectations by the parties, strikes me as a dubious proposition."

A group of residents and advocacy organizations in 2016 filed in federal court to get intervener status in the case between the companies held responsible for the contamination in the Calumet neighborhood and the EPA and DOJ. The residents argued, in court filings, that recent developments at the site and changes to the remediation plans should lead to them having a role in court proceedings.

Federal Magistrate Judge Paul Cherry, in his order, said that residents received notice of the EPA's cleanup plan in 2012 and the 2014 consent decree filed in court and published in the federal register, noting both those events provided opportunities for them to comment.

"Applicants should have known about their interest in this case two years prior to their filing the motion to intervene," Cherry wrote.

Attorneys for the residents argued that the judge should have considered the element of timeliness in the context of the history of the site, where it took decades to stop companies from polluting the neighborhood; the EPA didn't declare it a Superfund site for 24 years; funding for the cleanup wasn't negotiated until five years after the Superfund designation; significant clean up didn't start for two years; and the EPA, in 2016, began telling residents about the high levels of contamination.

"I will admit that pointing to the citizens' lack of timely action seems a bit unfair. The irony of the situation is not lost on me," Simon said in the order. "The defendants in this case (or their predecessor companies) polluted the areas in East Chicago going all the way back to the year 1900."

"What's more, the EPA has known of the environmental harm in the affected areas for several decades but only relatively recently took action to begin to ameliorate the problem," Simon added. "For the citizens to now be told that they are the ones that are too late is probably a little hard to swallow."

Simon said the case law is clear and the delay in filing for intervener status "weighs heavily" in finding the motion untimely.

"The applicants are understandably frustrated with the slow pace at which the clean up process has occurred. The government has known about these risks for a long, long time," Simon wrote. "But the government and the defendants have been in agreement on the remedy for over three years at this point."

Reuters
https://www.reuters.com/article/syngenta-epa/syngenta-seeds-settles-hawaii-pesticide-exposure-action-by-epa-idUSL2N1Q3025
Syngenta Seeds settles Hawaii pesticide-exposure action by EPA
By Barbara Grzincic, 2/12/18, 7:44 PM

Syngenta Seeds has reached a $550,000 settlement with the U.S. Environmental Protection Agency over allegations that workers at Syngenta's former research farm on Kauai, Hawaii were twice sent into fields that had recently been treated with dangerous pesticides, the EPA announced on Monday.

Dean Haguchi, an EPA spokesman in Honolulu, said in an email Monday that the settlement is the largest the agency has reached, nationwide, under the Worker Protection Standard of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). It includes a $150,000 civil penalty and a promise to spend at least $400,000 on training for small growers in EPA Region 9, which includes Hawaii, Guam and the Northern Mariana Islands.

Message

From: Kazempoor, Kelly [kazempoor.kelly@epa.gov]
Sent: 6/3/2019 8:28:44 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips 6/3/19

Bloomberg Environment
House Democrats Look at Trimming Tax-Extender Package
https://news.bloombergenvironment.com/environment-and-energy/house-democrats-look-at-trimming-tax-extender-package-49
Chuck McCutcheon
Editor/Reporter

Some House Ways and Means Democrats are considering renewing a slimmer, less-expensive package of expired tax breaks—a strategy that could make the fractious process more palatable to detractors, write Kaustuv Basu and Robert Lee of Bloomberg Tax.

- Expired tax extenders are an issue that have plagued lawmakers all year. Industries have bemoaned the expiration of perks like those for biofuel.
- A package that moves through the Democrat-controlled House isn't guaranteed to succeed in the GOP-run Senate. Senate Finance Committee Chairman Chuck Grassley (R-Iowa) has for months been vocal about the need to address extenders and introduced a package (S. 617) with ranking member Ron Wyden (D-Ore.) earlier in the year to extend dozens of provisions that expired in 2017 and 2018.

Canada Conservatives May Be in Tight Spot on Climate

Canada will miss its international targets to reduce emissions even with a national tax on greenhouse gas emissions in force—putting members of the country's Conservative Party in a near-intractable position should the party win a national election later this year, James Munson writes.

- The stakes are high for Conservative leader Andrew Scheer, who is vying to take power from Prime Minister Justin Trudeau and his Liberal Party in an election that has to occur by Oct. 21.
- The Conservative Party has few options to try to make up for the gains it would lose by tossing out the tax—and climate change has become such a mainstream concern that it can't be neglected as it was in the past, said David McLaughlin, a longtime climate adviser to right-leaning leaders.

What Else We're Watching

Miami Heat owner Micky Arison hugs retiring player Dwyane Wade in April.
Photographer: Sarah Stier/Getty Images

- A Miami federal judge has ordered Carnival Corp. Chairman Micky Arison—who also owns the NBA's Miami Heat—and other executives at the cruise line to appear in court today over dumping plastic into Bahamian waters and falsifying records.
- EPA Administrator Andrew Wheeler speaks today at a National Press Club luncheon.
- State pesticide officials meet with counterparts at EPA to share information today and Tuesday at the State FIFRA Issues Research and Evaluation Group.
- Strategies to combine very different types of chemical data will be discussed today and Tuesday at a National Academies workshop.

- The EPA's Science Advisory Board meets over two days to discuss agency issues ranging from the proposed rules on science transparency and waters of the U.S., to fluorinated chemicals and carcinogen guidelines. Wheeler is also expected to speak on Wednesday.
- The Nuclear Energy Assembly this week features Nuclear Regulatory Commission Chairman Kristine Svinicki; Sen. Lisa Murkowski (R-Alaska), who heads the Senate energy panel; and Rep. Mike Doyle (D-Pa.). Former Harley-Davidson communications strategist Ken Schmidt also will speak on "building tattoo-worthy marketplace advocacy."

Legal Spotlight: Changing Oil and Gas Industry Fascinates Jackson Walker Attorney

Kirk Tucker, a new partner at Jackson Walker LLP's corporate and securities practice in Houston, was exposed to the oil and gas industry before he became a lawyer specializing in the field.
Before he went to law school at the University of Houston Law Center, Tucker had a job as a petroleum landman, putting together oil and gas leases for companies.
"There's so much exposure in the Houston area to the oil and gas industry that made it a more natural fit," Tucker told Bloomberg Environment of his entering legal work.
Tucker said the ever-changing nature of the oil and gas industry always keeps him interested. One of the biggest challenges, he says, is staying abreast of technological advancement. He also expects to spend time navigating the industry's evolving regulatory situation.
"It's always just a continuous changing environment that you have to keep up with," he said.
Tucker has spent his career dealing with debt and equity capital raising for companies; mergers, acquisitions, and divestitures; venture capital; and corporate governance, among other topics.
"He brings such a multifaceted practice that can expand and enhance Jackson Walker's energy patch practice," Houston corporate and securities practice chair John M. Ransom said in a statement. —*Maya Goldman*

Environmental Defense Fund
EDF, Allies Say Hidden Analysis Means EPA Must Withdraw Attempt to Rollback Clean Car Standards
https://www.edf.org/media/edf-allies-say-hidden-analysis-means-epa-must-withdraw-attempt-rollback-clean-car-standards
by Sharyn Stein

(Washington, D.C. – June 3, 2019) EPA's refusal to publicly release crucial materials related to its proposal to rollback America's Clean Car Standards means the proposal should be withdrawn, or at least reopened, according to comments filed with the agency by EDF and its allies.
The administration has refused to let the public see the latest OMEGA model – even though the model's calculations have long been used to assess clean car protections. EDF and the Natural Resources Defense Council (NRDC) filed a Freedom of Information Act (FOIA) request for the information. EPA did not fulfill that request as the law requires, and the two groups have filed a lawsuit in the matter that is now pending in court.
EDF and NRDC joined the Center for Biological Diversity, Public Citizen, and the Union of Concerned Scientists on Friday to file formal comments with EPA urging it to reconsider its proposed rollback in light of the lawsuit and the underlying missing critical information:
"[T]he flawed Proposed Rule must be withdrawn. At minimum, EPA must release the latest full version of OMEGA, place it in the SAFE rulemaking docket, and then reopen the formal comment period for at least 60 days so that the public may respond to this critical information. Finalizing the Proposed Rule without these steps would be arbitrary, capricious, and unlawful." (*Comments, page 7*)
The Clean Car Standards have been in effect since 2012. They reduce climate pollution, improve fuel efficiency and save American families money at the pump. The Trump administration is trying to drastically weaken them.
Public records indicate the latest version of the OMEGA model would show the current Clean Car Standards can be achieved by automakers at a substantially lower cost than alleged by the administration. But the administration has

refused to release the model and their rollback proposal completely disregards its existence. Instead, the proposed rollback is based on a different and conflicting model – the CAFE model.
"EPA has not disputed that the results of its own modeling, which it presented to the White House Office of Management and Budget as part of interagency review of the Proposed Rule, undermine the CAFE model analysis underlying the Proposed Rule ... When the agency applied its own, purpose-built and peer-reviewed OMEGA model to the [proposal], its results diverged from those of the CAFE model ... Yet despite ... its own expert analysis diverging from the CAFE model's results, EPA relied exclusively on the CAFE model in the Proposed Rule." (*Comments, page 4*)
In fact, EPA proposed to rely exclusively on the CAFE model even though its staff had not been given critical information about the assumptions underlying that model – a point underscored in a recent memo published by EPA's Science Advisory Board.
The Trump administration's own analysis found that its proposed Clean Cars rollback would result in eight billion more tons of climate pollution and 60,000 lost jobs. A broad coalition has spoken out against rolling back the Clean Car Standards – including 18 states and the District of Columbia, a coalition of cities and counties, energy companies and other businesses, and even auto manufacturers. But EPA Administrator Andrew Wheeler has said the rollback may be finalized this summer.

Ecowatch
The Top-Down Contamination of the EPA
https://www.ecowatch.com/epa-corruption-wheeler-pollution-2638663181.html
By Jeff Turrentine

When former administrator Scott Pruitt stepped down and Andrew Wheeler took over, few who care about clean air, clean water and climate change actually thought things were going to get dramatically better at the U.S. Environmental Protection Agency (EPA). Wheeler, after all, came to the job after working as a coal lobbyist and a legislative aide to one of Congress's most notorious climate deniers. Still, given that he'd actually begun his career as a special assistant in the EPA's Pollution Prevention and Toxics Office, it wasn't outlandish to wonder if Wheeler might represent at least *some* kind of improvement over his predecessor.
Short answer: He doesn't. As hard as it is to picture an EPA less willing to fight for public health and the environment than the one we endured under Pruitt, Wheeler's EPA is emerging as a credible candidate. As some of us suspected, the main difference between the two directors appears to be a matter of style. Whereas Pruitt's brand of corruption was bumbling and often transparently self-serving, Wheeler's is polished and insidious. But through their bad-faith actions, both men have been exceptional at perverting the agency's mission and cultivating mistrust among its staff.
According to emails and other internal EPA documents received earlier this month by the Sierra Club and Clean Wisconsin as part of a federal public records request in 2018 Pruitt pressured EPA scientists to overlook their own informed opinions about smog pollution in order to pave the way for a heavily polluting and water-guzzling manufacturing plant in southeastern Wisconsin. If built, the Foxconn flat-screen TV factory could have theoretically added 13,000 jobs to the area, burnishing the reputation of Governor Scott Walker — a friend to the Trump administration — at a crucial political moment in the governor's reelection campaign. (FWIW, Walker lost.)
The emails and other documents reveal that Pruitt sought to waive federal limits on smog pollution in the region, thus sparing Foxconn, a Taiwan-based company, the expense of instituting new pollution controls at its factory. They furthermore reveal that Pruitt expected his agency's experts to come up with data in support of the decision — which many of them felt they simply could not do. In the documents, demoralized scientists complain to one another about the inappropriateness of "[t]aking snippets of information out of context and not telling the whole story" and bemoan "intentional omissions" in studies being publicly released with the EPA's imprimatur. One scientist admits that she is "in disbelief" at being asked to endorse Pruitt's plan; a colleague replies that as an expert in the health effects of air pollution, he finds the decision "hard to digest and support." (Interestingly, this week the Trump administration appears to be backtracking on the sweetheart deal it offered Foxconn, in part because new data from the EPA show that the smog situation in southeastern Wisconsin is worsening, and that now would not be a good time to add another pollution source.)

Just one day before The New York Times published its account of this sordid episode, another story broke about mendacity at the EPA — this one concerning the agency's current director, whose testimony before Congress regarding the weakening of Obama-era fuel-efficiency standards is now under question. Defending the rollback to members of the

House Energy and Commerce Committee in April, Wheeler tried to downplay the sizable increase in emissions that it would bring. "I have been told by my staff that the CO2 reductions, the impact of the CO2 reductions are pretty similar to what the Obama administration proposal would have received under their — would have gotten under their proposal," he told the committee. They strongly imply that Wheeler's motivations for misleading Congress and the public are rooted in his desire to please the oil industry. "[It] is hard to discern any other purpose for the proposal," they write, "since no entity in the automotive industry has requested such an extreme rollback of the current vehicle economy and greenhouse gas standards ... The oil industry stands to reap the most benefit from the proposed rollback because Americans will be forced to spend hundreds of millions of dollars more for gasoline in less efficient cars."

Taken together, these two developments paint a picture of an EPA where the science-backed opinions of career staff count for far less than the needs of corporate polluters. In March 2018 — before Pruitt resigned in disgrace — I wrote that there were basically two EPAs, a split reflecting "deep tensions within an agency that's currently torn between the best impulses of its hardworking scientists and the worst impulses of its administrator and his industry-coddling cronies." Fifteen months and one administrative shakeup later, the point still stands. Nothing has changed. Meet the new boss; same as the old boss.

Phoenix New Times
Arizona Utility Customers Are Funding Lobbying Against Public Health Regulations
https://www.phoenixnewtimes.com/news/arizona-utility-aps-srp-customers-pay-lobbying-against-epa-regulations-11300926
By Elizabeth Whitman

Arizona's three major utilities charge their customers for membership in secretive groups that lobby against federal regulations to protect public health.

Those groups are the Utility Water Act Group (UWAG) and the Utility Solid Waste Activities Group (USWAG). Utilities say that membership in these groups help them understand complex environmental regulations. But these decade-old groups have also lobbied fiercely in recent years against regulations aimed at protecting public health and the environment, such as clean water and coal-ash disposal rules. Arizona Public Service and Salt River Project are both members of the Utility Water Act Group, run out of the law firm Hunton Andrews Kurth. Tucson Electric is not a member of the water group.

All three companies charge their customers for costs of membership in these groups, according to their respective spokespeople.

SRP spent about $141,000 of ratepayers' money in 2018 on membership in both groups, said Scott Harelson, the company's spokesperson.

APS spends about $130,000 a year on both groups, also from customers. It joined UWAG in March 1999, and USWAG in 2009, according to spokesperson Suzanne Trevino. Since then, the costs of membership in USWAG had ranged from $37,000 to $39,000 a year, and for UWAG, between $50,000 and $90,000 a year.

Tucson Electric spent about $28,600 on USWAG membership in 2018, paid through the Edison Electric Institute, TEP spokesperson Joe Barrios said, but he said that customer money did not go toward the group's lobbying activities.

"Costs related to USWAG's legislative advocacy activities are excluded from rates," Barrios said, without providing more explanation. TEP joined the group in 2005, he added, and it helped utilities to comply with federal regulations, he said.

Although the utilities maintain that membership helps them comply with regulations, the U groups have actively sought to weaken those very rules. They've fought coal-ash regulations and lobbied against limitations on effluent from power plants.

In September 2015, the EPA finalized a rule that, for the first time, set federal limits on the amount of toxic metals like arsenic, lead, and mercury that steam electric power plants, which includes some coal-fired plants, could spew into the surrounding environment.

The agency projected that this new rule would prevent 1.4 billion pounds of toxins from polluting the environment each year.

In March 2017, the Utility Water Act Group submitted a petition for the EPA to reconsider that rule, claiming that it contained "numerous flaws."

"The Rule affects both the utility and coal industries," the petition said. "It will cause negative impacts on jobs due to the excessive costs of compliance — which were grossly underestimated by EPA — and regulatory burdens forcing plant closures."

The following month, Scott Pruitt, who at the time was the head of the EPA, wrote back, saying he believed "it is appropriate and in the public interest to reconsider the rule." Later that year, the EPA formally postponed compliance dates for those 2015 rules by two years, pushing them until November 2020

Similarly, the Utility Solid Waste Activities Group challenged a 2015 EPA rule governing the disposal of coal ash, the toxic leftover from burning coal that includes fly ash, bottom ash, and boiler slag. In 2012, coal-fired power plants produced more than 110 million tons of this solid waste, which is packed with neurotoxic and carcinogenic chemicals.

In August 2018, a three-judge panel of the D.C. Circuit decided that the EPA's rules actually did too little to enforce the disposal and storage of this toxic waste. Nevertheless, USWAG was lobbying the EPA throughout, pushing for the amendment of rules that would "[threaten] the continued operation of affected power plants," as Jim Roewer, its executive director, wrote to Barnes Johnson, the director of the EPA's Office of Resource Conservation and Recovery, in December 2016.

In a footnote in its 2017 petition to the EPA, UWAG described itself as "a voluntary, ad hoc, non-profit unincorporated group of 163 individual energy companies and three national trade associations of energy companies."

It added, "UWAG's purpose is to participate on behalf of its members in EPA's rulemakings under the Clean Water Act and in litigation arising from those rulemakings."

That claim, straight from the U-horse's mouth, is very different from how Arizona's utilities claim to justify their membership in the group.

"Both organizations provide SRP with an ability to work with other utilities to better understand environmental regulations, which have grown increasingly extensive and complex," Scott Harelson, spokesperson for SRP, told Phoenix New Times via email. "This collaboration is valuable in assisting SRP with proper compliance and cost effective methods to address environmental regulation implementation," he added.

Trevino, for APS, said she had no specific comments on the U-groups' various lobbying activities. She said that APS had joined these groups "because it's cheaper and more economical to be a member of this group than to have an employee working on compliance issues." Being part of those groups helps APS stay on top of "the changing compliance requirements and [make] sure that we are in fact meeting all of the federal regulations that change quite rapidly."

APS does have in-house employees working on compliance issues, Trevino said, "but they are not just working on water, or not just specifically on air."

Asked whether SRP planned to stay in these groups, Harelson hedged. "We are assessing our participation in these organizations and the opportunity to continue to advance policy and regulation that will aid SRP's progress toward a more sustainable future," he wrote.

But in an emailed comment, Nick Brown, a clean-energy advocate who was elected to SRP's board in 2016, called SRP's membership in USWAG and UWAG "problematic for several reasons."

Policy, lobbying, and advocacy fell under the jurisdiction of the board, Brown said. "Yet management has concealed these activities and relationships from the board," he said.

Brown criticized the lobbying by "the U groups" to loosen environmental regulations, saying they belied their professed message to the public of being "clean and green." He questioned whether SRP's customers "would approve of these expenditures."

"SRP should cut ties with them immediately," Brown said.

A third, similar group, Utility Air Regulatory Group (UARG, pronounced "YOU-argh") dissolved earlier this month after coming under scrutiny from Democrats in the House Energy and Commerce Committee, prompted by reporting from Politico. All three Arizona utilities were members of the group, but, as New Times reported, APS quietly departed in the months before it disbanded

Bill Wehrum, the EPA's top official for air quality, formerly worked for one of the law firms that became Hunton Andrew Kurth, the law firm that represented UARG. Committee Democrats are now looking into whether the utilities that paid millions to be members of the group received special treatment from Wehrum.

UARG challenged numerous EPA regulations, such as carbon and mercury rules for coal plants and cleanup plans for haze.

InsideEPA

The Week Ahead
EPA Seeks Input On CWA Groundwater Guide; SAB To Weigh High-Profile Rulemakings
https://insideepa.com/the-week-ahead
InsideEPA Reporter

This week marks the public comment deadline for EPA's Clean Water Act (CWA) guidance that says the law puts no limits on groundwater-borne pollution, a policy that echoes industry groups' claims in a closely watched Supreme Court case. Meanwhile, the full Science Advisory Board (SAB) will meet to discuss several Trump administration regulatory priorities at EPA.

Groundwater Pollution

Comments are due June 7 on EPA's April 15 guidance where it rejects any CWA liability for pollution that travels through groundwater to protected surface waters. The agency says that "the best, if not the only, reading" of the water law is that it only limits discharges directly into "waters of the United States." The Supreme Court is poised to decide the same issue in the pending case County of Maui, HI, v. Hawai'i Wildlife Fund, et al., where EPA has argued as an amicus that the county should face no CWA penalties for underground wastewater injections that flowed into the Pacific Ocean, backing industry groups' arguments.

SAB Meeting

The chartered SAB is slated to meet June 5-6 in Washington, D.C. The panel's agenda includes an address from EPA Administrator Andrew Wheeler, discussions of major controversial rule proposals including the replacement CWA jurisdiction rule, the science transparency rule, guidelines for chemical risk assessments, the interagency "action plan" for per- and polyfluoroalkyl substances, and other planned actions on the agency's unified rulemaking agenda.

Chemical Assessments

The National Academy of Sciences is hosting a June 3-4 workshop on "evidence integration" in chemical risk assessments. The agenda focuses largely on "challenges" assessors face in developing and communicating conclusions on chemicals' human-health effects.

Climate Change

The full House Science Committee will hold a June 4 hearing on global biodiversity losses, following a recent report from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services that warned of "unprecedented" acceleration in the rate that species are going extinct due to climate change and other human-caused factors.

The U.S. Court of Appeals for the 9th Circuit will hear oral argument June 4 in Juliana, et al., v. United States, the closely watched suit brought by a group of youth who say the federal government's continued use and promotion of fossil fuels that cause climate change violates the Constitution's due process clause. The 9th Circuit is hearing a rare interlocutory appeal of a district judge's order allowing the case to go to trial, which is a step that the government has fought to avoid.

The District of Columbia Bar Association will host a June 6 panel discussion on the law and policy aspects of climate adaptation efforts, from local and national perspectives.

The Environmental Law Institute is sponsoring a June 7 panel on the future of low-carbon fuel standards in the Pacific Northwest.

CFATS

The Senate Homeland Security and Government Affairs Committee will host a June 4 roundtable discussion on the potential for "sensibly reforming" the Chemical Facility Anti-Terrorism Standards Program (CFATS). Those reforms have been floated as a vehicle for data-sharing and process safety requirements that the Obama administration imposed in a tightening of the Clean Air Act Risk Management Plan rule, and which the Trump EPA has proposed rolling back.

Vehicle Emissions

The House Appropriations Committee will mark up and vote on its fiscal year 2020 funding bill for the departments of transportation, housing and agriculture at a June 4 meeting, including a vote on a policy rider for the transportation budget that would block EPA's work with the agency to weaken Obama-era vehicle efficiency standards.

Sustainability

EPA's SmartWay program, which focuses on environmental controls in the shipping industry, will host a June 5 webinar on sustainability issues at airports.

Wastewater

The Water Environment Federation will host its Collection Systems Conference for wastewater systems and operators June 4-7 in Indianapolis, IN.

Ignitable Liquids

June 3 is the deadline for public comments on EPA's April 2 proposal to update existing test methods and codify past guidance under the Resource Conservation & Recovery Act for "ignitable" liquids that can be considered hazardous wastes subject to the law.

Bloomberg Environmental
EPA Contractors Face More Tribal Claims Over Gold King Spill
https://news.bloombergenvironment.com/environment-and-energy/epa-contractors-face-more-tribal-claims-over-gold-king-spill
By Peter Hayes

Individual members of the Navajo Nation may proceed with negligence claims against EPA contractors over the massive 2015 Gold King mine spill that they allegedly triggered, the District of New Mexico ruled.

The contractors failed to show that the claims duplicated those of the American Indian tribe, the U.S. District Court for the District of New Mexico said May 31.

The individual members allege the spill caused them to lose crops and livestock because they were prevented from using water from the Animas and San Juan Rivers. The also assert that they were unable to use the water for drinking, cooking, and bathing, and they had to purchase and haul water for replacement.

The court dismissed the plaintiffs' claims for emotional distress, but said they may be able to pursue claims for "discomfort and annoyance," if they establish their land was harmed.

The court denied the contractors' motion to dismiss the case as untimely under Colorado's two-year time bar. The three-year statute of limitations of the forum state, New Mexico, applies, the court said.

The court also denied the contractors' argument that the suit was barred as a challenge to an ongoing Superfund cleanup.

Further discovery will be needed to determine whether abatement in New Mexico or Utah would interfere with the Environmental Protection Agency's cleanup action, the court said.

On Aug. 5, 2015, the EPA was conducting an investigation of the Gold King Mine near Silverton. While the contractors were engaged in excavation work, pressurized water leaked and spilled three million gallons of water into a tributary of the Animas River.

The water, carrying mining wastes, heavy metals, and toxic sediment, flowed through three states, and American Indian lands, before reaching the Colorado River at Lake Powell.

New Mexico, Utah, and the Navajo Nation are pursuing hazardous waste claims against EPA contractors and the federal government.

Judge William P. Johnson issued the opinion.

Egolf, Ferlic & Harwood LLC represents the plaintiffs.

Sunnyside Gold Corp. represents Crowley Fleck PLLP

Holland & Hart LLP represents Kinross Gold U.S.A., Inc. and Kinross Gold Corp.

Wall Street Journal
OPEC: Stuck Between Shale Rock and Hard Sanctions—Energy Journal
https://blogs.wsj.com/moneybeat/2019/06/03/opec-stuck-between-shale-rock-and-hard-sanctions-energy-journal/?guid=BL-MBB-71066&mod=searchresults&page=1&pos=1&dsk=y

By Neanda Salvaterra

Your move, OPEC.

May was a dreadful time for oil prices. Brent, the global benchmark, fell more than 11% last month, posting its worst monthly performance of 2019.
Lower prices present the Organization of the Petroleum Exporting Countries with a challenge. The group and its Russia-led allies will meet in Vienna later this month to decide how they'll supply global markets for the rest of the year.
Prices had surged as much as 33% this spring, after the cartel agreed on a pact to curb oil output late last year. But that was before recent nervousness about a possible economic slowdown in China and concerns about the Trump administration's trade policies began putting pressure on prices.
Now the burden is on OPEC. In addition to worries about shrinking global demand for oil, market-watchers have big, lingering questions about supply. Among them: Just how much banned Iranian oil is reaching foreign refiners?
OPEC's number-crunchers will need to get a good handle on that over the next few weeks. As if those concerns weren't enough, the cartel also needs to be mindful that President Trump likes lower oil prices. Of course, there's an easy way to escape this quandary. OPEC could decide not to change course for the latter half of 2019—and keep its current oil curbs in place.
— John Simons, London Energy Editor

What We're Watching
• The Russian oil-firm Rosneft hosts its annual general meeting in St. Petersburg on Tuesday.
• The Moscow-backed gas giant Gazprom publishes its annual report in early June.
• The Senate Committee on Energy and Natural Resources will review opportunities to deploy grid-scale energy storage devices on Tuesday.
• Energy executives meet with lawmakers at the Washington oil and gas forum on Wednesday and Thursday to discuss the U.S. shale boom. Speakers include Shawn Bennett, the deputy assistant secretary for oil and gas at the Department of Energy, and Gianni di Giovanni, the U.S. chairman for the oil firm Eni.
• Petro China, an arm of the state-backed China National Petroleum Corporation and the largest oil-and-gas producer and distributor in China, holds its annual general meeting in Beijing Thurs., June 13.
Price Check
Crude futures have been weighed down by concerns about a global economic slowdown due to the U.S.-China trade dispute and recently the Trump administration's plan to impose tariffs on goods from Mexico.
Washington's proposal threatens to increase costs for auto makers and raise prices at the gas pump for American consumers, report Mike Colias, Bradley Olson and Paul Ziobro.
Brent crude futures are down 10% over the past week.
Most recently on Monday, Brent was trading up 0.31% at $62.05 a barrel on London's Intercontinental Exchange. WTI futures were up 0.67% at $53.78 a barrel on the New York Mercantile Exchange.
'Everyone's obsessed by the possibility of a recession'
—Commerzbank analyst Carsten Fritsch, after concerns about the Trump administration's trade policies and fears of a Chinese economic slowdown sent oil prices to a 2.6% drop Friday.
Energy News
Europe, India Find Ways to Avoid U.S. Sanctions on Iran
Some U.S. allies, looking to circumvent Washington's sanctions on Iran and buck American control over international trade, have developed alternate systems that don't rely on the U.S. dollar, report the WSJ's Justin Scheck and Bradley Hope.
The Trump administration's decision last year to pull out of the 2015 nuclear-weapons deal with Iran and reimpose trade sanctions on the country and its oil exports prompted a pushback.
The U.K., Germany and France didn't support the sanctions, which include a ban on dollar transactions with Iranian banks. So they are fine-tuning a system to enable companies to trade with Iran without using the greenback.
The new arrangements won't change the dollar's dominance in global trade, but they will diminish the U.S.'s power to impose its policies, including sanctions, around the globe, analysts said.
Europe has plans for rolling out Instex, the name of its new alternative system, and China and Russia are promoting their

own alternative payment systems based on the yuan and the ruble. India began using its alternative transaction system in November.

Bolton Accuses Iran in Oil Ship Attacks

John Bolton, President Trump's national security adviser, accused Iran last week of carrying out recent attacks on four ships in the Persian Gulf, ratcheting up pressure on Tehran while administration officials said they hoped to avoid war, report Dion Nissenbaum, Vivian Salama and Rory Jones.

While the U.S. has continued a military buildup—saying it would send 1,500 more troops to the region and fast-tracking arms sales to Gulf allies—Mr. Trump also has said he prefers negotiations to war.

Trump Administration Lifts Summer Ethanol Ban

The Trump administration approved expanded use of ethanol fuel Friday, a move oil companies and environmentalists oppose, saying it could lead to higher gas prices and increased air pollution.

As part of the decision, the Environmental Protection Agency will allow gasoline with a 15% mix of ethanol to be sold year-round, instead of just eight months a year.

The EPA decision will help corn farmers hurt by the U.S. trade conflict with China—and might pay political dividends for President Trump in farm-belt states such as Iowa. It is likely to expand ethanol sales by about 2% in the next five years, according to Growth Energy, an advocacy group for ethanol producers.

Exxon-Total Gas Project Criticized by Incoming Papua New Guinea Premier

The ascension of Papua New Guinea's new prime minister could spell trouble for a gas project backed by Exxon and France's Total, write Rhiannon Hoyle and Rachel Pannett.

Prime Minister James Marape was elected by lawmakers to succeed Peter O'Neill, who led the resource-rich nation for seven years and stepped down last week amid growing political unrest.

Mr. Marape criticized the deal and has called for greater local control of resources.

Energy Jolts

- The Department of Energy has coined a new term for U.S. LNG: freedom gas. (NBC)
- What does it really mean when companies say they're using "100% renewable energy"? (Fast Company)
- Bill Gates' investment group has launched an $111 million fund to finance European clean energy startups. (Forbes)
- Congress has given NASA $125 million to develop nuclear powered spacecraft. (Space.com)

Big Number: 65

That's the number of energy ventures private-equity firms invested in last year, down from 116 in 2017, reports the WSJ's Luis Garcia. Firms have raised much less cash in recent years as investors worry about price volatility in the oil market and the environmental impact of crude exploration.

Q&A: Oil Is Stuck in a Loop

The volatility in oil prices in recent weeks is part of a bigger tug of war between U.S. shale producers and rivals mainly from the Middle East, says Olivier Jakob, the managing director of the Switzerland-based consultancy Petromatrix.

Following the 2014 downturn in energy prices, Mr. Jakob came up with what he coined "the shale band"—an ideal price range for U.S. crude, between and $45 a barrel and $65 a barrel. Below $45, shale producers would cut back output. Above $65 a barrel, though, shale producers open up the taps again curbing prices.

In a recent interview, he describes a nearly never-ending cycle in which the Organization of the Petroleum Exporting Countries cuts supply, hoping to boost oil prices. Instead, that only incentivizes American shale producers to churn out more and more crude. That then triggers a cutback from OPEC, and more price swings.

Mr. Jakob spoke to the Journal's Neanda Salvaterra about how three factors—geopolitical tensions in the Middle East, the U.S.-China trade dispute and Washington's sanctions on crude producers Iran and Venezuela—have complicated the outlook for oil.

Edited excerpts:

Q: Going forward, are we likely to see persistent price swings?

A: We are in a period of sustained volatility, and we have been there for a couple of years. We still have a situation where OPEC and Saudi Arabia are trying to support prices, which also supports production coming from the U.S. Year after year we are always surprised about the growth of U.S. production. [All that] creates big volatility.

Q: Why doesn't OPEC change its strategy?

A: The U.S. has been pressuring for more supply, and prices are softening. [But] it's going to be difficult to have a formal change... [OPEC] needs to have approval from Iran and Venezuela to offset losses from [U.S. sanctions.] I think there is a fundamental problem with the price that some OPEC members need to have for their budgets and the price that global demand can accept.

Over the last few years, you've had a lot of tax increases on gasoline. A lot of emerging markets have also reduced their subsidies, so the price that the consumer pays is higher than a few years back. If you have OPEC trying to get higher prices, you get into a cycle of demand destruction.

Q: Have you ever seen a geopolitical situation like this?

A: It's very rare to have so many hot spots at the same time. Historically, we looked at China for the key to demand, but we are now looking to D.C. The U.S. is now central to the price of oil, in shaping the view on global economic growth due to the trade war with China [and] concerns about global demand—a big part of the equation for oil.

If Washington wants, they can have a little more oil from Saudi Arabia which is producing below its [agreed OPEC] allocation. But the rest is going to have to be a U.S. political move, like a release from the Strategic Petroleum Reserve or waivers [to U.S. sanctions]. That's the only way of getting more supply.

Q: Where do you see prices going from here?

A: We are going into summer, which is the peak demand season. But at the end of the year, U.S. production growth will put downward pressure on prices unless there is another geopolitical incident. Brent tested the $75 a barrel mark and failed. Toward the end of year, it will recede to $60. WTI [will come] back down close to $50.

Message

From: Jones, Enesta [Jones.Enesta@epa.gov]
Sent: 5/14/2019 7:10:40 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips, 5/14/19

Air

Bloomberg Environment: White House Memo May Threaten EPA Climate Finding, Analysts Say
<!--[if !supportLineBreakNewLine]-->
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Eos: In Pennsylvania, Methane Emissions Higher Than EPA Estimates

E&E: Greens cheered this car company. Then they got critical

E&E: Critics wield White House memo to attack climate finding

E&E: EPA wants to revisit hot-button Wis. smog decision
<!--[if !supportLineBreakNewLine]-->
<!--[endif]-->
Huff Post: This Law Has Saved Millions Of American Lives. The Trump Administration Wants To Gut It.

Salon: EPA prefers coal plants over people

Budget

E&E: Trump formalizes funding request for Great Lakes, Everglades
<!--[if !supportLineBreakNewLine]-->
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Herbicide

E&E: Monsanto lost again on Roundup. What's next for glyphosate?

WSJ: In Latest Roundup Herbicide Defeat for Bayer, Jury Awards California Couple $2 Billion

NEJAC

Inside EPA: NEJAC warns of equity harms from EPA chemical safety, EtO rollbacks

Pesticides

DTN Progressive Farmer: California Moves to Ban Chlorpyrifos

PFAS

E&E: Democrats propose funding to study PFAS at military bases

Superfund

The News Herald: Cleanup of former McLouth Steel site takes big step forward making National Priorities List

Wash Post:The Energy 202: EPA finally added West Virginia site plagued by chemical dumping to priority cleanup list
<!--[if !supportLineBreakNewLine]-->
<!--[endif]-->
WV News: EPA Administrator Wheeler, Gov. Justice announce Minden, WV, has been added to National Priorities List

Water

E&E: EPA officials met with law firm in groundwater case

Air

Bloomberg Environment
White House Memo May Threaten EPA Climate Finding, Analysts Say
https://news.bloombergenvironment.com/environment-and-energy/white-house-memo-may-threaten-epa-climate-finding-analysts-say
Abby Smith

- EPA would have 120 days to respond to free market group's petition, per new OMB guidance
- Regulatory experts, scientists warn petition signals open door to challenge any federal science

A recent update from the White House budget office is breathing new life into outside challenges to the EPA's pivotal climate science finding.

This isn't the first time the Competitive Enterprise Institute, a free-market group that has long been critical of climate regulation, has asked the Environmental Protection Agency to take another look at its 2009 greenhouse gas endangerment finding—the agency's conclusion that greenhouse gas emissions endanger the public health and welfare, serving as the legal underpinning for regulations designed to combat climate change.

But the group's May 13 petition comes on the heels of updated guidance from the Office of Management and Budget that outlines a new process for outside groups to request corrections of information that the EPA and other federal agencies produce.

That April 24 guidance sets a 120-day deadline for an agency to answer, directs a "point-by-point" response, and gives the OMB a role in the process.

Climate regulation supporters warn the move could open the door for the Trump administration, which has routinely expressed doubts in mainstream climate science, to undercut the EPA's finding that greenhouse gas emissions endanger public health and welfare.

But regulatory analysts and scientists say that, even more consequentially, the free market group's petition signals a potential coming wave in industry and ideological challenges to any federal science they don't like.

Petitions like this could become "part of the playbook" for opponents of environmental regulation, Amit Narang, regulatory policy advocate for consumer advocacy group Public Citizen, told Bloomberg Environment.

"When you're going after science this strong and solid, then the OMB memo basically puts everything on the table," Narang added, noting the science supporting the EPA's climate finding has only gotten stronger since 2009.

Procedural Petition

The Competitive Enterprise Institute, however, says its latest petition focuses on procedural flaws in the EPA's 2009 finding. The group says the EPA didn't follow the proper peer-review procedures under the 2001 Data Quality Act, and say the EPA's inspector general found similar issues with the finding in a 2011 report.

This new request for correction is wholly separate from the group's 2017 petition asking the EPA to reconsider the substance of the endangerment finding, said Devin Watkins, an attorney with the institute.

The EPA hasn't responded to that petition yet. But the agency will have just 120 days, according to the OMB guidance, to answer to the group's procedural critiques.

The free-market group wants the EPA, should it also find issues with the 2009 finding, to immediately stop disseminating the finding and restart a peer review of the document. That means the EPA would remove the finding from its website and stop using it in regulations until it has gone through another peer review, Watkins said.

OMB Guidance

Should the EPA disagree with the Competitive Enterprise Institute, the group can appeal. That action would have to be reviewed by officials independent of the initial response, according to the OMB guidelines.

But the guidelines don't specify how many times a group can appeal and when the process would come to an end, said Andrew Rosenberg, director of the Center for Science and Democracy at the Union of Concerned Scientists.

"It's yet another opportunity to challenge any information you don't like and require the agency to go round and round and round on challenge, response, appeal, new challenge, on lots of different things," Rosenberg said.

Public Citizen's Narang said the addition of OMB's role in responding to requests for correction expands the reach of the White House into the agencies' science and decisionmaking.

Watkins, though, backed the April guidelines for giving the OMB a role in the process. He criticized the previous process, which was housed entirely within an agency.

"Frankly, I wish there was an appeal to OMB," he added, suggesting there should be an avenue to seek a decision directly from OMB that is independent of the EPA or other federal agencies.

'Totally Unstable Government'

Rosenberg, who previously worked at the National Oceanic and Atmospheric Administration, also raised alarm that the OMB guidance would be applied retroactively to science and decisions federal agencies made previously—a step that he said is unusual for White House guidance.

The endangerment finding "has been adjudicated," Rosenberg said, referring to court cases that have upheld the EPA's authority to regulate greenhouse gases and thrown out challenges to the climate finding itself.

If the administration allows requests for correction to look backward to decisions that have been legally settled, "it means we have a totally unstable government," he added. "Nobody ever knows whether decisions have any staying power."

But on the climate science—and likely criticism from environmental groups of the petition—Watkins says he isn't worried.

"If they're so confident" the science is settled, "then that's what the outcome will be," he said.

The EPA didn't immediately respond to Bloomberg Environment's request for comment.

Eos
In Pennsylvania, Methane Emissions Higher Than EPA Estimates
https://eos.org/research-spotlights/in-pennsylvania-methane-emissions-higher-than-epa-estimates
Aaron Sidder

As a greenhouse gas, methane packs quite the punch: Its warming potential is 84 times more potent than carbon dioxide over 20 years and 28 times more potent over 100 years. Methane, mostly released into the atmosphere by livestock, landfills, and biomass burning, is also released during the production of coal and natural gas. Although the overall methane emissions from the coal and natural gas sectors have decreased over the past 20 years, they still account for over 30% of anthropogenic methane emissions in the United States.

The U.S. Environmental Protection Agency (EPA) uses a bottom-up approach to estimate methane emissions. The bottom-up method measures emissions from a representative sample of emitters in a region, but research has shown that the majority of emissions from natural gas producers stem from just a small percentage of facilities. If one of the major emitters is missed in the inventory, it could skew regional and national estimates.

The alternative to the bottom-up approach is a top-down strategy that measures all of the methane in the atmosphere—both human caused and natural—and teases out the emission sources using tracers. *Barkley et al.* used the top-down approach recently to estimate methane emissions from underground coal and natural gas production in southwestern Pennsylvania. The region is home to the Marcellus Shale, the most productive gas basin in the United States.

The authors used data from six flights flown over southwestern Pennsylvania and northern West Virginia in 2015 and 2016. The flights collected continuous data on methane in the atmosphere, which they used to evaluate a methane emissions inventory of the region. To distinguish between methane emitted by coal, natural gas, and biogenic sources (e.g., landfills or animal agriculture), the authors collected data on ethane in the atmosphere. Coal and natural gas have different ratios of ethane to methane, and biogenic sources do not emit ethane. The team supplemented the flight data with natural gas well production and gas composition data provided by Pennsylvania, Ohio, and West Virginia.

The results indicate that methane emissions from coal production mostly match the EPA's calculations. In contrast, natural gas methane emissions in the region are underreported by a factor of 5. The authors suggest that the estimates from coal mining may be more accurate because methane emissions from mine ventilation shafts are measured four times per year.

To evaluate how these findings relate to climate impacts, the authors calculated the carbon dioxide equivalent for coal and natural gas emissions over a 100-year period. They determined that despite the underestimation of natural gas emissions from EPA inventory estimates, coal production has nearly twice the effect on the climate as unconventional natural gas production in Pennsylvania. In other words, replacing energy from underground mines with natural gas represents an approximately 50% decrease in carbon dioxide equivalent emissions.

The study represents one of the first aircraft-based emissions evaluations of underground coal mines and demonstrates the potential value of using ethane to estimate methane emissions. (*Geophysical Research Letters*, https://doi.org/10.1029/2019GL082131, 2019)

E&E
Greens cheered this car company. Then they got critical
https://www.eenews.net/climatewire/2019/05/14/stories/1060328555
Maxine Joselow, **E&E News reporter**

Yesterday marked a milestone in the world of corporate sustainability, prompting a flood of praise from environmentalists.

Then came the criticism.

At issue is Daimler AG's announcement that it plans to make its passenger fleet carbon neutral by the end of 2039. It appeared to mark the most ambitious commitment of any automaker to clamp down on planet-warming emissions (*Climatewire*, May 13).

"To us the Paris Agreement is more than an obligation — it's our conviction. And we have set a clear course to help prevent further acceleration of climate change," Ola Källenius, the incoming CEO of the German automaker, said in a blog post yesterday.

The news from the owner of Mercedes-Benz drew swift praise from greens, who noted that transportation is now the largest source of emissions in the United States.

"Today's announcement is a new start for the automotive industry to take on its full responsibility in tackling climate change," Helen Clarkson, CEO of the nonprofit Climate Group, said in a statement yesterday.

But as the day wore on, greens began to point out some perceived flaws with the company's pledge to slash emissions.

For one thing, Daimler's commitment hinges on 2039, whereas a recent report from the Intergovernmental Panel on Climate Change warned that the world has until 2030 to stem catastrophic climate change.

In particular, the IPCC report called for cutting greenhouse gas emissions 45% from 2010 levels by 2030 to avert the worst impacts of global warming, including more extreme drought, wildfires and food shortages for potentially hundreds of millions of people.

"I think it's really positive that they're setting a goal. The majority of automakers have not set similar goals. But at the same time, it's important to keep the context in mind in terms of where we need to go. The IPCC report calls for a 45% reduction by 2030," said Carol Lee Rawn, senior director for transportation with Ceres, a nonprofit that works with businesses and investors to promote sustainability.

Madeline Page, clean cars campaign coordinator with Public Citizen, said she also would have liked to see Daimler provide a faster timeline.

"Every week we get even more and more urgent warnings about climate change," Page said. "I think to confront that threat, we need to get to zero-carbon emissions as soon as possible across sectors."

In addition, Daimler failed to clarify whether its commitment applies to the vehicles themselves or whether it extends to their life-cycle carbon emissions.

That's an important distinction. The former means that all Daimler vehicles would be zero emission by 2039, whether they were electric or powered by hydrogen fuel cells. The latter means that Daimler would continue to produce gasoline-powered cars through 2039, but it would purchase carbon offsets to compensate for the pollution from their tailpipes.

"It's hard to tell exactly what they mean by becoming carbon neutral by 2039," said Kate Larsen, who leads transportation research at the Rhodium Group, an economic consulting firm with a focus on climate policy.

"If the goal really means that the vehicles themselves will be zero emission rather than offset, I think that is ambitious and in line with where we need to be to meet our climate goals, with the caveat that all other sectors of the economy also have to do their part," Larsen said.

Dan Becker, executive director of the Safe Climate Campaign, agreed with this sentiment.

"The worst thing about a car is what comes out of its tailpipe," Becker said. "Carbon neutral could be wonderful for the planet if it means you're dramatically reducing emissions, and less wonderful for the planet if it means you're only [offsetting] the emissions by planting a bunch of trees in Guatemala."

Asked to clarify, a Daimler spokesperson provided a vague statement that did not alleviate the confusion.

"We regard sustainability along the entire value chain," the spokesperson said in an email. "This includes concrete measures including the supply chain, the production of vehicles, the vehicle-use phase and recycling concepts."

Finally, greens faulted Daimler for not censuring the Trump administration's rollback of greenhouse gas and fuel economy standards, which stands to undermine its strides toward sustainability in the United States.

"If Daimler is serious about cutting global warming pollution, they should announce their opposition to Trump's rollback of the clean car standards and attack on California's Clean Air Act authority," Becker said.

Page noted that Mercedes-Benz is a member of the Alliance of Automobile Manufacturers, a trade organization that lobbied the Trump administration to relax the car rules.

"I do question Mercedes' continued involvement in the Auto Alliance," Page said. "How does their membership in the trade association go with their announcement today? One way for them to make clear that today's announcement is made in good faith would be for them to take a strong stance against the rollback."

She added: "It's positive to see voluntary commitments, but they just aren't enough. And that's why we need standards in the first place."

E&E
Critics wield White House memo to attack climate finding
https://www.eenews.net/climatewire/2019/05/14/stories/1060328573
Niina Heikkinen, **E&E News reporter**

The Competitive Enterprise Institute is launching a new challenge to EPA's endangerment finding on greenhouse gases with the help of a new memo from the White House Office of Management and Budget.

The right-leaning think tank is maintaining EPA did not follow proper procedural steps for peer review when it found in 2009 that greenhouse gas emissions were harmful to human health and welfare. CEI is requesting the agency withdraw and reconsider the current finding as it redoes the peer review process.

It is the latest in a series of attempts under the Trump administration to undo the landmark finding that underpins significant rulemakings aimed at controlling greenhouse gas emissions.

CEI yesterday submitted a request for correction to EPA under the Information Quality Act. The request comes just weeks after OMB released a memo addressing in part how agencies should handle correction requests under the law when members of the public point out information that "does not comply with agency guidelines" (*Greenwire*, April 25).

Under the new guidance, EPA will have 120 days to respond to the request. The agency will have to address each of the points CEI raises.

"After the release of the memo, we thought there was something we could do about this," said Devin Watkins, an attorney at CEI who submitted the request.

CEI argues EPA failed to meet Information Quality Act standards in its peer review process and that the agency did not certify how it was complying with the law.

"As such [EPA] did not provide an opportunity for the public to comment on whether the method used by the agency was sufficient," a statement from CEI read.

The think tank also makes the case that EPA's use of climate research by the U.N. Intergovernmental Panel on Climate Change did not comply with OMB's requirements to avoid conflicts of interest among peer reviewers.

"The failures by EPA to do a proper peer review as required by the OMB and EPA guidelines for the 2009 GHG Endangerment Finding undermine the quality of the information disseminated by EPA," CEI concluded in its statement.

Watkins noted CEI was not the first to raise questions about EPA's compliance with the Information Quality Act.

In 2011, EPA's inspector general found the agency did not meet all OMB requirements for peer review of a technical document supporting the endangerment finding.

David Doniger, senior strategic director of the climate and clean energy program at the Natural Resources Defense Council, tweeted a link to the announcement yesterday and questioned whether Trump's EPA was "ready to reverse on the endangerment finding."

"Even Scott Pruitt knew there's no way reversing the endangerment finding would succeed in the courts," Doniger added in an email, referring to the former Trump EPA administrator.

At least one other right-leaning think tank has sought to spur review of the endangerment finding on procedural grounds under the Trump administration.

The Texas Public Policy Foundation filed a petition in May 2017 for EPA to review the finding, arguing the agency failed to submit it to its science advisory board for peer review (*Climatewire*, Oct. 6, 2017).

E&E
EPA wants to revisit hot-button Wis. smog decision
https://www.eenews.net/greenwire/2019/05/14/stories/1060332763
Sean Reilly, **E&E News reporter**

EPA raised eyebrows last spring by reversing its original recommendation and siding with then-Wisconsin Gov. Scott Walker (R) on a politically charged air quality compliance decision.

Now, EPA is backhandedly acknowledging a possible goof in deeming Racine County in attainment with its 2015 ground-level ozone standard.

In a filing late last week, EPA lawyers asked a federal appellate court for permission to revisit that decision, which also applied to all or part of four other counties in southeastern Wisconsin.

"In making this request, EPA does not confess error or impropriety," the lawyers told the U.S. Court of Appeals for the District of Columbia Circuit in the remand request tucked deep into a brief. But they obliquely conceded a fresh review could ultimately prompt the agency to declare the area in nonattainment for the 70 parts per billion ozone standard.

The remand request extends to three other areas also deemed in attainment with the 70 ppb limit last year: El Paso, Texas; part of Manitowoc County, Wis.; and all or part of three other counties in the Chicago area. Assuming that the court grants the request, EPA wants to leave the initial attainment designations in place for now.

Under a court-supervised schedule, EPA had belatedly made the designations in April of last year. Its handling of Racine County's compliance status garnered particular scrutiny because it was to be the home of a Foxconn Technology Group manufacturing complex expected to employ thousands of people.

President Trump had trumpeted the Foxconn project. Walker, who promised the Taiwan-based company an incentives package valued at $4 billion, made the planned complex a centerpiece of his gubernatorial reelection campaign.

Had EPA deemed Racine County in nonattainment for the 2015 standard, Foxconn could have faced requirements to install state-of the-art pollution controls for the plant, according to reporting by the *Milwaukee Journal Sentinel* at the time.

Ozone, a lung irritant that is the main ingredient in smog, is created by the reaction of volatile organic compounds and nitrogen oxides (NOx) in sunshine. An analysis by Clean Wisconsin, an environmental group,

concluded the Foxconn complex had the potential to be the state's fourth-largest emitter of volatile organic compounds and could also spew tons of NOx and fine particulates.

But while EPA staffers initially recommended a nonattainment listing for Racine County, then-Administrator Scott Pruitt flip-flopped in the final rule and designated the area as "attainment/unclassifiable" (*Greenwire*, May 1, 2018).

Environmental groups immediately denounced the decision as politically motivated. Clean Wisconsin and the state of Illinois later sued to overturn it (*Greenwire*, Aug. 3, 2018).

In asking the D.C. Circuit for the chance to revisit the agency's decision for all four areas, EPA lawyers wrote last week the review "could potentially entail a range of actions, such as supplementing the record, additional communications with states and undertaking the 120-day notice process."

Agency officials provide that notice as a heads-up to states that they plan to disagree with their attainment recommendations. EPA also acknowledged later in the brief that the review could lead to "revising the designations."

Whatever the outcome, Walker won't have to address it. Last November, he lost his reelection bid to former Wisconsin state schools Superintendent Tony Evers (D).

The future of the Foxconn project is now in doubt, according to local media reports. "Wisconsin might not get a Foxconn plant of any size, analysts say," the *Journal Sentinel* wrote in a March story.

Huff Post
This Law Has Saved Millions Of American Lives. The Trump Administration Wants To Gut It.
https://m.huffpost.com/us/entry/us_5cd326aee4b09f321bdb0978/amp
Beth Gardiner

Tom Jorling and Leon Billings started as colleagues, but it didn't take them long to become friends. The 1960s were giving way to the '70s, and the two were young aides on an obscure Senate subcommittee.

Jorling was counsel for the Republican lawmakers and Billings for the Democrats, but the party divide didn't get in the way of what would become a lifelong bond.

During the work week, they shared rides home in a pickup truck, dictating legislative language into a recording machine they lugged along. On Fridays, they'd unwind over cheap beer and greasy sandwiches at their favorite local watering hole.

The bill the subcommittee was working on — in hourslong hearings — would become the Clean Air Act of 1970, one of modern America's most consequential laws.

It passed the Senate unanimously, drew only one "no" in the House of Representatives, and was signed into law by a Republican president, Richard Nixon.

In the nearly five decades since, the Clean Air Act has saved literally millions of American lives and trillions of dollars — $22 trillion in its first 20 years alone, government studies have found. Despite the angry protestations of polluting industries it forced to change, the law's benefits, in dollar terms, have proved dozens of times greater than the costs.

That's because just as higher rates of pollution are linked to more death and illness, cleaner air means fewer heart attacks and strokes, less cancer and dementia, and longer lives.

But as the Trump administration rolls back the regulations that turn the law's principles into reality on the ground, and guts the agency charged with enforcing them, the Clean Air Act's considerable accomplishments are at grave risk.

The Clean Air Act is far from perfect, but its successes are a testament to the idea that congressional power, when used wisely, can change Americans' lives for the better.

Those successes were built on a process characterized by bipartisan cooperation and a seriousness that seem unimaginable today. The subcommittee was led by Sen. Edmund Muskie, a Maine Democrat, and its Republican members included two future Senate majority leaders, Bob Dole and Howard Baker.

"They had a tremendous amount of respect for each other, they listened to each other, they enjoyed each other," recalls Jorling, the onetime aide, now in his 70s. "It was a very high-quality intellectual engagement, with a commitment to produce a product that would deliver the result."

Back then, Americans were just waking up to the dangers of the awful air that hung over much of the nation. It wasn't just famously smoggy Los Angeles and steel-making Pittsburgh; even in Washington, there was a coal-burning power plant a few blocks from the Capitol, and Hill staffers had to change their soot-stained shirts by midday. In New York, ash from incinerated garbage floated through the sky, and, at the bottom of the Lake in Central Park, scientists later discovered layers of lead that had permeated the air.

The senators wanted to understand why earlier laws had failed to address the pollution.

Questions of cost and technical feasibility had shaped previous environmental efforts. But Muskie, the lanky former governor of Maine, realized that put regulators at a disadvantage, because only industry could judge what was economically and technologically possible. So, the new law demoted such business considerations.

The Clean Air Act's beating heart was this: From now on, public health — not corporate profits — would be the sole factor to determine how much pollution was allowed in the nation's air. Costs could come into play later, in deciding how to meet the new national standards, but only physical well-being would be taken into account in setting them.

That proposition was revolutionary. The law gave government the power and the responsibility to protect Americans' health.

Another groundbreaking element was an idea known as "technology-forcing regulation." Baker, a Tennessee Republican who would later serve as President Ronald Reagan's chief of staff, thought that if Washington required industries — particularly auto manufacturers — to deliver steeper pollution reductions than were possible with existing technologies, they would put their smartest engineers to work and come up with better ones.

So, the new law required carmakers to make their vehicles 90% cleaner within five years. Although Congress would later extend the timeline, Baker was proved right. Not only did the companies meet the ambitious goal, they achieved even tougher standards later.

There is no magic bullet for dirty air, no single action that dissipates it. Cleaning up requires a systematic effort, sustained over time and grounded in science, to identify pollution's sources and require action from those responsible. And across the country, that was exactly what happened.

Thousands of changes, big and small, took root. Factories and power plants installed scrubbers and other pollution controls, cities closed garbage incinerators, states introduced auto emissions inspections and cracked down on the vapors wafting from filling stations. Lead was removed from gasoline, and as levels in the air dropped by 99%, American children were collectively spared the loss of 10 million IQ points a year.

Near the end of his life, Baker said he was so proud of the role he'd played in the Clean Air Act's birth that he wanted the achievement etched on his gravestone.

Since then, though, his party has changed so dramatically that it's now almost inconceivable any Republican senator might feel that way about a law that gave government such far-reaching new authority.

The Clean Air Act's benefits can be hard to see. We'll never know that we haven't had a heart attack, haven't watched a child struggle for breath, or haven't lost a loved one because the air is so much healthier than it would have been without the law.

But the Clean Air Act, and the work of the Environmental Protection Agency in enforcing it, are why America's air is today significantly cleaner than Europe's, despite that continent's reputation for environmental awareness.

"A girl on a soccer field in suburban Maryland who doesn't have an asthma attack — that's a win," says Leon Billings' son Paul, himself an air quality advocate at the American Lung Association. "The fact people aren't dying at the same levels as they were, that's a win."

For all the improvements, though, air pollution still cuts short 100,000 American lives every year — more than guns, more than car crashes, more than the flu. But now, instead of pushing forward, we are going in reverse.

The Trump administration is trying to knock the Clean Air Act's central pillar — science — out from under it. EPA leaders who until recently worked for polluting industries like coal, seek to cast doubt on the rigorous evidence linking dirty air to ill health, because that evidence provides powerful justification for regulations that cost industry money.

The agency is seeking to discredit key studies with claims that their confidentiality safeguards undermine transparency. And it has rewritten the requirements for membership on its science advisory panels to exclude many scientists, claiming conflicts of interest disqualify experts who've received research grants from the agency — but not representatives of polluting industries.

Leon Billings died in 2016, exactly a week after Trump's election. His old friend Tom Jorling is still "quietly proud" of the work the two of them did together.

But Jorling is afraid, too. After the nation spent decades building a regulatory system that puts human health above industry profit, he hates watching much of that good work be undone. "Wrecking things," Jorling muses, "is so much easier."

This article is adapted from "Choked: Life and Breath in the Age of Air Pollution."

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Salon
EPA prefers coal plants over people
https://www.salon.com/2019/05/13/epa-prefers-coal-plants-over-people_partner/
Sarah Okeson

The cost to babies whose IQs are stunted because their mothers ate mercury-laced fish while pregnant pales for EPA Administrator Andrew Wheeler in comparison to the costs imposed on coal-fired power plants to make their mercury-emitting plants safer.

Wheeler twisted the math for a proposed federal rule to knock out the legal justification for safer standards under Obama, claiming that "the only health benefit" to reducing mercury emissions "that the EPA could quantify and monetize" was the children's IQ loss.

"By taking away the legal justification for the standard, they're making it very easy for challengers to say that the standard can't survive," said Richard Revesz, the director of the Institute for Policy Integrity at New York University. "The consequences are enormous, and the analysis is atrocious. You won't find a single respectable economist who would say this is a plausible methodology."

Campaign donor's list

In March 2017, coal magnate Robert Murray, who donated $300,000 to Trump's inauguration, gave the Energy Department a wish list that included rescinding or revising the mercury standard, which Murray Energy had sued to block. Wheeler is a former lobbyist, and Murray Energy was his best-paying client.

Wheeler ignored the other projected benefits of the current rule that prevent up to 11,000 premature deaths, about 130,000 asthma attacks, 5,700 hospital and emergency room visits and more than 3 million days of restricted activity.

In our country, coal-fired power plants are the largest source of mercury emissions, accounting for 42% of emissions in 2014.

A threat to unborn babies

Babies and fetuses are most at risk from mercury. The results mimic cerebral palsy at the highest levels of exposure. High levels of mercury are also associated with heart disease and high blood pressure.

It's difficult to consume the amount of fish recommended by the American Heart Association while also remaining at safe mercury levels because of high mercury levels in most fish.

Recent studies suggest that the benefits of reducing mercury emissions are much larger than those found in a 2011 analysis the Obama EPA used to justify the mercury standard. A 2016 study found that the benefits are more than $43 billion if potentially lost wages, medical costs from lowered IQs, premature deaths and nonfatal heart attacks are looked at. The estimated cost of compliance is less than $1 billion a year.

Since the mercury rule went into effect in 2012, mercury emissions from U.S. coal-fired power plants decreased by 79,000 pounds, or 86%, between 2006 and 2016 and 83,000 pounds, or 89%, from 2007 and 2017.

Budget

E&E
Trump formalizes funding request for Great Lakes, Everglades
https://www.eenews.net/eedaily/2019/05/14/stories/1060329295
Manuel Quiñones, E&E News reporter

President Trump yesterday sent lawmakers a letter formalizing his intention to amend his fiscal 2020 budget request to benefit a host of programs, including Great Lakes restoration.

The budget asked lawmakers to slash the Great Lakes Restoration Initiative by 90% — from $300 million to about $30 million.

The president backtracked in March, touting his commitment to full funding during a campaign-style rally in Michigan (*Greenwire*, April 2).

"We must protect our Great Lakes, keeping them clean and beautiful for future generations," Trump wrote in a tweet. "That's why I am fighting for $300 million in my updated budget for the Great Lakes Restoration Initiative."

Also in March, the president promised significant funding for Everglades restoration during a tour of Lake Okeechobee (*E&E News PM*, March 29). The budget included $63 million for the effort.

Yesterday, Trump tweeted: "My Administration will be fighting for $200 million for the Army Corps Everglades restoration work this year. Congress needs to help us complete the world's largest intergovernmental watershed restoration project ASAP! Good for Florida and good for the environment."

Lawmakers were poised to ignore the president's original request, and they would have moved to secure funding for the Great Lakes and Everglades regardless of the White House's letter.

Today, the House Appropriations Committee will release its Energy-Water and Interior-EPA bills, which will likely seek significant spending increases.

Herbicide

E&E
Monsanto lost again on Roundup. What's next for glyphosate?
https://www.eenews.net/greenwire/2019/05/14/stories/1060332679
Ellen M. Gilmer **and** Ariana Figueroa**, E&E News reporters**

A California jury awarded more than $2 billion yesterday to a couple who blamed their cancer diagnoses on a chemical found in Monsanto's popular herbicide Roundup — the latest in a string of legal defeats for the Bayer AG subsidiary.

The verdict from the Alameda County Superior Court comes just months after two other juries awarded millions of dollars to plaintiffs in similar lawsuits that claimed Monsanto knew Roundup's active chemical glyphosate was dangerous but failed to warn customers.

Bayer denies glyphosate causes non-Hodgkin lymphoma or any other cancer and is appealing all three verdicts. But legal experts note that pressure is increasing for the company to settle the more than 13,000 additional cases awaiting trial.

"The significance here is that it's three for three," said Micah Dortch, a Dallas-based attorney for the Potts Law Firm, which represents plaintiffs in hundreds of those lawsuits. "Their stock has already taken a tumbling as a result of this, and the lawsuits are mounting."

Bayer's stock price hit $15.52 this morning, cut nearly in half from $29.85 when it acquired Monsanto last June.

Glyphosate is used by businesses, land managers and everyday consumers to combat weeds. The pesticide is also used on food crops, including genetically modified corn, soybeans, cotton and canola.

National and international agencies have disagreed about its health impacts. EPA for years has maintained the chemical does not pose a risk to human health, though it has proposed some restrictions on how it is sprayed in order to protect non-targeted wildlife (*E&E News PM*, April 30).

In 2015, the World Health Organization's International Agency for Research on Cancer published a bombshell report linking glyphosate to cancer. EPA responded by reviewing hundreds of studies and concluding again that it is "not likely to be carcinogenic to humans."

In a statement yesterday, Bayer blamed the latest verdict on "cherry-picked findings" from the plaintiffs' lawyers.

"Frankly, I'm a little surprised that [Bayer's] had such trouble getting a jury to believe all the work that's been done," said James Aidala, a chemical industry consultant at Bergeson & Campbell PC.

Pressure to settle

The million- or billion-dollar question is when or whether Bayer will settle the thousands of pending cases.

Paul Rheingold, an expert on mass torts, has studied the number of unfavorable verdicts required to push big companies toward settlements.

"When I analyzed all the outcomes, it's as diverse as it can be," said Rheingold, a plaintiff's attorney at the New York firm Rheingold Giuffra Ruffo & Plotkin LLP. "Sometimes the defendants think very early that they should pay up, that it'll be cheaper and less litigation. They set up a settlement program."

But a company still selling a product alleged to be dangerous could be less inclined to settle, he said: "Sometimes it's years and years of litigation."

So far, Bayer is sticking with the fight. The company noted yesterday that key legal rulings in all three cases that have gone to trial have not yet worked their way through appellate review.

"The company will continue to evaluate and refine its legal strategies as it moves through the next phase of this litigation, which will be marked by a greater focus on post-trial motions and appellate review and trials scheduled in different venues," Bayer said.

In an initial challenge to the first verdict, Bayer's lawyers successfully persuaded a judge to slash the $289 million award to $78.5 million.

"But if juries keep thinking that causation is there and that liability is pretty clear ... they've somehow got to start setting up a settlement program," said Rheingold, whose firm also has Roundup cases pending.

Regulation

Environmental groups and public health advocates say yesterday's verdict underscores the need for state and federal agencies to crack down on the chemical.

"Juries informed by independent science have repeatedly rejected the Monsanto-promoted myth that glyphosate poses no cancer risks," Center for Biological Diversity senior scientist Nathan Donley said in a statement.

Alexis Temkin, a toxicologist with the Environmental Working Group, pointed to studies that have linked cancer in agriculture workers to glyphosate exposure. Despite those studies and the recent verdicts, however, Temkin said she's not optimistic EPA will intervene.

"Unfortunately, EPA is probably going to stand by its analysis that glyphosate does not cause cancer," she said.

Claudia Polsky, who leads the Environmental Law Clinic at the University of California, Berkeley, said the increasing number of verdicts against Monsanto could put added pressure on EPA to restrict the chemical or require disclosure of other pesticide ingredients that mix with glyphosate.

The agency's latest review of the chemical is open for public comment now, "and one would expect advocates of restricting the herbicide to be filling the administrative record with evidence from discovery and testimony in recent tort litigation demonstrating that the chemical is far more harmful than EPA and Bayer/Monsanto have to date maintained," Polsky said in an email.

Aidala, the consultant, said the legal action will, at the very least, push regulators to review their own work.

"As a regulator, what it means is, 'Let's go back and double-check our homework. Let's go triple-check our homework. Are we really, really sure?'" he said, adding later: "EPA will be continually questioned as to why they think it's OK."

WSJ
In Latest Roundup Herbicide Defeat for Bayer, Jury Awards California Couple $2 Billion
https://www.wsj.com/amp/articles/in-latest-roundup-herbicide-defeat-for-bayer-jury-awards-california-couple-2-billion-11557782148
Ruth Bender

A jury Monday awarded $2.055 billion to a California couple who blamed Bayer's Roundup weedkiller for causing their cancer, the largest such verdict to date and one that adds significant pressure to a company struggling to contain the fallout from last year's acquisition of Monsanto Co.

Two previous trial losses have helped wipe more than 30% off Bayer's share price. Last month, a majority of Bayer shareholders refused to endorse management's actions in the past year, indicating that investors lack confidence in how the company is being run.

The company now has until August to reevaluate its legal strategy and try to appease investors before the next scheduled trial. That trial will be the first to unfold outside the San Francisco Bay Area, often seen as an unfavorable setting for corporate defendants. It will be in St. Louis, the former headquarters of Monsanto and now home to Bayer's global seed business.

Bayer has appealed a $78.5 million verdict reached in August, the first Roundup case to go to trial. It has said it would appeal the second, a more than $80 million jury award decided in March.

Some investors have pushed Bayer to settle the cases soon, though companies facing product-liability claims often bring a dozen or more cases to trial before seriously entering settlement talks.

Reaching a settlement in the case is complicated by the fact that the product continues to be sold to consumers and farmers and doesn't carry a cancer-warning label, which means the potential pool of plaintiffs could expand indefinitely. The company could reach a deal with the current batch of plaintiffs and set aside money to pay out future claims, or continue fighting case by case to gather more data points. People familiar with Bayer say the company isn't planning to settle before at least a first few cases have gone through appeal.

Bayer said it is disappointed in the verdict and plans to appeal. The company added that the litigation "will take some time before it concludes" since appeals are pending and that it would "continue to evaluate and refine its legal strategies as it moves through the next phase of this litigation."

R. Brent Wisner, an attorney for the plaintiffs, thanked the jurors for finding "that the science shows there are serious health hazards associated with Roundup and that Monsanto did nothing to warn people about the risk."

Elizabeth Burch, a law professor at the University of Georgia, said the third trial loss was significant "given the learning curve" that might have been expected of the company after the earlier defeats. "Whatever the plaintiffs' lawyers are doing, they have a pretty good formula," she said.

The jury in the third case found Bayer liable for the non-Hodgkin lymphoma diagnoses of Alva and Alberta Pilliod, a married couple in their 70s who used Roundup on their San Francisco Bay Area property for 35 years. The two were diagnosed four years apart, in 2011 and 2015; both are in remission.

The money awarded includes $2 billion in punitive damages and $55 million in compensatory damages to the couple. An attorney for the plaintiffs suggested to the jury that they award $1 billion in punitive damages to send a message to the company. Large damages awards are often reduced on appeal; the judge overseeing the first Roundup trial cut punitive damages in the case by more than $210 million. Bayer called the punitive awards "excessive and unjustifiable."

The trial unfolded much like the earlier two, with sparring over scientific studies, the credibility of expert witnesses and the relative importance of a 2015 designation by a World Health Organization branch that glyphosate, the primary ingredient in Roundup, is likely carcinogenic to humans.

Attorneys for the plaintiffs walked jurors through scientific studies of rodents, cells and human populations that they say show glyphosate and Roundup are carcinogenic. Bayer lawyers countered that hundreds of studies have shown it to be safe, and pointed to regulators like the U.S. Environmental Protection Agency that have approved the product. The EPA in late April reaffirmed its long-held conclusion that glyphosate, the world's most widely used herbicide, is safe when used as directed and doesn't cause cancer.

The health histories of Mr. and Mrs. Pilliod also figured prominently in Bayer's case. Lawyers for the company pointed to prior cancer diagnoses, family histories of cancer and autoimmune diseases that they said elevated the couple's risk for non-Hodgkin lymphoma—not their weedkiller use.

Bayer reiterated Monday that it believes scientific studies and the EPA's conclusions back up Roundup's safety, and said the jury was presented with "cherry-picked findings from a tiny fraction of the volume of studies available."

The case was the first to go to trial of hundreds of lawsuits consolidated in California state court. A judge put the Pilliods' case on an accelerated timeline because of their age.

Hundreds of other cases are part of multidistrict litigation in federal court in San Francisco. The judge overseeing those cases recently called off two scheduled trials and ordered the parties to try resolving the claims in mediation.

Bayer and its shareholders are now setting their hopes on the first appeal in the case of former school groundskeeper Dewayne Johnson, expected to be argued before a California state appellate court before the end of the year.

Costco Wholesale Corp. pulled Roundup from its shelves, but sales overall don't seem to have suffered much from the litigation. Scotts Miracle-Gro Co. , which markets Roundup to home-and-garden retailers in the U.S., said its Roundup sales increased 20% in the first three months of the year from the same period last year.

NEJAC

Inside EPA

NEJAC warns of equity harms from EPA chemical safety, EtO rollbacks
https://insideepa.com/daily-feed/nejac-warns-equity-harms-epa-chemical-safety-eto-rollbacks

EPA's National Environmental Justice Advisory Committee (NEJAC) is urging EPA to halt proposed rollbacks of an Obama-era rule on limiting safety risks from industrial facilities and of the agency's risk assessment of the solvent ethylene oxide (EtO), warning that the efforts could increase public health risks for equity communities.

The panel outlined the concerns in a pair of May 3 letters to agency Administrator Andrew Wheeler, the first addressing EPA's attempt to reverse Obama-era updates to the Risk Management Plan (RMP) facility safety program. The Obama administration's 2017 RMP rule sought to strengthen provisions in the existing program in the wake of an explosion at a West, TX, fertilizer facility that killed 15 people, including ten first responders who lacked data on the facility. EPA sought, and failed, to delay the 2017 rule but is still seeking to undo it.

NEJAC "is extremely concerned about the impacts of chemical disasters on environmental justice communities. We urge the Environmental Protection Agency to halt efforts to rescind, weaken, and further delay parts of the Chemical Disaster Rule," also known as the RMP update, the panel says in the first letter. "Instead, NEJAC believes that the Chemical Disaster Rule should be fully implemented and enforced."

In the second letter, the panel is opposing the agency's request for information on EtO's risks, warning it undermines an Integrated Risk Information System (IRIS) review of EtO.

EPA in a proposed air toxics rule for Hydrogen Chloride (HCl) manufacturing facilities is inviting alternative views on EtO's risks to public health. NEJAC warns this undermines the IRIS assessment and could possibly result in several weaker EPA air rules. HCl plants emit EtO, but the chemical is also commonly used to sterilize medical equipment and to fumigate certain foodstuffs including spices.

NEJAC says it "strongly objects to EPA using the regulatory process for a source of [EtO] to attempt to change the independently determined and scientifically robust health risk factor for [EtO]" developed by the IRIS program.

The panel further asks EPA to issue fresh regulations to curb EtO emissions from a variety of sources. "We

urge the Environmental Protection Agency to regulate Ethylene Oxide to protect public health, particularly for the workers in these facilities and the communities living adjacent to them, who are most vulnerable to health threats from both acute chemical releases and long-term exposures," the panel says.

NEJAC asks for additional information on "EPA's planned efforts to reduce emissions of this chemical from each of the industrial sources that it has identified, including (1) Miscellaneous Organic Chemical Manufacturing; (2) Polyether Polyols Production; (3) Synthetic Organic Chemical Manufacturing; (4) Commercial sterilizers; (5) Hospital Ethylene Oxide Sterilizers; and (6) Ethylene Oxide production facilities."

Regulating any of these sectors using weaker alternative risk values for EtO could lead to weak control requirements that would likely spark protest by environmental and public health groups, as cancer risks from the chemical have led to high-profile controversies. The American Chemistry Council, representing the chemical manufacturing sector, is pressing EPA to adopt a weaker cancer risk value for EtO.

Pesticide

DTN Progressive Farmer
California Moves to Ban Chlorpyrifos
https://www.dtnpf.com/agriculture/web/Ag/news/farm-life/article/2019/05/13/action-comes-epa-faces-july-deadline

Todd Neeley

OMAHA (DTN) -- California regulators are moving to cancel chlorpyrifos registrations in the latest of a series of moves targeting a key insecticide used by farmers.

The California Environmental Protection Agency announced in a news release Wednesday its decision came following a state scientific review panel's findings that the pesticide causes "serious health effects in children and other sensitive populations at lower levels of exposure than previously understood."

Chlorpyrifos use in California has been on the decline since 2005, according to the state's department of pesticides registration. About 2 million pounds of the insecticide was used in 2005, but that fell to about 900,000 pounds in 2016.

"California's action to cancel the registration of chlorpyrifos is needed to prevent the significant harm this pesticide causes children, farm workers and vulnerable communities," CalEPA Secretary Jared Blumenfeld said in a press statement. "This action also represents a historic opportunity for California to develop a new framework for alternative pest management practices."

On a national level, the U.S. EPA has until July 18 to address objections to its 2007 decision to reject a petition asking the agency to ban chlorpyrifos as a result of an order issued by the U.S. Court of Appeals for the Ninth Circuit in San Francisco.

On Nov. 10, 2016, then-President Barack Obama's EPA announced plans to ban chlorpyrifos. That was reversed by the Trump administration.

In August 2018, the Ninth Circuit ordered EPA to ban the use of chlorpyrifos. That was reversed by the full Ninth Circuit as a result of an en banc hearing.

In April 2019, California formally listed chlorpyrifos as a "toxic air contaminant." State law defines that as "an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health."

The California Department of Pesticide Regulation is required to develop control measures to protect human health.

In California, chlorpyrifos is used to control pests on alfalfa, almonds, citrus, cotton, grapes and walnuts.

The state said in a news release Wednesday it plans to convene a working group to identify alternatives to chlorpyrifos.

In 2015, the state designated chlorpyrifos as a "restricted material" that requires a permit for its application.

Chlorpyrifos is the main ingredient in what was Dow AgroScience's -- now Corteva Agriscience's -- Lorsban insecticide, which also targets pests such as soybean aphids, spider mites and corn rootworm.

Corteva did not respond to DTN's request for comment.

The national legal pursuit began in 2007 when the Pesticide Action Network North America and the Natural Resources Defense Council petitioned EPA to cancel chlorpyrifos registrations.

A Columbia Center for Children's Environmental Health study has been widely used as support for a ban, despite divergent scientific views among EPA scientific review panels, and former President Barack Obama's administration's USDA questioning the study and its data.

A 2016 EPA scientific advisory panel indicated some members of that panel said they had difficulty assessing the study, because the raw data from the study was not made available.

On July 30, 2018, the California Department of Pesticide Regulation released a scientific assessment that concluded chlorpyrifos should be listed as a toxic air contaminant in the state based on evidence of its neurological effects and exposure risks.

PFAS

E&E
Democrats propose funding to study PFAS at military bases
https://www.eenews.net/greenwire/2019/05/14/stories/1060332595
Courtney Columbus

The fiscal 2020 Defense spending bill released by the House Appropriations Committee today includes funding to study drinking water contaminants, according to a news release.

The legislation would set aside $13 million for studying and assessing two types of per- and polyfluoroalkyl substances, or PFAS, at current and former military installations in the U.S. that are contaminated by the chemicals.

Companies have phased out the two chemicals — perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). But they persist in the environment and can make their way into groundwater.

The Department of Defense has identified 401 current and former installations where known or suspected releases of PFOS or PFOA have occurred.

Lawmakers in both chambers have introduced a flurry of bills this year that aim to address PFAS. A House Energy and Commerce panel tomorrow is set to review more than a dozen of them (*E&E Daily*, May 13).

PFAS measures are likely to emerge in various spending bills. The House Military Construction-Veterans Affairs measure approved in committee last week includes $60 million for PFAS cleanup (*E&E News PM*, May 9).

The Defense spending bill would also boost the total amount of environmental restoration funding to $1.26 billion — an increase of $14.8 million over the current funding level and an increase of $188 million from the budget request. A closed subcommittee markup is set for tomorrow.

Superfund

The News Herald
Cleanup of former McLouth Steel site takes big step forward making National Priorities List

http://www.thenewsherald.com/content/tncms/live/
By Jackie Harrison-Martin

The list of sites on the National Priorities List has now grown to include the southern portion of the former Trenton McLouth Steel in Trenton, clearing the way for federal money to be used to help clean the site.

An announcement was made Monday that the steel plant, where releases of contamination pose human health and environmental risks, had been put on the list.

The list serves as the basis for prioritizing Environmental Protection Agency Superfund cleanup funding and enforcement actions. The list includes only the country's most serious uncontrolled or abandoned releases of contamination.

Only sites on the list are eligible to receive federal funding for long-term, permanent cleanup.

Contamination on southern portion stems from the facility's former steel-making process and acid pickling line operation.

A tour of the site took place Monday, and included Trenton Mayor Kyle Stack, representatives from the Michigan Department of Environment, Great Lakes Energy, U.S. Rep. Debbie Dingell (D-12th District) and EPA Regional Administrator Cathy Stepp.

Representatives from Crown Enterprises, which now owns the site, also attended, as did residents and other stakeholders.

Stepp, who made the announcement, said cleaning up the southern portion of McLouth will not only improve the human health and environment, but also will spur economic growth and opportunity.

"Restoring sites to productive use is part of EPA's core mission," Stepp said.

According to EPA Administrator Andrew Wheeler, adding McLouth to the list allows the EPA to take action to clean up one of the nation's most contaminated sites, protect the health of the local communities and return the site to safe and productive reuse.

"Our commitment to these communities is that sites on the National Priorities List will be a true national priority," Wheeler said.

Superfund cleanups provide health and economic benefits to communities. The program has achieved significant reductions in birth defects and blood-lead levels among children living near sites, and research has shown residential property values increase up to 24 percent within 3 miles of sites after cleanup, officials said.

McLouth is one of just seven sites in the country chosen recently be added to the list, and was the only one in Michigan.

Wayne County Executive Warren Evans said this is another step toward revitalizing one of the state's biggest eyesores and making it productive again for Trenton and the entire Downriver community.

"Today's news further validates the decision we made several years ago to collaborate with the city of Trenton, the Wayne County Treasurer's office and other key stakeholders to put this property on a path back to productive use, rather than let it go to the auction," Evans said in a statement. "It's a good example of all levels of government coming together to get a positive result for the people we serve."

Dingell also commented after the announcement was made, recognizing this is a step forward in what is sure to be a long process of cleaning up the site.

She has said from the beginning that a top priority must be ensuring that the site is properly cleaned, and the safety of Trenton and Downriver communities be protected.

"There is still a long road ahead of us and it is critical federal, state, local officials, the community, and private industry partners keep working together," Dingell said in a statement. "We have been talking for more than two decades. The site needs to be cleaned up, the plant taken down, the ground and water cleaned up and protected. This EPA listing is an important step in the process."

Wash Post
The Energy 202: EPA finally added West Virginia site plagued by chemical dumping to priority cleanup list
https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2019/05/14/the-energy-202-epa-finally-added-west-virginia-site-plagued-by-chemical-dumping-to-priority-cleanup-list/5cd9c09c1ad2e544f001dcfa/?das=pw_spsrd_hit&utm_term=.c4ecec5cfea6
Dino Grandoni

A local company that once helped the West Virginia town of Minden thrive had for for decades dumped untold amounts of industrial chemicals nearby. Years after that coal-equipment manufacturer shuttered and the rest of the local coal economy fell into decline, those toxic chemicals remained.

Now the federal government is saying it will make cleaning up Minden a priority. On Monday, the Environmental Protection Agency finally added a site in the tiny town of 250 people to its national priority list for contaminated Superfund sites. The government says it prioritize cleaning up a former manufacturing site for Shaffer Equipment Co. and nearby areas around Arbuckle Creek, where the company used polychlorinated biphenyls, or PCBs, which had been added to oil used by electrical equipment until 1984.

For years, Minden residents said they were being overlooked by federal authorities, even as many of them were diagnosed with an alarming number of cancers and other health issues. Local activists told The Post's

Brady Dennis for a profile he wrote of the community they found about a third of Minden residents have died of or been diagnosed with cancer in recent years.

They suspected the cause was PCBs. Yet testing by state and federal officials was not able to definitively establish that link. Still, residents pressed their case with the Trump administration, which proposed last September to add the Minden site to the Superfund list.

West Virginia politicians praised the move on Monday, which open remediation of the site up to an injection of new federal funding through the Superfund program. "This is such an important day because the great people of Minden have been hurting for too long and they've been waiting on this level of help for decades," Gov. Jim Justice (R) said.

So too did local leaders, such as Ayne Amjad, a doctor who helped research the health problems and spent years trying to raise the profile of the town. "So to get so much national support and to see it come to this is such a great feeling," she said Monday, adding that activists will turn now to relocation efforts for Minden residents living near the toxic site.

In a sign of how intractable some pollutants are, though, the EPA has already undertaken several rounds of cleanups in Minden since 1984, removing dozens of PCB-laced drums buried underground and hauling away nearly 5,000 tons of soil.

The listing is a small part of a larger effort by the Trump administration to revitalize the nearly 40-year-old Superfund program, designed to clean up more than 1,300 hazardous sites across the country. Compelling companies to pay up for cleanup efforts has proved to be one of the few issues on which the EPA has been willing to side with environmental groups during the Trump administration.

WV News
EPA Administrator Wheeler, Gov. Justice announce Minden, WV, has been added to National Priorities List
https://www.wvnews.com/news/wvnews/epa-administrator-wheeler-gov-justice-announce-minden-wv-has-been/article_5621ea75-a10a-5df6-83c2-a1f142f54f7d.html

MINDEN — A contaminated site in Fayette County has been added to the National Priorities Lis of Superfund sites.

A release form Gov. Jim Justice's office says that Gov. Justice joined U.S. Environmental Protection Agency Administrator Andrew Wheeler today for an announcement that the Shaffer Equipment / Arbuckle Creek area site in Minden has been added to the National Priorities List of Superfund sites.

"After I talked directly to President Trump, the EPA, and our West Virginia DEP, finally the people of this great community are going to be helped. This is such an important day because the wonderful people of Minden have been hurting for too long and they've been waiting on this level of help for decades," Gov. Justice said.

The location in Minden was contaminated in the 1980's, and elevated levels of polychlorinated biphenyls were discovered by the West Virginia Department of Environmental Protection in the soil near the Shaffer Equipment Company site. Testing by the WVDEP and the Environmental Protection Agency showed that the water of Arbuckle Creek was also contaminated.

The release says that adding the site to the National Priorities List could help rid the area of contamination since it will allow the EPA to use federal money and other resources to conduct comprehensive, long-term cleanup initiatives at the site.

Shaffer Equipment used oil that contained polychlorinated biphenyls in certain equipment they built from 1970 to 1984. The oils leaked out of old transformers that had been damaged and the company had stored. The oils leaking out combined with frequent flooding in the area caused the polychlorinated biphenyls to spread into residential areas.

The EPA performed two oil removal actions over a period of seven years, starting in 1984, to help stop the spread.

According to the EPA, elevated levels of PCBs have also been found up to one mile downstream in Arbuckle Creek. Wetlands along the creek and endangered species' habitats are also contaminated. In addition, the creek flows into the New River Gorge National River which is used extensively for recreation and fishing, the release from Gov. Justice's office said.

"I've said so many times how blessed, nature-wise, we are here in West Virginia," Gov. Justice said. "We need to make sure that every single one of our people can enjoy all the beauty that our great state has to offer without being worried about contaminants.

"Being added onto this list is only the first step, but it's an absolutely critical step that we needed to take," Gov. Justice said. "I'm excited to get started on finally cleaning this mess up and now we're going to move as fast as we can so we can get the people of Minden back to their normal lives."

Water

E&E

EPA officials met with law firm in groundwater case
https://www.eenews.net/greenwire/2019/05/14/stories/1060332575
Ariel Wittenberg **and** Ellen M. Gilmer**, E&E News reporters**

EPA officials met with lawyers involved in a key Clean Water Act case days before a petition was due to the Supreme Court.

The August 2018 meeting between EPA Office of Water chief David Ross, EPA General Counsel Matt Leopold and attorneys for Hunton Andrews Kurth LLP is one of a few interactions Ross has had with industry and its allies regarding the question of whether pollutants in groundwater that make their way to surface waters can be regulated under the Clean Water Act.

Hunton Andrews Kurth is representing Maui County in a pending Supreme Court case centered on wastewater disposal wells where waste mixes with groundwater and ends up in the Pacific Ocean.

Environmental groups sued Maui in 2012 and prevailed in the 9th U.S. Circuit Court of Appeals last year. Supreme Court arguments are expected this fall.

EPA calendars for Ross — released to the Sierra Club under the Freedom of Information Act — show Hunton attorney Elbert Lin, who is litigating the Maui case, was one of three from the law firm who met with Ross, Leopold and others from EPA on Aug. 16, 2018.

Described in Ross' calendar as pertaining to "Clean Water Act issues," the meeting occurred 11 days before Maui's deadline to seek Supreme Court review of the 9th Circuit decision.

Lin declined to comment about the meeting, and EPA did not respond to requests for comment.

Ken Kopocis, who led the Office of Water during the Obama administration, said it was "odd" for Ross to meet with attorneys involved in active litigation.

Kopocis recalled that he met with forestry and paper goods interest groups in advance of the Supreme Court ruling on the 2013 wetlands case *Decker v. Northwest Environmental Defense Center* but "not with the actual lawyers representing the defendants."

Former members of EPA's Office of General Counsel stressed, however, that such meetings can be routine.

"The fact that attorneys representing County of Maui came in to meet with EPA officials prior to filing their petition for a writ of certiorari is not unusual or unexpected," said Kevin Minoli, a former agency lawyer now at Alston & Bird LLP.

"While EPA had filed an amicus brief with the 9th Circuit, it was not a party to the litigation and months earlier sought input from the public on issues related to discharges to groundwater," he added. "In that situation, it

would not be unusual for representatives of one or both sides in the litigation to reach out and request a meeting with EPA officials, even without the Department of Justice being present."

In fact, EPA historically has encouraged outside groups and businesses to communicate directly with the agency before litigating against it or on related issues.

"Representatives of affected stakeholders, including industry, are generally welcome to request meetings with EPA officials — subject, as always, to adherence to potential conflicts of interest and ethics advice — and the timing of such a meeting is not a surprise," Obama-era General Counsel Avi Garbow said in an email. "The lawyers representing Maui would certainly have an interest in advising the Agency of their position on a Clean Water Act interpretation that may be heard by the Supreme Court."

Garbow, now at Patagonia Inc., said he emphasized open communication with outside lawyers when he was at EPA, especially with state officials considering legal challenges to new regulations.

"I wanted to make sure that they understood the legal basis for EPA's final actions, and were not considering a lawsuit based on misinformation and political rhetoric (recognizing that most State Attorneys General are not themselves expert in environmental law)," he said.

Garbow noted, however, that there's a difference between taking numerous meetings after a policy is finalized and doing so while it's still being crafted.

"In that case, while I think there are advantages to keeping an open line of communication with potentially affected persons, EPA must pay close attention to rules governing its regulatory procedures and guard against special interests and changing legal positions without compromising its role to safeguard the environment and public health under our laws," he said.

He warned that meetings can raise red flags if one party has more access to agency officials than others or if a meeting results in a "coordinated effort" between the agency and outside lawyers.

"It would be highly unusual, for example, if any such meeting resulted in a coordinated effort in connection with forthcoming petitions to the Supreme Court," he said.

Ross and Leopold's meeting with Hunton Andrews Kurth came as EPA was already working on agency guidance on how to handle groundwater-to-surface water pollution cases. That effort advanced last month, when EPA decided it would not use the Clean Water Act to regulate any pollution to surface waters that first passes through groundwater (*Greenwire*, April 16).

Ross' calendars show he participated in 10 meetings or conference calls on the issue between January 2018 and March 26. The first meeting occurred within days of Ross being sworn in — before his official portrait was taken.

The only other meeting with non-EPA staff was a May 4 conference call with the Edison Electric Institute. The trade organization representing U.S. investor-owned electric companies would later file public comments arguing EPA should not regulate groundwater-to-surface water pollution.

EEI spokesman Brian Reil said those comments "cover the issues that were discussed during the meeting."

Ross' calendars do not show any meetings with environmental groups or those that would oppose the agency's groundwater guidance.

The Maui case is one of three high-profile lawsuits that have presented the groundwater question to the Supreme Court. Two others involve a gasoline pipeline rupture in South Carolina and contamination from a coal ash disposal site in Tennessee. The first is on hold, and the other is in its early stages.

In June 2017, former EPA air chief Jeff Holmstead emailed Sarah Greenwalt, then working as an aide to former Administrator Scott Pruitt, asking EPA to support pipeline operator Kinder Morgan Inc. in the South Carolina case, which was then pending at the 4th U.S. Circuit Court of Appeals.

In emails obtained by the Sierra Club and first reported by *Politico*, Holmstead said Kinder Morgan "thought EPA might want to submit an amicus brief in this case" due to the agency's efforts to limit which wetlands and waterways are protected by the Clean Water Act.

Neither Holmstead nor EPA responded to requests for comment.

The Trump administration never did grant Holmstead's invitation to file a brief in the 4th Circuit litigation. It finally weighed in on the issue in January in a joint brief requested by the Supreme Court for both the Maui and Kinder Morgan cases. Justice Department lawyers advised the court to take the Maui case but not the Kinder Morgan one.

Kopocis said he didn't think it mattered whether EPA filed an amicus brief in either the Kinder Morgan or Maui cases because the agency had already signaled it would be writing guidance limiting the Clean Water Act's reach.

"I don't see a big difference between a policy and an amicus brief," he said. "You're still telling the court 'this is what we think.'"

Message

From: Lynn, Tricia [lynn.tricia@epa.gov]
Sent: 2/7/2019 8:27:17 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips, 2/7/19

Axios: Exclusive: Top EPA official leaves to start new advocacy group

Star Tribune (Minnesota): Former EPA lawyer challenges regulators on PolyMet water permit

Agri-Pulse: EPA pushing water quality trading to address nutrients

WJBF.com: The EPA's is working to rescind the Obama Administration 2015 Clean Water Rule

Mississippi Clarion Ledger: 7 years. Billions of gallons of sewage. Jackson is struggling to meet EPA terms.

Reuters: EPA wins new chance to argue against pesticide ban

Southeast Ag Net: EPA Acting Administrator Wheeler Promotes President Trump's State of the Union Address In GA

Newsday: EPA leader calls water contaminants a challenge 'of our generation'

Axios: Exclusive: Top EPA official leaves to start new advocacy group
https://www.axios.com/trump-epa-official-environmental-advocacy-group-97f27d27-2329-4f5e-9353-2aacadc35503.html
By Amy Harder, 2/7/19

Mandy Gunasekara, who has been instrumental in crafting President Trump's regulatory rollbacks on a range of air pollution standards, is leaving the Environmental Protection Agency to start a new political advocacy group defending those policies.

Driving the news: Gunasekara, deputy assistant administrator in EPA's air office, is sending her resignation letter to Trump Friday, according to a copy viewed by Axios.

What's next: In her letter to Trump, Gunasekara didn't get into details about her new organization other than to say it will defend "you and the many energy, regulatory and economic successes of your bold and pragmatic agenda." It's expected to be a nonprofit with a c(4) tax status, which means, among other things, that its donors can be anonymous.

The big picture: Gunasekara, who describes herself in the letter as a conservative Mississippian, is one of several Trump administration officials in the environmental space who used to work for Sen. James Inhofe (R.-Okla.). Inhofe has been one of the most outspoken lawmakers who does not acknowledge the scientific consensus that human activity is a main driver of global warming.

Star Tribune (Minnesota): Former EPA lawyer challenges regulators on PolyMet water permit
http://www.startribune.com/regulators-challenged-on-polymet-water-permit/505466782/
By Jennifer Bjorhus, FEBRUARY 6, 2019 — 11:18PM

A retired attorney with the U.S. Environmental Protection Agency (EPA) has requested an internal investigation into the agency's handling of a water-quality permit in Minnesota for PolyMet Mining, saying career staffers in the Chicago office may have been muzzled to clear the permit.

The EPA's Chicago office effectively cleared the Minnesota Pollution Control Agency (MPCA) to issue the permit in December, one of the final state regulatory hurdles for PolyMet's proposed $1 billion copper-nickel mine in northeastern Minnesota.

"There's enough smoke here that they ought to be seeing if there's a fire," the attorney, Jeffry Fowley, said in an interview.

In a letter to the EPA's inspector general, Fowley, a retired water attorney for agency's Boston office, said he had information from several sources that the head of the Region 5 office "suppressed" written comments from her staff about whether Minnesota was complying with basic federal requirements for the PolyMet permit. He said that "significant EPA concerns" about the permit were improperly discussed over the telephone, and so hidden from the public. As a result, he said, the EPA "failed to meet its basic oversight responsibilities."

Fowley's letter also asserts that last March, Cathy Stepp, head of the Region 5 office, directed her staff not to send written comments to Minnesota on the permit following a phone call from John Linc Stine, then head of the MPCA, in which Stine "complained about the planned comments."

Stepp, a Wisconsin businesswoman and cabinet official under Gov. Scott Walker, was named Region 5 administrator by the Trump administration in December 2017.

Untapped ore

Minnesota's Iron Range is home to one of the world's largest untapped reserves of copper- and nickel-bearing ore, which has sparked interest from several multinational mining concerns, including PolyMet Mining Corp. and Twin Metals Minnesota LLC.

The resulting water permit has been challenged by a Minnesota advocacy group, WaterLegacy, over its lack of stringent, federally enforceable limits on nearly two dozen pollutants that are regulated by the Clean Water Act.

Officials in the EPA's Chicago office declined to discuss the permit specifically, but a spokeswoman issued a statement saying agency staff thoroughly reviewed the PolyMet project in several meetings and conversations with Minnesota regulators and decided not to issue formal written comments because their concerns were addressed along the way.

"EPA leadership in no way limited EPA staff's ability to openly share all questions and/or concerns with their counterparts at MPCA," the statement said. "All significant concerns, observations or questions ... regarding the PolyMet permit were communicated to MPCA."

In Minnesota, Shannon Lotthammer, the MPCA's assistant commissioner for water policy, said in a statement that EPA's comments were delivered in multiple phone calls and meetings, including an in-person meeting in St. Paul. Minnesota staff, she said, made changes to the permit based on those comments.

"The Minnesota Pollution Control Agency did not, at any time, ask EPA to suppress or withhold comments on the PolyMet [water] permit," Lotthammer said.

An MPCA spokesman said the agency is confident it addressed all the EPA's comments before the permit was issued. "This is supported by the fact EPA did not comment on the proposed permit during their final review period," said spokesman Dave Verhasselt.

In an interview, former MPCA Commissioner Stine said he and the head of Region 5 spoke on the phone about PolyMet several times but that he never complained about planned comments. Stine said he has "no idea" why the EPA never filed formal written comments on the permit. The lack of written comments is "pretty routine," he said.

McCollum steps in

WaterLegacy, in addition to challenging the content of the PolyMet water permit, has raised concerns about transparency at the EPA. In a Jan. 15 letter to Rep. Betty McCollum, and two other members of Congress, the group's advocacy director, Paula Maccabee, said she was unable to get the written comments from EPA's Chicago office through a Freedom of Information Act request and asked for lawmakers' help.

"We have reason to believe that EPA Region 5 staff prepared final written comments on the draft ... permit, but that they were directed by someone within the Agency not to provide those comments to Minnesota regulators in a written form accessible to the public," Maccabee wrote.

The Star Tribune has also filed a Freedom of Information Act request with the EPA.

E-mails and meeting notes taken by MPCA staffers, obtained by Maccabee and the Star Tribune, show the EPA staff repeatedly expressing concern that the PolyMet permit lacked stringent federal pollution limits, known as water quality-based effluent limits, or WQBELs.

A handwritten note by one of the Minnesota regulators, dated Oct. 22, shows that the EPA planned to do a final review of the permit and that "EPA will focus review on proposed language re: WQBELs."

An MPCA e-mail dated Dec. 17, says: "We did not get any feedback from EPA on the PolyMet permit."

On Tuesday, a spokeswoman for McCollum said the Minnesota Democrat is asking the EPA to release any PolyMet-related comments drafted by its staff.

"The PolyMet copper-nickel mine project has the potential to significantly damage water quality affecting surrounding communities, the Fond du Lac Tribal Nation, and the Lake Superior watershed," McCollum said in a statement responding to Maccabee's letter. "It is remarkable that the EPA did not comment before the issuance of water pollution permits by the State of Minnesota."

'Radio silence'

PolyMet's proposed mine would use a taconite site formerly operated by LTV Steel Corp. near Hoyt Lakes, upstream from the Fond du Lac Reservation, whose officials have followed the permitting process closely. Nancy Schuldt, the tribe's water projects coordinator, declined to comment on concerns about the EPA staff comments.

However, Schuldt said the tribe has written to EPA Region 5 twice since October requesting due process under the federal Clean Water Act and been met with "radio silence." They are writing a third request, she said.

The controversy has also drawn the attention of the Environmental Integrity Project, a nonprofit watchdog in Washington, D.C., because of the size of the PolyMet project and the importance of rigorous EPA permitting, said the group's director, Eric Schaeffer, a former EPA official.

Schaeffer said he's seen Fowley's request for an internal investigation. The situation "seems weird," he said, and justifies an inquiry by the EPA inspector general.

"There are some things that can only come from interviewing staff," Schaeffer said. "There is definite cause for concern if the permit doesn't meet federal standards."

Agri-Pulse: EPA pushing water quality trading to address nutrients
https://www.agri-pulse.com/articles/11880-epa-pushes-water-quality-trading-to-address-nutrients
02/06/19 4:50 PM By Steve Davies

The Environmental Protection Agency is encouraging states to develop water quality trading programs to tackle nutrient pollution, which has become an increasingly visible issue in farm country.

In a memorandum to EPA regional administrators, Assistant Administrator for Water David Ross said the agency wants to move toward more market-based solutions to address excess nitrogen and phosphorus in the nation's waters. The memo follows up on a December letter to states from Ross and USDA Undersecretary for Farm Production and Conservation Bill Northey seeking input on water quality solutions, and a Memorandum of Understanding released last week between EPA and the Water Research Foundation on affordable technologies to recycle nutrients from livestock manure.

In the letter to states, Ross and Northey said "nutrient pollution continues to be widespread, particularly in the Mississippi River Basin."

In the past, Ross' memo noted EPA has urged states to develop numeric water quality criteria and Total Maximum Daily Loads (TMDLs) for receiving waters. Those tools are still available, he said, but "EPA believes that market-based programs, including water quality trading, as well as incentive- and community-based programs can be used more effectively than they have to date to achieve water quality improvements."

In an interview with Agri-Pulse, Ross said state regulators and other interested parties outside the agency have told him they wanted EPA to update its 2003 water quality trading policy, which has not succeeded in bringing about widespread adoption of water quality trading programs.

"They want it be more flexible," Ross said. One example: The memo says "demanding too much precision in measuring or predicting pollutant reductions from certain types of discharges, e.g., point source stormwater and nonpoint source runoff, can be an impediment to market-based programs."

Being forced to verify water quality improvements with absolute precision could kill such programs, he said. In the past, "the agency would require precision — almost molecule for molecule — in offsets."

Ross said modeling has improved considerably since the 2003 policy was released.

TMDLs can still be part of the solution, he added, but are not the "be all, end all."

"TMDLs are an amazing tool but they take too long to set up," said Ross, who represented the American Farm Bureau Federation when it sued EPA over the Chesapeake Bay TMDL.

On Wednesday he called that TMDL a "great program," but added a qualifier: "Can we replicate that? It took years and tens of millions of dollars to develop."

Ross said he'd like to see wetland mitigation bankers get into new areas, such as nutrient and sediment reduction, and more landscape-scale projects.

Don Parrish, senior regulatory affairs director at the American Farm Bureau Federation, said AFBF welcomed the news. "This is another tool in the toolbox," such as farm bill programs like the Environmental Quality Incentives Program, Conservation Stewardship Program, and Conservation Reserve Program.

He added, however, “It’s not a silver bullet, it’s not a brass ring, it’s a tool.”

Mark Patrick McGuire, an environmental program manager at the Association of Clean Water Administrators, also had kind words for EPA’s effort. “Many of our members have incorporated trading into their programs,” he said, echoing Parrish’s sentiment about the trading being another way to tackle nutrient pollution.

Asked why states and tribes might want to participate, McGuire said “it’s going to be different for every state, every watershed; it’s really going to depend on the jurisdiction.”

McGuire also said, responding to the memo’s flexible approach to water quality monitoring, “it is key for the states that nonpoint source best management practices be measurable.”

WJBF.com: The EPA's is working to rescind the Obama Administration 2015 Clean Water Rule
https://www.wjbf.com/news/csra-news/the-epa-s-is-working-to-rescind-the-obama-administration-2015-clean-water-rule/1761039284
By Devin Johnson, Feb 06, 2019 11:31 PM EST

DEARING, Ga (WJBF) - The Clean Water Rule was put into place in 2015 by the Obama Administration. It was meant to clarify the 1972 Clean Water Act.

It covers the streams and wetlands that are under the EPA's authority.

The acting EPA administrator stopped in the Peach State. He talked about the new "Waters of The U.S.," or WOTUS rule.

The most recent water rule has only been on the books since 2015. So why the push to change it just a few years later?

The EPA's acting director Andrew Wheeler says the old rule wasn't benefiting business people who depend on America's waterways, including farmers.

"It's great to hear what their issues and problems are," said Wheeler. "What we are doing today on the nutrient policy, is hearing from the farmers about what didn't work in past."

Wheeler says the new rule will speed up the process when it comes to getting a permit to use a body of water.

"We want to speed that up so people can identify for themselves whether or not they need a permit, and start that process," explained Wheeler. "At the the other end of the process, we want to try to reach decisions on permits much faster."

One local business owner says the new WOTUS rule will benefit his company.

"The Waters of United States rule that was proposed in 2015, in my view overreached," said Skeetter McCorkle. "It will regulate things such as they irrigation drain ditches that we have."

Mccorkle told NewsChannel 6 reporter Devin Johnson, he is glad the EPA is listening to local farmers who are hurting to get a permit to do business.

"It's very encourgaing to hear on the news and to see some of the things that we have seen in the last couple of years with regulations; that makes it more and more difficult for small business people to be successful," said McCorkle.

Wheeler says the government also wants to make it easier to define what bodies of water are actually "Waters of The United States."

"We are following the act, and we are following the supreme court decisions," explained McCorkle. "We are hopefully defining it once and for all, so everyone knows, what is a water of the U.S. and what is not."

The administrator adds the WOTUS Rule will be clear cut. Most farm practices will not be Waters of The United States.

Mississippi Clarion Ledger: 7 years. Billions of gallons of sewage. Jackson is struggling to meet EPA terms.
https://www.clarionledger.com/story/news/2019/02/07/sewage-pearl-river-jackson-struggling-meet-epa-decree-ms/2584698002/
Justin Vicory, Published 5:00 a.m. CT Feb. 7, 2019

The city of Jackson has been under the thumb of the Environmental Protection Agency since 2012, but that hasn't slowed sewage overflow from the city's aging infrastructure.

And both the city and the EPA — scheduled to meet soon over terms of a federal consent decree — know it.

EPA records, based on quarterly reports submitted by the city, reveal Jackson's main water treatment facility, the Savanna Wastewater Treatment Plant, released nearly 3 billion gallons of minimally treated sewage — enough to fill about 4,000 Olympic-sized swimming pools — into the Pearl River over a six-month period last year.

The prohibited "bypass" between January and June totaled 2.65 billion gallons. Another 4.5 million gallons of sewage flowed out of manholes or collapsed sewer lines from January through September, eventually making its way to Jackson waterways that flow into the Pearl River.

The amounts are among the highest the city has recorded in that time frame since the city was put under a consent decree in late 2012. The total amount of sewage overflow in 2018, about 3.4 billion gallons, also nears that of the close to 3.9 billion gallons released into the river in 2013, raising concerns from environmentalists who monitor the Pearl River.

The EPA has been watching Jackson closely, including its City Council meetings, and will consider the city's proposal to renegotiate the consent decree's terms during a meeting either late this month or in March. A scheduled meeting in January was canceled due to the extended government shutdown.

Abby Braman, a member of Pearl Riverkeeper, a nonprofit focused on monitoring and cleaning up the Pearl River, also has been closely watching Jackson. She suspects the numbers won't be any better in the city's next quarterly report to the EPA.

"I'm worried that Jackson is stepping backward on the consent decree and that the result will cause more problems for the city in the long run," Braman said.

Public Works Director Bob Miller, since taking the job in October 2017, has put the renegotiation of the consent decree at the top of a long list of city infrastructure priorities. He has hired an outside firm, Burns & McDonnell Engineering Inc., to help with that task and has put together a list of corrective actions, ranging from a fats, oils and grease (FOG) reduction program to sewer line replacement. Last year, the Jackson City Council approved hiring the Galardi Rothstein Group, who with the Kilpatrick Townsend and Stockton law firm, to assist with negotiations.

Miller estimates the cost of meeting the terms of the current consent decree would actually cost Jackson close to double the $400 million originally proposed.

Many reasons for wastewater overflow

In an annual report prepared for the city, Burns & McDonnell acknowledged the increase in wastewater overflow. There are many reasons for it, the report concluded.

"The number of prohibited bypasses increased in the period March 2017 through February 2018 from the previous 12 months because of hydraulic limitations of piping, storm cells, influent pumping station and other process areas, wastewater cannot always be recovered from the storm cells and must be discharged."

Another factor hasn't helped. Jackson in 2018 saw the second highest amount of rainfall in more than 100 years, behind the 92.75 inches the city experienced in 1979, the year of the Easter flood, according to the National Weather Service.

Under the initial 2012 agreement, Jackson was given 17½ years to make an estimated $400 million in upgrades with the majority of the work to be completed within 11 years. The decree found at the time the system was overwhelmed by the amount of material it could treat. It concluded sewage was being bypassed one out of every eight days. Even the treated sewage from the Savanna plant was still above the parameters for harmful pathogens such as nitrogen and ammonia, authorities found.

In recent years, the EPA has determined the plant is in "significant noncompliance" with the Clean Water Act, where the "treated" sewage still has high amounts of dissolved oxygen, nitrogen, ammonia and solids that can cause environmental damage to the Pearl River. In one reporting period, there was a more than 160 percent increase in the allowable levels of nitrogen.

Miller, in a recent interview, cited several factors when looking at Jackson's water and sewage woes, including limited financial resources, a close to 50 percent shortage of staff in the water and sewer departments, equipment infrastructure issues, and most significantly, a shortfall of tens of millions of dollars in water billing revenue.

"The first part is to let them know that we take this very seriously," Miller said of talks with the EPA. "We've got to figure out what elements are affordable. We can't address all of them, so we have to determine where we get the most value for the price.

"Then, there's the issue of time," he said. "We want the most out of what we can accomplish in the time frame."

Depending on the quarterly report, about half of all sanitary system overflows are the result of fats, oils and greases. As a result, the city has embarked on a FOG campaign to alert residents and business owners of the problem to reduce the buildup. The City Council recently passed an ordinance addressing FOGs, which includes an inspection program and potential fines.

The city's One Percent Commission has stepped in to help with some of the city's many collapsed sewer lines, but with an estimated $2.5 billion infrastructure deficit, according to Mayor Chokwe Antar Lumumba, the city often finds itself forced to perform maintenance instead of more long-term fixes.

What happens in Jackson doesn't stay in Jackson

Federal officials are also monitoring what happens in City Council chambers.

Miller said the agency's concerns center on how serious the council, which controls the purse strings for the city, takes compliance.

For example, the EPA took note when some council members first opposed an emergency request June 19 for $10 million in funding to repair about 90 collapsed sewer lines across the city. The collapsed lines were a clear violation of the Clean Water Act. Ultimately, the council relented and approved the funding.

"They've told me that their biggest concern is a political one, that the City Council might use this as a political football," Miller said of EPA officials. "To them, this decision could show the city isn't serious about this matter."

Council President Melvin Priester Jr. said he believes his colleagues on the council take the consent decree seriously. He emphasized the importance of increasing water billing revenue, which would reduce the need for the city to draw on its general fund to cover shortfalls in the city's water and sewer departments.

"Everything, not just the consent decree, relies on that water billing revenue and right now, we're not seeing what we need to see. We should be seeing about $6 million a month and we're at about $3 million," he said.

Priester added there's a concern among some council members about who gets water and sewer infrastructure repair contracts, whether they remain in-house or go to contractors based outside Jackson city limits.

With such a dire shortage of employees in the departments, Miller has left open the possibility of bringing in outside help to bolster those departments.

Feds could take over

If Jackson doesn't live up to its commitments, there are a "spectrum" of possible consequences from the EPA and the Mississippi Department of Environmental Quality, Miller said.

The city could be fined from $500 to $2,000 a day for violations of the Clean Water Act, which could quickly run into the hundreds of thousands and even millions of dollars, Miller said.

The worst-case scenario would be the EPA going to court to put the city in receivership, a situation in which the federal agency takes over management of a city's water and sewer department and makes all financial decisions, including the awarding of contracts and the setting of water and sewer rates.

"That would be the regulatory equivalent of the city declaring bankruptcy," Miller said.

Braman fears the bypass from the Savanna plant is having environmental consequences on the Pearl River and could lead to "dead zones" where excessive pollution affects marine and plant life. If left unattended, the pollution could threaten the economies of municipalities downstream that rely on the river for commerce.

The state environmental agency MDEQ has conducted its own studies of the effect the sewage is having on the river. It's determined a large stretch of the river running through Jackson hasn't attained its "designated use" of aquatic life support or for recreation.

The agency has determined this area of the river "impaired," or as having failed to meet one or more water quality standards, but has left the designation off its official list of impaired bodies since a water quality improvement plan from the city has been submitted.

Braman said she has faith in Miller to turn the system around. Her biggest concern is whether city officials will listen.

"It seems to me the public works director is the one that is trying to provide the right information on what we have to do. This consent decree is really an investment in the future, too, so I feel like the rest of the city should be on board.

"My biggest fear is that they aren't and what's happening now will have long-term consequences," she said. "And it's not just affecting the residents of Jackson, it's affecting the entire Pearl River."

Reuters: EPA wins new chance to argue against pesticide ban

https://www.reuters.com/article/us-usa-epa-pestocide/epa-wins-new-chance-to-argue-against-pesticide-ban-idUSKCN1PW20B
Jonathan Stempel, 2/7/19

The Trump administration has persuaded a U.S. appeals court to reconsider its recent decision ordering the Environmental Protection Agency to ban the widely-used pesticide chlorpyrifos, which critics say can harm children and farmers.

The U.S. Environmental Protection Agency (EPA) sign is seen on the podium at EPA headquarters in Washington, U.S., July 11, 2018. REUTERS/Ting Shen/File Photo
In an order on Wednesday, the 9th U.S. Circuit Court of Appeals said it will again review former EPA administrator Scott Pruitt's March 2017 refusal to ban chlorpyrifos for use on food crops such as fruits, vegetables and nuts.

Pruitt's ruling reversed a 2015 Obama administration plan to extend a 2000 ban on the pesticide that had covered most household settings.

The appeals court had, in a 2-1 decision last Aug. 9, directed the EPA to ban chlorpyrifos within 60 days.

It cited the agency's failure to consider, or debunk, "scientific evidence" associating the pesticide with low birth rates, impaired mental development, attention and behavior problems, and other damage to children.

Wednesday's order means an 11-judge appeals court panel will reconsider the case.

Chlorpyrifos, developed as a nerve gas in World War Two, has been used commercially in the United States since 1965.

Groups that challenged Pruitt's ruling included the Natural Resources Defense Council and the United Farm Workers.

"EPA's own scientists have said for more than two years that chlorpyrifos is harmful, particularly to children," said Patti Goldman, a lawyer for Earthjustice representing the groups, in a statement. "Any delay to ban this toxic chemical is a tragedy."

If the 9th Circuit upholds Pruitt's original ruling, it will be a win for President Donald Trump, who along with other Republicans has long criticized what is widely viewed as one of the more liberal federal appeals courts.

In seeking a rehearing, the EPA said the appeals court lacked jurisdiction to review Pruitt's ruling, and otherwise should have simply directed him to reconsider the evidence rather than order a ban.

The EPA is now overseen by acting administrator Andrew Wheeler.

A spokeswoman said the agency is pleased the case will be reheard, and that federal rules allowing the pesticide's use "can continue, as permitted by state law," during the appeals process.

SOTU: Trump plays to base despite bipartisan talk
Judge Jed Rakoff, who normally sits on the federal district court in Manhattan, wrote the Aug. 9 decision.

Circuit Judge Ferdinand Fernandez dissented, saying the court lacked jurisdiction.

The case is League of United Latin American Citizens et al v New York et al, 9th U.S. Circuit Court of Appeals, No. 17-71636.

Southeast Ag Net: EPA Acting Administrator Wheeler Promotes President Trump's State of the Union Address In GA
http://southeastagnet.com/2019/02/07/epa-wheeler-state-union-address-ga/
FEBRUARY 7, 2019

U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler visited Georgia to promote President Trump's successful State of the Union address. While meeting with local and state officials at McCorkle Nursery in Dearing, Georgia, Acting Administrator Wheeler discussed EPA's ongoing efforts to redefine the "Waters of the United States" rule as well as EPA's efforts to improve America's infrastructure through reforms in the Agency and direct funding through EPA's Water Infrastructure Financing and Innovation Act (WIFIA) program. Finally he unveiled EPA's new nutrient reduction policy.

Acting EPA Administrator Wheeler addresses Georgia and South Carolina farmers and foresters in Augusta.

"From proposing our new waters of the U.S. definition to accelerating permits to financing new water infrastructure, the people of Georgia are excited about the ways EPA is delivering on the bold agenda that President Trump presented in his State of the Union address," said EPA Acting Administrator Andrew Wheeler. "We also announced an important new strategy to promote market-based mechanisms to address excess nutrients in surface waters and improve our nation's water quality."

"With WOTUS and so many other reform initiatives, the Trump Administration approach to regulation is refreshing." said Georgia Agriculture Commissioner Gary W. Black. "Let's help people start a business. Let's help people stay in business. Let's help people stay in business with clear rules. Let's stop putting people out of business with dumb rules. This message resonates with the American people."

"An important part of improving our nation's water quality is leveraging the collective resources of the federal family and improving relationships with our partners on the ground," said EPA Assistant Administrator for Water David Ross. "Building on efforts already underway at the state, local and tribal level, EPA is taking a number of steps to help facilitate the use of a broad range of tools and technologies that will deliver critical water quality improvements at a lower cost."

"Our farmers work hard to protect the environment because their livelihood depends on it, and we greatly appreciate the chance to share that message with administrator Wheeler in person," said George Farm Bureau President Gerald Long. "We greatly appreciate the work EPA has done to scale back regulations, like the Waters of the United States rule, that cause undue burdens on our farmers. We look forward to working with the EPA to protect the environment while ensuring we can continue to work to feed the world."

Nutrient Policy

EPA Acting Administrator Wheeler meets with team members of McCorkle Nursery.
Earlier, EPA announced a new water quality trading policy memorandum that will help states, tribes, and stakeholders use market-, incentive-, and community-based programs to reduce excess nutrients and improve water quality in their communities.

EPA has supported the use of water quality trading, offsets and similar programs for achieving compliance with regulatory requirements of the Clean Water Act for many years. Today's memo reiterates the agency's support for water quality trading and other market-based programs to maximize pollutant reduction efforts and improve water quality and builds on the Trump Administration's efforts to demonstrate that support.

EPA's new trading memo identifies the following six Market Based Principles designed to encourage creativity and innovation in the development and implementation of programs that reduce pollutants in our Nation's waters:

- States, tribes and stakeholders should consider implementing water quality trading and other market-based programs on a watershed scale.
- EPA encourages the use of adaptive strategies for implementing market-based programs.
- Water quality credits and offsets may be banked for future use.
- EPA encourages simplicity and flexibility in implementing baseline concepts.
- A single project may generate credits for multiple markets.
- Financing opportunities exist to assist with deployment of nonpoint land use practices.

EPA's actions are part of a larger collaboration with stakeholders across the country to better coordinate and focus federal resources on some of the nation's most challenging water resource concerns, including addressing excess nutrients in waterways.

Infrastructure

As highlighted in President Trump's State of the Union address and in support of the President's Infrastructure Initiative, EPA has accelerated investment in the nation's aging water infrastructure. Over the past year, EPA has moved President Trump's infrastructure agenda forward by working to get the financing, tools, and resources EPA's state, local, tribal, and other partners need to modernize outdated water infrastructure, while improving local water quality, creating jobs, and better protecting public health.

EPA has also taken a leading role in the Administration's initiative to promote greater efficiencies in the infrastructure permitting process. These actions include working to provide a clear and predictable approach to identifying waters that are subject to federal authority through the Department of the Army's and EPA's proposed "Waters of the United States" (WOTUS) rulemaking. By clearly defining where federal jurisdiction begins and ends, the new proposed WOTUS definition will provide states and the private sector the regulatory certainty they need to develop and streamline projects that will modernize our nation's aging infrastructure.

EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program is EPA's newest water financing program which provides long-term, low-cost supplemental loans for regionally and nationally significant projects. In 2018, EPA issued seven WIFIA loans totaling nearly $2 billion to help finance over $4 billion for water infrastructure projects and create up to 6,000 jobs. In November 2018, EPA invited 39 additional projects in 16 states and Washington, D.C. to apply for a WIFIA loan. Together, these selected borrowers will receive WIFIA loans totaling approximately $5 billion to help finance over $10 billion in water infrastructure investments and create up to 155,000 jobs.

For more information about EPA's WIFIA program, visit https://www.epa.gov/wifia

Source: U.S. Environmental Protection Agency

Newsday: EPA leader calls water contaminants a challenge 'of our generation'
https://www.newsday.com/long-island/water/epa-director-emerging-contaminants-1.27015559
By David M. Schwartz, Updated February 7, 2019 2:10 PM

The U.S. Environmental Protection Agency's regional head told a Long Island business group Thursday that the agency is finalizing a report on emerging contaminants found in drinking water, but said he couldn't comment on whether the agency will set enforceable standards for the contaminants.

"My understanding is they are driving toward it," Peter Lopez, the regional administrator, said at a Long Island Association breakfast in Melville.

In remarks where he emphasized a regulatory philosophy that weighs environmental protection with economic growth, he called the issue of emerging contaminants "one of the greatest challenges I feel of our generation."

The agency has been under fire from environmentalists and lawmakers over reports that the agency won't set a drinking water standard for perfluorooctane sulfonic acid (PFOS), found in firefighting foams, and perfluorooctanoic acid (PFOA), which is used in manufacturing and water-resistant and stain-resistant materials. According to the EPA, exposure to PFOA and PFOS has been linked to health effects, including testicular and kidney cancers, liver damage and developmental effects to fetuses or breast-fed infants, such as low birth weight and accelerated puberty.

New York State Department of Health is considering setting maximum contaminant levels for both PFOA and PFOS, as well as 1,4-dioxane, a probable carcinogen, that has been found more widely across Long Island.

Lopez, a former Republican state Assemblyman from upstate New York, said while products such as nonstick pans and water-resistent fabrics had beneficial impacts, the chemicals "may haver persistent and damaging effects on us."

On Monday, Senate Minority Leader Chuck Schumer urged the EPA to set strict limits on a pair of toxic chemicals and threatened to hold up acting EPA Administrator Andrew Wheeler's nomination to become the agency's permanent chief.

Republican senators from Long Island on Wednesday called for the state to "immediately" set the standard for PFOA and PFOS.

Also, Lopez downplayed the chances of oil and gas drilling off Long Island's coast, telling LIA President and Chief Executive Officer Kevin Law that while the decision rests with the Department of the Interior, "My sense is there's some rethinking going on" because of local opposition on the East Coast.

Lopez said he believed the agency should work with businesses where possible on enforcement actions.

"Our goal is to find out what is it about regulatory environment that hinders the potential for our economic engine to run effectively," Lopez said. "Again, we're looking at the balancing act . . . What do we do to be protective, but also ensure there's enough room to be protective and make sure there's enough flexibility for entrepreneurs to engage."

Tricia Lynn
Office of Public Affairs
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Message

From: Deegan, Dave [Deegan.Dave@epa.gov]
Sent: 5/7/2018 8:07:50 PM
To: R1 Executives All [R1ExecutivesALL@epa.gov]
Subject: FW: News Clips - 7 May 2018

From: Hassell, Emily
Sent: Monday, May 7, 2018 4:07:44 PM (UTC-05:00) Eastern Time (US & Canada)
To: AO OPA OMR CLIPS
Subject: News Clips - 7 May 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Administrator Pruitt Coverage

Daily Caller - Media Take Aim At Trump's EPA For Doing What Obama Used To Do With FOIAs

CNN - EPA gives Congress limited justifications for Pruitt's first-class travel

Politico - EPA clamps down on document requests linked to Pruitt

New York Times - E.P.A. Emails Show an Effort to Shield Pruitt From Public Scrutiny

Daily Caller - EXCLUSIVE: Scott Pruitt's Head Bodyguard Takes On The 'False Dirty Laundry' Being Spread About EPA [VIDEO]

Politico - White House mum on status of Pruitt review

The Hill - CNN panel breaks down laughing while discussing Pruitt allegations

Politico - The man who could replace Scott Pruitt

The Hill - Upheaval at Pruitt's EPA as departures mount

Politico - Couple who rented condo to Pruitt pays fine to D.C.

General

Daily Caller - GOP Lawmakers Target 'Tool Of Tyranny' EPA Used To Kill Mining

Washington Examiner - The EPA's new 'secret science' rule makes sense from a risk-assessment perspective

Reuters - Major automakers urge Trump not to freeze fuel economy targets

Reuters - Illinois to sue EPA for exempting Foxconn plant from pollution controls

BNA - Industry Heated as EPA Stays Silent on Global Coolant Deal

The Spokesman-Review - EPA declines to test air downwind of lead smelter in British Columbia

AP - EPA requests new contamination testing at Michigan tannery

E&E Greenwire - Agency employees, Jeff Bezos up for government 'Oscars'

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Daily Caller
http://dailycaller.com/2018/05/07/media-trump-epa-foia/
Media Take Aim At Trump's EPA For Doing What Obama Used To Do With FOIAs
By Chris White, 5/7/18, 1:10 PM

Politico buried crucial context in a report Sunday about the Environmental Protection Agency's decision to screen more thoroughly public records requests related to the embattled administrator Scott Pruitt.

The report suggests the EPA is scrutinizing Freedom of Information requests seeking information about Pruitt. The fact that the agency enacted a similar review process under former President Barack Obama is not mentioned in Politico's article until several paragraphs down.

FOIA experts claim the EPA ratcheted up its vetting process during the first year of the Trump-era, according to Politico. "This does look like the most burdensome review process that I've seen documented," Nate Jones, director of the FOIA Project at George Washington University, told Politico.

The new process, according to internal emails Politico obtained, involve "awareness reviews" or "senior management reviews" political staffers conducted before the agency releases essentially any documents. Pruitt's political appointees also chastised employees who released documents without having them screened first, according to the Politico report.

This is not the first time the EPA has been roiled in a scandal involving FOIA requests. The agency granted fee waivers in 2012-2013 for 75 out of 82 requests filed by environmental groups, according to EPA records obtained the Competitive Enterprise Institute in May 2013. Obama's EPA denied only seven of them — meaning green groups saw their fees waived 92 percent of the time.

At the same time, the agency frequently denied fee waivers to conservative groups. EPA records show the agency rejected or ignored 21 out of 26 fee waiver requests from such conservative groups as the Competitive Enterprise Institute, the Institute for Energy Research, and Judicial Watch — an 81 percent rejection rate.

The Politico report comes after various media outlets revealed that Pruitt allegedly spent big on first-class travel. The New York Times published a report in April, for instance, suggesting at least five EPA officials were placed on leave for opposing spending requests on proposals such as a $100,000-a-month private jet membership.

Pruitt also reportedly racked up nearly $90,000 in-flight expenses in June 2017. He traveled to Italy in June for meetings at the Vatican and to attend a summit with international energy ministers, CBS noted in a Feb. 13 report. The round-trip business-class flight cost at least $7,000, according to the report. Career bureaucrats at the EPA are joining in the barrage.

CNN
https://www.cnn.com/2018/05/07/politics/epa-pruitt-memos-waivers-first-class/index.html
EPA gives Congress limited justifications for Pruitt's first-class travel
By Sara Ganim and Gregory Wallace, 5/7/18, 2:36 PM

Washington (CNN) - Documents provided to Congress fail to show Scott Pruitt got federally required waivers to fly first class -- and if he did, then his office has twice declined to hand them over to fellow Republicans asking for the verification.

Instead, in response to two requests for the waivers, the Environmental Protection Agency provided investigators with only two memos, according to the House Oversight Committee.

CNN separately obtained the memos, which state that people have recognized Pruitt and the occasional "lashing out from passengers" could "endanger his life" if he continues to fly in coach.

The limited nature of the two memos, along with a past claim by his spokesman, suggests the EPA administrator violated federal rules by failing to obtain a justification for the upgrades before each trip.

The EPA has previously defended Pruitt's travel and security arrangements, but did not respond to questions from CNN about the memos or whether Pruitt obtained the required waivers.

Pruitt had been asked twice -- in February and April -- by House Oversight Chairman Trey Gowdy, a fellow Republican, to provide any waivers exempting him from regulations requiring federal employees to typically fly in standard coach seats.

The two memos were part of 1,700 pages of documents turned over at the request of South Carolina's Gowdy. The documents include vouchers for all of Pruitt's official travel since he was confirmed and for EPA, vouchers for staff who went on international trips to Italy and Morocco, emails regarding Pruitt's lease of a room from a lobbyist's wife, and EPA correspondence between that lobbyist and other employees of his firm.

In addition, Gowdy's office was able to review travel vouchers for members of Pruitt's security detail, according to his office.

The flights are among several alleged ethical transgressions or questionable spending practices that have landed Pruitt in the spotlight of multiple investigative bodies, including Gowdy's committee, the EPA inspector general, and the Government Accountability Office.

Gowdy's request for the waivers was prompted by a Politico article from February in which EPA spokesman Jahan Wilcox said Pruitt was granted a "blanket waiver" to travel in first class for security reasons.

The next day, Wilcox's story changed. Politico reported that federal regulations specifically prohibit "blanket authorization, and Wilcox changed his statement, saying a waiver was submitted "for every trip."

While the EPA has not provided detailed waivers, it has handed over more than 1,700 pages of documents in response to multiple requests relating to Pruitt's travel habits, unprecedented security, and sweetheart condo deal from an energy lobbyist, according to Gowdy's office.

But one memo indicates there was only one request for a waiver. It's dated May 1, 2017, and is a request from the acting security chief that Pruitt "be strategically seated in business and or first class seating when on official travel."

"We have observed and (sic) increased awareness and at times lashing out from passengers which occurs while the Administrator is seated in coach with PSD (Protective Services Detail) not easily accessible to him due to uncontrolled full flights," the memo reads.

"Therefore, we believe that the continued use of coach seats for the Administrator would endanger his life," the memo continues.

The second memo is a response from Acting Controller Jeanne Conklin, whose office oversees compliance with spending regulations.

Conklin wrote she "determined your request complies with criteria" for allowing first or business class seats, and pointed the Administrator's office to a specific paragraph of government travel regulations.

That paragraph states upgraded travel is allowed if "use of coach-class accommodations would endanger your life or Government property."

That regulation also requires the justification for upgraded seats be prepared for each trip.

"Blanket authorization of other than coach-class transportation accommodations is prohibited and shall be authorized on an individual trip-by-trip basis, unless the traveler has an up-to-date documented disability or special need," the regulation reads.

Politico
https://www.politico.com/story/2018/05/06/pruitt-epa-document-requests-570289
EPA clamps down on document requests linked to Pruitt
By Alex Guillen, 5/6/18, 6:48 AM

Top aides to Scott Pruitt at the Environmental Protection Agency are screening public records requests related to the embattled administrator, slowing the flow of information released under the Freedom of Information Act — at times beyond what the law allows.

Internal emails obtained by POLITICO show that Pruitt's political appointees reviewed documents collected for most or all FOIA requests regarding his activities, even as he's drawn scrutiny for his use of first-class flights and undisclosed dealings with lobbyists.

While past administrations have given similar heads-ups to political aides for certain records requests, FOIA experts say this high-level vetting at EPA appears to have increased compared with the Obama era.

"This does look like the most burdensome review process that I've seen documented," said Nate Jones, director of the FOIA Project at The George Washington University's National Security Archive.

The emails also show Pruitt's aides chastising career employees who released documents about the administrator without letting them screen the records first. Meanwhile, several environmental groups say the agency has told them that political staffers' document reviews have delayed releases past legal deadlines.

The new processes described in the emails involve "awareness reviews" or "senior management reviews" conducted by top political staffers before the agency releases essentially any documents involving the administrator. The emails also show Pruitt's political appointees chastising career employees who released documents in accordance with FOIA without letting them screen the records first.

EPA sometimes conducted those types of reviews under the Obama administration when career staff thought documents would generate a lot of interest, agency officials from that era told POLITICO. But under Pruitt, the vetting by

EPA chief of staff Ryan Jackson and other key appointees of any documents linked to the administrator appears to be on the rise, according to FOIA experts who reviewed the emails.

The increased scrutiny comes as the agency faces a wave of accusations of excessive secrecy. EPA has declined to provide information about Pruitt's public appearances in advance — a practice at odds with those of many other Cabinet members and the White House. And the agency releases his detailed calendars only when compelled by lawsuits.

That secrecy has prompted a boom in FOIA requests filed with the agency and lawsuits challenging its resistance to releasing information to the public. As POLITICO reported in February, production of documents under FOIA requests from Pruitt's office is drastically lower than the rest of EPA.

The newly released emails, which EPA gave to the Natural Resources Defense Council following legal action, show Jackson created a pilot program to "centralize" requests that go through the various suboffices that make up EPA's Office of the Administrator. The emails show that the political aides weren't just concerned about streamlining the FOIA process — they wanted to know about any requests anywhere at EPA that involved Pruitt.

In one exchange from last August, Jackson and Liz Bowman, the head of EPA's Office of Public Affairs, expressed concern about documents related to comments Pruitt made on CNBC disputing that carbon dioxide from human activities was the primary cause of climate change. Those documents had been released to E&E News without first going through their review.

"Why did Kevin Bogardus from E&E all of a sudden get a response to a FOIA today, without any awareness from our FOIA office?" Bowman wrote Aug. 2. She later added that the response "wasn't due until 8/30."

Officials quickly determined that the request had been filled by a career employee before Bowman had a chance to flag it "for attention." Although the request involved Pruitt, the records sought by E&E were kept at EPA's Office of Research and Development, and the request was routed there before being released by a FOIA expert from that office.

Anything related to Pruitt "will draw inquiries from press," Jackson replied, and he requested that he and the public affairs office be notified ahead of any Pruitt-related release from any EPA office.

The message was received loud and clear by EPA's career staff.

"I have instructed my staff that no [Office of the Administrator] requests are to be issued without the opportunity for an awareness review by you, [the Office of Public Affairs] and the senior leadership of any other affected offices," Becky Dolph, the head of a special team of FOIA experts in EPA's Office of General Counsel, wrote to Jackson later that day.

Emails sent later that month showed Jackson pressing staff on why documents related to a coal plant water pollution rule were already available online just one day after an awareness review began.

The documents were "inadvertently" posted, replied Kevin Minoli, then EPA's acting general counsel, who added that the process would be changed so that "nothing is uploaded at all until we have the final set of documents and their production has been authorized."

None of the emails given to the NRDC reveal exactly what actions the political staffers conducting these reviews took.

NRDC attorney Aaron Colangelo said he asked EPA for details about the reviews after an EPA attorney told him that "awareness reviews" were delaying the release of documents in other FOIA requests filed by the environmental group. Those requests were related to Pruitt's participation in ongoing legal cases that he'd previously been involved in during his time as Oklahoma's attorney general.

Colangelo and other FOIA experts said federal agencies have discretion to set up their own internal FOIA processes, and the political reviews are not illegal — unless the reviews caused EPA to miss deadlines for producing documents set out in the Freedom of Information Act.

"There's nothing necessarily wrong with political folks getting a heads-up before potentially sensitive documents are released," Colangelo said in an interview. "But we do have a legitimate objection if that political review delays compliance with deadlines in the law."

And that has happened for at least two of the NRDC's Pruitt-related FOIA requests, he said.

Another request from a coalition of environmental groups for documents about Pruitt's delay of a rule limiting water pollution from coal plants was held up over a "senior management review."

A judge mediating the lawsuit over that delay, Valerie Caproni of the U.S. District Court for the Southern District of New York, said during November proceedings that while EPA "can do whatever internal policies in particular they want on FOIA," the agency cannot use political reviews to justify missing legal deadlines.

EPA still has to "comply with the law, and that means they have to produce documents in a timely way," she said. EPA eventually handed over the documents in that case.

It's not clear exactly how many FOIA requests have been delayed by political reviews, but experts say it is clearly having an impact.

Several Obama-era EPA political officials said they too occasionally received "heads-up" awareness reviews on high-profile requests, but not necessarily to the degree that Pruitt's aides are doing them.

"It doesn't seem abnormal to me that some political would get a chance to have review for awareness of productions that are going out that involve the administrator," said one former official. But the close attention from top-ranking officials like Jackson and former policy chief Samantha Dravis seemed "a little bit odd," the former official added.

Instead, awareness reviews generally went to the head of the agency program office in question and to congressional affairs staffers so they could coordinate with any requests from lawmakers, the former official said.

One Obama-era awareness review that was included in the new documents showed that a large batch of documents related to the Flint, Michigan, lead crisis was flagged to political officials in the Office of Water and the congressional affairs office, as well as the general counsel, the regional administrator and a public affairs official.

Bowman, the EPA spokeswoman, did not comment on questions from POLITICO about the political oversight of FOIA requests, but she noted that the Trump administration was not the first to use them.

"Each EPA program and Region does their own FOIAs, so an awareness review allows the press office, Congressional Affairs Office and senior officials to be informed of documents being released in response to FOIA requests, to facilitate inter-office coordination, and to prepare responses to inquiries," she said.

Thomas Cmar, an Earthjustice attorney involved in multiple FOIA lawsuits with EPA, said the emails raise as many questions as they answer.

"Political staff appear to be keeping a very close eye on what information is being requested and released to the public," he said. "It raises concerns and it raises questions that need to be answered about whether EPA is living up to its obligations to make basic information about its activities available to the public that it's supposed to be serving."

New York Times
https://www.nytimes.com/2018/05/07/climate/epa-pruitt-emails-secrecy.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics&region=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection

E.P.A. Emails Show an Effort to Shield Pruitt From Public Scrutiny

By Eric Lipton and Lisa Friedman, 5/7/18

WASHINGTON — The invitation-only breakfast at the Mandarin Oriental Hotel in Washington gathered 250 executives from the nation's largest electric utilities, assembled in a ballroom to meet with Scott Pruitt, who a month before had started his new job as chief of the Environmental Protection Agency.

Mr. Pruitt had spent the previous six years as Oklahoma's attorney general attacking E.P.A. regulations in court, often in coordination with energy giants. Now he ran the agency, and he was ready to lay out his vision for the energy executives. "Whoever said you can't have your cake and eat it too, doesn't know what to do with cake," Mr. Pruitt said, according to a speech prepared for the March 2017 event.

Details from the breakfast, and dozens of other official appearances from Mr. Pruitt's scandal-plagued first year at the E.P.A., have until now been hidden from public view as a result of an extraordinary effort by Mr. Pruitt and his aides to maintain strict secrecy about the bulk of his daily schedule.

But a new cache of emails covering most of Mr. Pruitt's first year heading the E.P.A. shows that the agency's close control of his public events is driven more by a desire to avoid tough questions from the public than by concerns about security, contradicting Mr. Pruitt's longstanding defense of his secretiveness.

The more than 10,000 documents, made public as part of a Freedom of Information lawsuit by the Sierra Club, an environmental organization, offer visibility for the first time not only into many of Mr. Pruitt's appearances nationwide but into the agency's aggressive concealment of his activities as a public servant. The files show an agency focused on dividing people into "friendly and "unfriendly" camps and which, on one occasion, a secret visit to a Toyota plant, became so focused on not disclosing the trip that his hosts expressed confusion about the publicity value of the visit.

In another instance, planning what was billed as a "town hall" discussion for farmers in Iowa, the E.P.A. emails show that the chief concern among Mr. Pruitt's top aides to control who would actually be allowed to ask him questions. Ultimately, the agency scripted questions for Mr. Pruitt to answer from the stage.

"The security aspect is smoke and mirrors," said Kevin Chmielewski, Mr. Pruitt's former deputy chief of staff for operations, who is one of several former E.P.A. officials who have said that they were fired or sidelined for disagreeing with Mr. Pruitt's management practices. "He didn't want anybody to question anything," Mr. Chmielewski said, adding that Mr. Pruitt "just doesn't understand what it's like to be a public figure."

Three other current and former agency officials, who asked not to be identified because they still work for the government, expressed similar views.

The E.P.A. did not respond to requests for comment about the documents, which detail Mr. Pruitt's plans for travel and appearances nationwide. In the past, E.P.A. officials have said that Mr. Pruitt has faced an unprecedented number of death threats, which account for the size of his security force and the agency's refusal to make public his daily schedule. Mr. Pruitt testified before Congress last month that Mr. Chmielewski had resigned.

All politicians are attuned to image-building, of course, and employ staffs whose job is to control the environments in which they appear. Mr. Pruitt, though, has carried the practice to an extreme.

Breaking with all of his predecessors at the E.P.A. for the last 25 years, as well as other members of President Trump's cabinet, he does not release a list of public speaking events and he discloses most official trips only after they are over.

Mr. Pruitt doesn't hold news conferences, and in one episode, journalists who learned of an event were ejected from the premises after an E.P.A. official threatened to call the police.

The E.P.A. also declined to make public a copy of Mr. Pruitt's detailed calendar until it was sued by The New York Times and other organizations.

More recently, the agency moved to require that any documents related to Mr. Pruitt that are gathered as a result of Freedom of Information requests be provided to his political aides 48 hours in advance for an "awareness review" before they are made public, "to insure that leadership is aware of public disclosures," a June email said.

Mr. Pruitt currently faces 11 investigations into his spending and management at the E.P.A., many of which stem from the appetite for secrecy. He is under investigation for first-class travel at taxpayer expense, his elaborate security detail and the purchase of a $43,000 soundproof booth for making telephone calls.

Separately, a New York Times investigation found that, in 2003 when he served as a legislator in Oklahoma, Mr. Pruitt bought a home in a transaction that involved two lobbyists with business before the state, and disguised the purchase by using a shell company.

The emails document Mr. Pruitt's top aides taking steps to block the public from his appearances.

For example, in Nevada, Iowa, organizers of an event celebrating Mr. Pruitt's plans to repeal an Obama-era water regulation that many ranchers dislike informed the E.P.A. that they had already announced the event as open. "This has been sold as a town hall meeting" — meaning anyone could ask questions — wrote Bill Couser, an Iowa cattle farmer who was helping organize the December event, in an email to the E.P.A.

In Washington, E.P.A. officials objected.

"With a crowd of 300 people plus open press, we have to stick with the questions we currently have," Millan Hupp, Mr. Pruitt's scheduling director, replied. "My sincere apologies for causing any difficulty but we cannot do open q&a from the crowd."

The agency prevailed. Mr. Pruitt answered questions presented to him by Mr. Couser that were written by E.P.A. officials, according to the emails and a video recording of the event.

Efforts like these to prevent reporters from attending events were not a part of the playbook for past E.P.A. administrators, according to spokeswomen for Christine Todd Whitman, who served in the George W. Bush administration, and Lisa Jackson and Gina McCarthy, who served under President Barack Obama. "They didn't selectively inform the press or take any steps to keep things secret," Heather Grizzle, a spokeswoman for Ms. Whitman, said.

Mr. Pruitt takes a different approach. The emails show agency officials defining prospective guests at events as friendly or unfriendly, and reorganizing events at the last minute if there are concerns that people who are considered unfriendly might show up.

"Sixteen friendly Industry leaders will be invited to attend they will arrive at 8:30 with the Administrator expected to arrive at 9:00 a.m.," said one memo, shared among top E.P.A. officials last September, in advance of a visit by Mr. Pruitt to Colorado Springs, where Mr. Pruitt was scheduled to speak with the National Association of Homebuilders. The event was closed to the public and not announced publicly ahead of time.

Gerald M. Howard, the organization's top executive, "will moderate Q&A on Industry issues set forth in advance and possibly from the audience — who are all industry friendly and supportive of Mr. Pruitt and his efforts," the description said.

In another instance, after a Missouri news outlet discovered, and tweeted, that Mr. Pruitt was planning to speak to about 150 representatives of electric cooperatives and power-plant owners last April, E.P.A. staff went into damage-control mode.

The meeting had not been publicly disclosed. Tate Bennett, who as associate administrator at the E.P.A. is in charge of environmental education, asked Barry Hart of the Association of Missouri Electric Cooperatives if the news organization, Missouri Network Television, was "the friendly outlet." Shaun Kober, founder of Missouri Network Television, said "we just try to lay out the facts."

Mr. Hart replied, "It is, but since it's a public tweet you have to assume the world now knows including all news media … even unfriendly."

The group, in consultation with the E.P.A., had already discussed a strategy to counteract any negative comments that appeared on social media.

"Our plan will be to promote the feel-good activity and news from the event," Gus Wagner, a public relations executive working with organizers, wrote in one email shared with the E.P.A. "Comments that are positive will be liked and possibly shared," he wrote. "Comments that are derogatory and/or abusive will be hidden from public view. Commenter receives no notification this hiding has happened."

Sometimes the E.P.A.'s approach to public relations — issuing announcements only after events were over — confused its hosts. Among them was Stephen Ciccone, a vice president for government affairs at Toyota Motor North America, which organized a visit by Mr. Pruitt to its Texas auto plant in August.

"I thought you all did not want any press coverage?" Mr. Ciccone wrote, unsure as to why the E.P.A. would issue a news release at all.

An email back from the E.P.A. explained the plan. The agency welcomed coverage as long as it was on the agency's terms.

A release would be made "highlighting all the stops Administrator Pruitt makes during his visit to Texas," the email said. As planned, government-issued photos of a smiling Mr. Pruitt and executives from Toyota were posted on the E.P.A.'s website soon after the event was over, describing it as an "action tour."

The effort to control the event almost fell apart when one journalist caught wind of the trip.

"We just received an inquiry from a CBS News reporter in Dallas about the visit," Mr. Ciccone wrote to the E.P.A. on the day of the event. "We won't reply until the visit is over."

In another instance not previously made public, Mr. Pruitt last June aided one of his longtime supporters, Richard Smotkin, who at that time was a Comcast lobbyist and who later helped organize Mr. Pruitt's controversial trip to Morocco. (A month after that December trip, Mr. Smotkin became a $40,000-a-month foreign agent promoting Morocco's interests abroad.)

Mr. Smotkin's June request ran into ethics questions within the E.P.A.: He had invited Mr. Pruitt to a fund-raiser for a nonprofit group that Mr. Smotkin helps run, the American Council of Young Political Leaders, which offers foreign-exchange programs for emerging political leaders. At the event, Mr. Pruitt would be presented with an award in the form of a globe engraved with his name.

"The Ethics department is asking me these questions about the event," wrote Sydney Hupp, Mr. Pruitt's scheduler (and the sister of Millan Hupp, who is also a scheduler for Mr. Pruitt. Both are former Pruitt campaign aides.) The questions had to do with the appropriateness of receiving an award at a fund-raising event.

After a series of emails, Millan Hupp wrote back to the staff at the nonprofit group with a solution: Don't refer Mr. Pruitt's job during the presentation.

"Yes, the Administrator may attend the event, and yes, he may receive the globe. But please do ensure that they refer to him as the Honorable (as opposed to the EPA Administrator)" Ms. Hupp wrote. "So, yay! It's been approved through ethics."

Daily Caller
http://dailycaller.com/2018/05/07/exclusive-epa-scott-pruitt-body-guard-nino-perrotta-false-dirty-laundry/
EXCLUSIVE: Scott Pruitt's Head Bodyguard Takes On The 'False Dirty Laundry' Being Spread About EPA [VIDEO]
By Michael Bastasch, 5/7/18, 12:36 AM

Many of the accusations against Environmental Protection Agency Administrator Scott Pruitt and his close aides were concocted by "disgruntled employees" looking to damage the agency, the former head of Pruitt's security detail said.

"I believe at the end of the day, these are disgruntled employees — staffers — who, for whatever reason, decided to air dirty laundry — false dirty laundry to the press," Nino Perrotta told The Daily Caller News Foundation in an exclusive interview.

Perrotta served as the special agent in charge of Pruitt's security detail for about a year, leading the administrator's protective detail as actuations of overspending and ethical violations. Congress and EPA's Office of Inspector General have multiple investigations into Pruitt's actions.

Perrotta retired at the end of April, ending his 14-year career at EPA amid investigations into Pruitt's security arrangements — including his 24/7 detail, hiring of more agents, and flying first class when traveling.

Former EPA official Kevin Chmielewski detailed many accusations against Pruitt, Perrotta and other top aides to congressional Democrats. Many of the accusations were "intentionally used to mislead the American people," Perrotta told TheDCNF.

Chmielewski was one of several EPA staffers allegedly sidelined for challenging Pruitt on spending decisions. However, Perrotta believes Chmielewski decided to come out against Pruitt after a January 2018 phone call.

During that call, Chmielewski vented to Perrotta about issues he was having with his pay, the former EPA security head said. Perrotta said he tried to help Chmielewski with his pay issue, but the former EPA official "began to threaten the EPA, specifically the administrator and the chief of staff, that he was going to talk to the press and everyone he could about," using colorful language, "how f-ed up the EPA was and how f-ed up the administrator was and how f-ed up the chief of staff was."

"I found that to be very, very bizarre," Perrotta said. "If you have differences, it should be aired through your chain of command."

Chmielewski called the next day, but given his tone and threatening statements on their previous call, Perrotta said he'd have to report the former EPA official. Perrotta filed the report with the agency.

Pruitt's been increasingly mired in negative news stories — many of them likely the result of Chmielewski talking to the press and Congress. News reports have already called into question the veracity of many of Chmielewski's claim.

For example, “a $30,000 contract with private Italian security personnel entered into by” Perrotta ahead of Pruitt’s attendance of a G7 summit in Italy, Chmielewski told Congress. Perrotta would never have the authority to unilaterally enter into such a contract, the former EPA security head said.

“That is a false accusation,” Perrotta told TheDCNF. “A person at my level and grade in the agency would have the authority to do so.”

Chmielewski also told Democratic lawmakers “at least one security-related contract was awarded to an individual who works at Mr. Perrotta’s private security firm, and he believes that other contracts may also have been awarded to friends or associates of Mr. Perrotta’s.”

It’s true EPA hired Edwin Steinmetz to conduct a security sweep of Pruitt’s office in 2017, costing the agency $3,000. Steinmetz is listed on the management team of Perrotta’s security firm he operates on the side, Sequoia Security Group.

Perrotta said he explained to superiors that Steinmetz, a security consultant, subcontracted through his side company, which EPA gave him approval to operate in 2013. EPA officials asked Perrotta in 2017 if he could recommend a company to conduct a security sweep of Pruitt’s office.

“The only reason that the vendor was selected,” Perrotta said, “is because there were issues within the agency of identifying a new vendor, which to me was bizarre.”

“It was clear to me, now, that certain people compared notes, shared information, and created this false narrative. And I believe the American people are going to see this, eventually,” Perrotta said.

You can watch TheDCNF’s entire interview with Perrotta here. And stay tuned for more.

Politico
https://subscriber.politicopro.com/energy/whiteboard/2018/05/white-house-wont-comment-on-status-of-pruitt-conduct-review-1169417
White House mum on status of Pruitt review
By Anthony Adragna, 5/7/18, 3:12 PM

White House Press Secretary Sarah Huckabee Sanders declined today to comment on the administration's ongoing review of the ethics and spending scandals dogging EPA Administrator Scott Pruitt, or whether President Donald Trump continued to stand by the embattled EPA chief.

"I don't have any personnel announcements on that front," Sanders said.

Asked whether the administration thought recently confirmed EPA Deputy Administrator Andrew Wheeler would continue the ongoing deregulatory efforts launched under Pruitt, Sanders replied: "Certainly, we have confidence in the number two, otherwise the president wouldn't have asked him to serve at such a senior-level position within the EPA."

The White House has said it's looking into the series of scandals surrounding Pruitt, but has provided little information and no updates about what that probe involves. Multiple observers told POLITICO Wheeler would be well-positioned to continue Pruitt's agenda if he became acting administrator without the baggage.

The Hill

http://thehill.com/homenews/media/386259-cnn-panel-cracks-up-laughing-during-discussion-of-pruitt-allegations

CNN panel breaks down laughing while discussing Pruitt allegations

By Morgan Gstalter, 5/4/18, 3:11 PM

A panel of CNN commentators burst out laughing Friday during a discussion involving Environmental Protection Agency (EPA) Administrator Scott Pruitt's reported "beyond laughable" corruption.

The group was discussing a series of reports regarding Pruitt's high travel expenses and other controversies surrounding the department head's ethics when panelists broke down in laughter over a Thursday report published by The Atlantic.

The report claimed that a member of Pruitt's press team was trying to shop negative stories about Interior Secretary Ryan Zinke to the press in an effort deflect attention from his boss.

"I mean, come on!" CNN host John King said with a laugh.

CNN reporter Kaitlan Collins said it appeared as if there's nothing Pruitt could do to cost him his job.

"This guy has like nine lives," Collins said.

King asked viewers at home to close their eyes and imagine what would happen if an EPA administrator in another administration behaved like Pruitt.

"If this were any other administration, never mind if Hillary Clinton were president, and the EPA had 11 investigations, daily headlines and the Republicans are crickets on this," King said.

Only a few GOP lawmakers have commented on Pruitt's scandals, King said.

The panel said donors and supporters of President Trump are standing by Pruitt because they approve of his efforts to cut Obama-era regulations.

"What has saved Pruitt up until now is this sense that he is accomplishing more than any other Cabinet secretary on the agenda," New York Times reporter Michael Shear said.

But even that feeling is "beginning to fray around the edges," Shear said.

"You begin to think, first of all, will all the investigations hamper any futures efforts that he could do to promote the deregulatory agenda," Shear said. "And is he sort of making mistakes along the way, legally and other ways, that's going to undermine what he's already done?"

As Pruitt faces intense scrutiny for questionable expenditures and other ethical practices, his department is facing a period of rapid departures, losing four aides in the past five days.

Pruitt appeared before House lawmakers last month to defend himself. He is scheduled to testify before a Senate panel later this month, CNN reported.

Politico

https://www.politico.com/story/2018/05/05/scott-pruitt-epa-andrew-wheeler-570641

The man who could replace Scott Pruitt

By Eric Wolff, 5/5/18, 6:43 AM

The man poised to take the reins at the Environmental Protection Agency if Scott Pruitt falls to scandal is a longtime Washington insider and coal lobbyist who would pursue the same anti-regulation agenda — only without all of Pruitt's baggage.

Andrew Wheeler, sworn in as EPA's deputy administrator in late April after a six-month confirmation battle, has spent decades in what President Donald Trump calls "the swamp," first as a top aide to Sen. Jim Inhofe (R-Okla.) at the Environment and Public Works Committee, then as an energy lobbyist for clients such as the politically active coal company Murray Energy.

In contrast to Pruitt, an Oklahoma conservative who has alienated even some fellow Trump-supporting Republicans , Wheeler is a smooth insider with a penchant for policy details and a reputation for working well with both friends and adversaries. But those who have dealt with him say he's on board with the broad deregulatory agenda that Pruitt and Trump are pursuing.

That presents a paradox for environmental groups, who would welcome Pruitt's departure but fear his replacement would be a much more formidable opponent.

"Wheeler is much smarter and will try to keep his efforts under the radar in implementing Trump's destructive agenda," said Jeremy Symons, vice president for political affairs at the Environmental Defense Fund. "That should scare anyone who breathes."

Symons noted that many of Pruitt's aggressive deregulatory efforts have run into trouble in federal courts.

"The problem with the Pruitt approach is it's like a sugar high," said Jeff Navin, a Democratic lobbyist and former Energy Department staffer who has shared lobbying clients with Wheeler. "It feels really, really good for a moment, but if you're not following rules and procedure, not laying down substance for the decision you're making, you're not going to last very long."

Another person who has worked with Wheeler said: "He's like Mike Pence is to Trump. ... He's behind the scenes. He'll get a lot done and doesn't need to be in the news."

Pruitt is hanging on so far, with Trump's public backing, despite a welter of investigations into his first-class travels, expensive security arrangements and relations with industry lobbyists. But if Pruitt goes down, Wheeler would have the task of managing a 14,000-employee agency where much of the career staff, and even many Republican political appointees, have been demoralized by the cascade of scandals.

As the agency's No. 2, Wheeler could immediately fill Pruitt's shoes as acting administrator, though Trump could insert someone above him in a temporary capacity. Although Trump would also have the option of nominating someone else as a permanent successor, Senate Republicans have questioned whether any nominee could win confirmation this year.

Besides his personal troubles, Pruitt arrived at EPA as one of its most determined adversaries, having filed a series of lawsuits in concert with industry groups to overturn the agency's Obama-era climate and environmental regulations. Pruitt's security team also blocked most agency employees from entering rooms and corridors near his third-floor offices.

Wheeler, in contrast, came to the agency steeped in its work. He spent four years working at EPA at the start of his career, before going on to work for Inhofe and the Senate environment committee. He helped create the federal ethanol mandate that remains a major source of friction for EPA, dividing Republicans in the Senate. He also represented coal magnate Bob Murray as a lobbyist through the battles over the Obama administration's climate regulations for power plants, and then later in trying to persuade the Energy Department to bail out financially ailing coal power plants.

Former Hill colleagues emphasize his ability to find common ground with political opponents, including former Sen. Jim Jeffords (I-Vt.), and liberal former Democratic Sen. Barbara Boxer of California, both of whom have chaired the environment committee. Matt Dempsey, who worked for Wheeler under Inhofe, said Wheeler's ability to find common cause was one factor in the Jeffords-Inhofe and Jeffords-Boxer relationships that led to passage of highway bills and other major legislation.

"A lot of that is due to Andrew," said Dempsey, now a managing director at FTI Consulting. "He has an ability to work across the aisle and get things done."

That ability to work the Hill could be critical at EPA, where Pruitt's work on making changes to the ethanol program has divided oil-state and corn-state Senate Republicans. Those efforts have especially infuriated corn supporters led by Sen. Chuck Grassley (R-Iowa), who accused Pruitt this week of "screwing the family farmer."

Wheeler's former colleagues think he might be able to smooth those waters.

"He is someone who, generally on policy, though we might not always agree, is someone who will listen to the other side of the aisle on how we formulate policy," a Democratic aide who has worked with Wheeler told POLITICO, noting that that trait could be especially important if the House or Senate flips after the midterms. "Being a product of the Senate and of the Congress, it will be much easier for those who are here to interact with him."

Among other things, the Democratic aide said, Wheeler respects Congress' role in the authorization and appropriations process and would be much more willing to appear at congressional hearings — unlike Pruitt, who has been scarce on the Hill.

The aide also said they think Wheeler's reputation as a "rule-driven" staffer would ensure stricter adherence to ethics standards at the agency.

Wheeler may also be better able to repair the fractured relationship between the political appointees at the top of the agency and career staff, who have felt left out or ignored by Pruitt on key issues. Wheeler has spent some of his first days back at the agency visiting the offices of career staff and making introductions, a marked change from his boss, according to an EPA official.

"The impression he creates is very personable, respectful, good listener," said another EPA employee. "He's very interested in being involved in the substantive issues. He's ready to get involved in our issues."

Still, most of the people interviewed agreed that Wheeler would advance Trump's and Pruitt's agenda of undoing major Obama-era regulations, including the power plant climate rule and a sweeping measure on streams and wetlands.

"I think that Andrew is well aware of the president's agenda, and the parts of the agenda that are the responsibility of the EPA," said Andy Ehrlich, now a partner at the lobbying and political consulting firm Total Spectrum, who recruited Wheeler from the Hill in 2009 to the law firm Faegre Baker Daniels and worked with him for years. "I would expect based on my experience with Andrew to do what he can to see that the president's agenda at the EPA is fulfilled in a methodical and thoughtful way."

Pruitt and Wheeler may have some small differences: The Democratic aide said Wheeler might offer more support to the agency's research, in contrast to Pruitt. But people who know Wheeler see him as a "true believer" in rolling back regulations who is comfortable in the weeds of policy.

That's the worry of environmental groups, which note the years Wheeler spent working with Inhofe, who calls human-caused global warming a "hoax," and Murray, a fierce opponent of EPA's climate regulations.

Wheeler's "entire professional career, most of it has been devoted to resisting attempts to improve the quality of our air and our water and the safety of our communities," said Sierra Club Executive Director Michael Brune. "He fought against

safeguards to limit mercury poisoning. He fought against protections to limit the amount of ozone in our skies. He fought against air pollution from neighboring states. He's a climate denier. So, sadly, he fits in well with EPA leadership."

Environmental groups also believe Wheeler has his own ethics baggage, citing reports that he held fundraisers for political patrons in the months ahead of his official nomination to EPA. Brune held out one bit of hope — that Wheeler would face the same obstacles as Pruitt in turning back EPA's environmental protections.

"Any executive with EPA, administrator or deputy, will have a hard time trying to flout the findings of the scientific community and operate against the public will," Brune said. "I don't think Wheeler would be more effective at that than Pruitt has been."

The Hill
http://thehill.com/policy/energy-environment/386281-upheaval-at-pruitts-epa-as-departures-mount
Upheaval at Pruitt's EPA as departures mount
By Miranda Green, 5/6/18, 6:00 AM

The Environmental Protection Agency (EPA) appears to be in a state of massive upheaval following the departure of several aides and new allegations against the agency's embattled administrator, Scott Pruitt.

Four officials at the agency have stepped down in the past week, an exodus that has deprived Pruitt of some of his closest aides.

Meanwhile, several new controversies have exploded around Pruitt regarding his travel and his ties to lobbyists.

People with knowledge of the departures at EPA likened them to getting out of Dodge, either due to impending investigations or simply a desire to escape a tumultuous work environment. One source described the offices at EPA as "eerily quiet" this week.

The first resignation came Tuesday, when Albert Kelly, a close friend of Pruitt's who was hired to lead the EPA's Superfund program, announced his departure.

The week before Kelly's resignation, two Democratic House members had asked EPA's inspector general to investigate Kelly's qualifications and "unexplained red flags." Once someone leaves government employment, the inspector general's office cannot compel someone to comply with an investigation.

Lawmakers became interested in Kelly after it emerged in December that he had been banned for life from working in the banking sector. Reports also asserted that Kelly had helped get Pruitt financing for a mortgage and to buy a minor league baseball team.

Tuesday also brought the departure of Pruitt's head of security, Pasquale Perrotta, a career official who previously worked at the Secret Service. He said he was leaving the EPA because press coverage was taking a toll on his family.

Perrotta's resignation came the day before he was to testify in front of the House Oversight and Government Reform Committee, which is looking into various incidents at the EPA.

Perrotta had been under the microscope for decisions he'd made as Pruitt's security chief as well as reports that he used his power to influence a number of EPA security contracts, including an April 2017 security sweep in the administrator's office completed by his business partner at an outside security group.

EPA's Office of Inspector General announced in late April that they were investigating Pruitt's "use of staff and expenditures for security measures."

Kevin Chmielewski, a former EPA political aide turned whistleblower, alleged to lawmakers in early April that Perrotta retaliated against him at EPA when he had pushed back on Pruitt's travel expenses.

Chmielewski told lawmakers that in February he returned from a work trip to Japan to find his office locked and credentials revoked. Perrotta later called him, he said, and demanded he also return his parking pass, saying he would personally go to Chmielewski's home to forcibly retrieve it.

By the end of the week, members of Pruitt's communications team were also jumping ship.

On Thursday, Pruitt's top public affairs official, Liz Bowman, announced she was leaving the agency to join Sen. Joni Ernst's (R-Iowa) communications department on Capitol Hill.

She would not say how long the move had been planned, but said "it was time."

The next day, the press office's second in command, John Konkus, announced he was also leaving, this time to take a position at the Small Business Administration.

Konkus had previously been named in a report as the EPA staffer tasked with sifting through EPA grant awards to make sure they didn't conflict with the Trump administration's deregulatory goals.

Pruitt's tenure has been marked by controversy, a storm of accusations that he denounced in congressional testimony as "fiction" concocted by his opponents.

Among other things, Pruitt has faced scrutiny for frequently traveling first class on business trips, for utilizing a round-the-clock security team even on personal trips and for renting a room from the wife of a then-lobbyist in Washington.

When lawmakers pressed him about those accusations and others in his late April testimony, Pruitt often shifted blame to top aides and denied knowledge of things that were done on his behalf — including significant raises given to two EPA aides who came to D.C. with Pruitt from Oklahoma, where he had been attorney general.

Since the testimony, the EPA has faced a new onslaught of negative headlines. Reports have broadly asserted that Pruitt and EPA political aides had planned multiple foreign trips for the administrator with help from lobbyists and consultants who had business interests abroad.

Amid the negative headlines and staff turnover, The Atlantic reported that Michael Abboud, a member of the EPA's press team, had been shopping a negative story about Interior Secretary Ryan Zinke in an attempt to take the heat off Pruitt. A source with knowledge of the reported incident confirmed to The Hill that Abboud was pitching the negative story.

EPA spokesman Jahan Wilcox has called the report "categorically false."

Abboud previously worked at America Rising, a conservative opposition research group. He's also related to Andy Abboud, senior vice president of government relations and community development for billionaire Sheldon Adelson's Las Vegas Sands Corporation. Adelson is a prominent Republican donor.

Adelson figured predominantly in helping Pruitt plan a scheduled February trip to Israel, the Washington Post reported late Thursday. The trip was canceled after controversy erupted over Pruitt's use of first-class air travel.

Andy Abboud confirmed to the Post his own involvement in planning Pruitt's Israel agenda.

A House Democratic aide said that it would be hard to tell just how lawmakers will respond to the latest events once they come back from recess Monday, but suggested the latest developments have cast a cloud over Pruitt's testimony in late April. Specifically, the aide pointed out that Pruitt had testified that the agency did not retaliate against internal whistleblowers, despite Chmielewski alleging the contrary, and had said his real estate dealings with lobbyists weren't serious, despite new reports that he had once co-owned a home with one.

"If we were in the majority now, we'd be accusing him of perjury," the aide said.

Politico
https://www.politico.com/story/2018/05/04/scott-pruitt-rent-lobbyist-couple-fine-569678
Couple who rented condo to Pruitt pays fine to D.C.
By Anthony Adragna, 5/4/18, 4:35 PM

The lobbyist couple whose condo EPA Administrator Scott Pruitt leased for $50 a night paid a $2,034 fine Friday for wrongly renting out the property, a spokesman for the D.C. Department of Consumer and Regulatory Affairs said.

"The owner agreed to pay the fine for engaging in a business without a housing residential license," the spokesman told POLITICO.

Pruitt rented the condo for several months last year from Vicki Hart. It emerged in late April that Pruitt had met with her lobbyist husband, Steven Hart, despite his denials, and that Hart had also recommended three people to serve on the agency's Scientific Advisory Board.

The Harts' condo arrangement with Pruitt was already rocky. The EPA chief was reportedly slow to pay his rent and the Harts eventually had to change the locks.

Daily Caller
http://dailycaller.com/2018/05/04/gop-lawmakers-target-epa-mining/
GOP Lawmakers Target 'Tool Of Tyranny' EPA Used To Kill Mining
By Jason Hopkins, 5/4/18, 2:55 PM

Republican lawmakers have been largely satisfied with EPA Administrator Scott Pruitt's work rolling back industry regulations, but they are voicing their disgust with his decision to keep in place a preemptive veto of an Alaskan mine project.

Eighteen GOP congressmen, led by the Western Congressional Caucus, issued a letter on Thursday to Pruitt, urging him to reverse course on his decision to maintain an Obama-era preemptive veto on the Pebble Mine project in southwest Alaska.

"We write to express our concerns with regard to the EPA's decision not to scrap the Obama Administration's preemptive veto, also known as the Proposed Determination, for the prospective Pebble Limited Partnership mining project," the letter began, going into detail as to why the Obama administration was wrong to block proper review of the project. "In a future administration, this dangerous precedent could be utilized as a tyrannical tool … It therefore poses a threat to the integrity of our entire project review system while casting the spectre of a double standard over this particular project."

Pebble Mine is the name of a proposed mining project in the Bristol Bay region of Alaska, an area that contains deposits of gold, porphyry and molybdenum. However, the project was derailed by the previous administration in a move that many critics framed as unlawful and unprecedented. In February 2014, the Obama-led EPA vetoed Pebble's progress before it received an environmental review from the Army Corps of Engineers — the regular process under the Clean Water Act. Instead of weighing in upon the review, the EPA blocked the proposal by circumventing the entire process.

Pruitt gave indications that he would repeal this veto when he began at the EPA. However, in a surprise move, Pruitt announced on Jan. 26 he would be keeping Proposed Determination in place. The EPA chief ultimately ruled that "any mining projects in the region likely pose a risk to the abundant natural resources that exist there." In its determination, the agency added that more than 1 million comments had been submitted to them, mainly in opposition to the project.

Pebble Mine proponents said Pruitt's moves are tarnishing his reputation as a successful and prolific reformer of the agency he leads.

"The preemptive veto of the Pebble project in Alaska – a holdover of the Obama EPA – is the one glaring blemish staining Administrator Pruitt's record," said Republican Rep. Paul Gosar of Arizona in a statement issued Thursday. "This kind of power-grab has no place surviving into a Republican administration – not least because we know future Administrations would be glad to abuse such power in even more severe ways."

Gosar is joined by a number of other Republicans and related association groups in calling for the veto to be struck.

Washington Examiner
https://www.washingtonexaminer.com/opinion/op-eds/the-epas-new-secret-science-rule-makes-sense-from-a-risk-assessment-perspective
The EPA's new 'secret science' rule makes sense from a risk-assessment perspective
By Michael L. Dourson, 5/6/18, 12:00 AM

Environmental Protection Agency Administrator Scott Pruitt's recent announcement that EPA will not use "secret science" — that is science for which the underlying data is not available — is challenging. Whereas EPA is routinely in receipt of unpublished toxicity studies for chemicals designed for commerce, not all important scientific findings are publishable. Nor do scientific journals generally have sufficient space to include all data.

Much has been made in recent weeks of this new EPA policy, including an op-ed opposing it by former EPA Administrator Gina McCarthy and former acting Assistant Administrator Janet McCabe.

The media coverage has focused attention on how science is considered acceptable and useful in EPA's rulemaking. But missing from this is the perspective of risk scientists charged with protecting public health. In the case of EPA, it is often not enough for any one positive study to be published in a peer-reviewed journal. Such work often needs replication because a positive finding occurs, on average, in one out of every 20 studies due to chance.

If a study cannot be replicated, then it at least needs to make sense within the pattern of available data. For pesticides regulated by EPA, these data are often from hundreds of studies done according to federal guidelines.

Studies that are not replicated or that do not make sense in an overall pattern are still considered, however. Risk scientists will often contact the authors to obtain additional information in order to conduct their own analysis, a common practice within EPA.

When such data are forthcoming, without the need to break confidentiality or disclose confidential business information, independent analyses can be conducted and the public health is better served. But when such information is withheld by the authors, government risk scientists are often left with a dilemma.

For example, imagine that a series of studies come out on a single human group that is exposed to a commonly used insecticide, and they show an unexpected effect at extremely low exposures. This finding has not been replicated and clashes with multiple animal and human studies that point to danger only at much higher exposures.

In this case, EPA scientists would ask the authors for the underlying data to confirm this unexpected low-dose effect. But let's say they can't get it. EPA is then left with neither confirmatory studies, nor information that makes sense in light of other studies, nor the ability to conduct its own analysis. Understandably, Pruitt has chosen a policy of not using such studies.

There is one sense in which McCarthy and McCabe are spot on. The judgment over which epidemiology and/or toxicology data to use for risk or safety assessment purposes should be left to risk scientists. But from my perspective as a risk scientist, Pruitt's decision is still correct. The public's interest is best served when science is replicable and consistent with other information. When studies cannot be replicated or are inconsistent with other information, access to their underlying data is vital to independent analysis. When the underlying data are not provided to a risk scientist, it is difficult to use this study to make a credible risk judgment, much less national rulemaking.

In short, the public is often worried about chemical exposure, as they should be when such exposure exceeds a safety level. But the public's interest is best served by trusting in experts dedicated to public health protection, not by withholding scientific data from independent analysis.

Michael L. Dourson, formerly Trump's nominee as Assistant EPA Administrator, is a board-certified toxicologist serving as director of science at the 501(c)3 environmental science NGO Toxicology Excellence for Risk Assessment. Prior to this, he was a senior adviser in the Office of the Administrator at the U.S. Environmental Protection Agency.

Reuters
https://www.reuters.com/article/us-autos-emissions/major-automakers-urge-trump-not-to-freeze-fuel-economy-targets-idUSKBN1I821P
Major automakers urge Trump not to freeze fuel economy targets
By David Shepardson, 5/7/18, 2:03 PM

WASHINGTON (Reuters) - Major automakers are telling the Trump administration they want to reach an agreement with California to avoid a legal battle over fuel efficiency standards, and support continued increases in mileage standards through 2025.

"We support standards that increase year over year that also are consistent with marketplace realities," Mitch Bainwol, chief executive of the Alliance of Automobile Manufacturers, a trade group representing major automakers, will tell a U.S. House of Representatives panel on Tuesday, according to written testimony released on Monday.

The Trump administration is weighing how to revise fuel economy standards through at least the 2025 model year, and one option is to propose freezing the standards through 2026, effectively allowing automakers to delay investments in technology to cut greenhouse gas emissions from burning petroleum.

The National Highway Traffic Safety Administration has not formally submitted its joint proposal with the Environmental Protection Agency to the White House Office of Management and Budget for review. Even so, last week, California and 16 other states sued to challenge the Trump administration's decision to revise U.S. vehicle rules.

Auto industry executives have held meetings with the Trump administration for months and have urged the administration to try to reach a deal with California even as they support slowing the pace of reduction in carbon dioxide emissions that the Obama administration rules outlined.

One automaker official said part of the message to President Donald Trump at a meeting on Friday will be to consider California like a foreign trade deal that needs to be renegotiated. Automakers want to urge him to get automakers a "better deal" – as opposed to potentially years of litigation between major states and federal regulators.

On Friday, Trump is set to meet with the chief executives of General Motors Co, Ford Motor Co, Fiat Chrysler Automobiles NV and the top U.S. executives of at least five other major automakers, including Toyota Motor Corp, Volkswagen AG (VOWG_p.DE) and Daimler AG, to talk about revisions to the vehicle rules. Senior EPA and Transportation Department officials will also attend.

Environmental groups are eager to keep the rules in place, saying they will save consumers billions in fuel costs. A coalition of groups plans to stage a protest outside Ford's headquarters in Michigan.

The Obama administration's rules, negotiated with automakers in 2011, were aimed at doubling average fleetwide fuel efficiency to about 50 miles (80 km) per gallon by 2025.

Heidi King, the Trump administration's nominee to head NHTSA, which oversees Corporate Average Fuel Economy (CAFE) rules, is set to have a confirmation hearing on May 16 before the Senate Commerce Committee.

Reuters
https://www.reuters.com/article/us-usa-epa-lawsuit/illinois-to-sue-epa-for-exempting-foxconn-plant-from-pollution-controls-idUSKBN1I52NB
Illinois to sue EPA for exempting Foxconn plant from pollution controls
By Valerie Volcovici, 5/4/18, 6:42 PM

WASHINGTON (Reuters) - Illinois' Attorney General said on Friday she plans to sue the U.S. Environmental Protection Agency for allowing a proposed Foxconn Technology Co Ltd plant in neighboring Wisconsin to operate without stringent pollution controls.

On Tuesday, the EPA identified 51 areas in 22 states that do not meet federal air quality requirements for ozone, a step toward enforcing the standards issued in 2015.

An exempted area was Racine County, Wisconsin, just north of the Illinois border that is known to have heavily polluted air, where Taiwan-based Foxconn is building a $10 billion liquid-crystal display plant.

Pollution monitoring data show the county's ozone levels exceed the 70 parts per billion (ppb) limit. If Racine County had been designated a "non-attainment" area, it would have required Foxconn to install stringent pollution control equipment.

Attorney General Lisa Madigan said she would file a lawsuit in the District of Columbia Circuit Court of Appeals challenging the EPA's ozone designations, saying its failure to name Racine County a "non-attainment" area puts people at risk.

"Despite its name, the Environmental Protection Agency now operates with total disregard for the quality of our air and water, and in this case, the U.S. EPA is putting a company's profit ahead of our natural resources and the public's health," Madigan said in a statement.

The EPA, under Administrator Scott Pruitt, left Racine County off its non-attainment list despite an agency staff analysis of ozone levels in Wisconsin published in December, which found that the county's air exceeded federal ozone limits.

Wisconsin Governor Scott Walker, who supports bringing Foxconn to Wisconsin, tweeted on Tuesday that the state would work with EPA "to implement a plan that continues to look out for the best interest of Wisconsin."

Wisconsin's Republican-controlled state Assembly last year voted to approve a bill that paves the way for a $3 billion incentives package for a proposed by Foxconn.

BNA
http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=133387490&item=408&prod=deln&cat=AGENCY
Industry Heated as EPA Stays Silent on Global Coolant Deal
By Abby Smith, 5/7/18

Appliance manufacturers and chemical makers have had enough of the Trump administration's silence on a global deal to reduce climate-warming coolants, and they've got a message for the EPA: Speak up.

For months, the U.S. refrigeration and chemical industries have quietly lobbied the Trump administration to support a 2016 global agreement to phase down hydrofluorocarbons, or HFCs, refrigerant chemicals that are highly potent greenhouse gases. And though a State Department official offered tentative backing for the deal late last year, it's unclear if the industry is any closer to convincing the president to send the pact to the Senate for ratification, where it would face an uphill battle in the Republican-controlled chamber.

The industry is now shifting the onus to the Environmental Protection Agency. It's not enough for EPA head Scott Pruitt to tell companies the agency isn't standing in the way of ratification, industry representatives said. Companies want the administrator or agency air chief Bill Wehrum to publicly urge the president to move forward with the HFC deal.

"He can say that without a legal opinion. That isn't going to hurt him," Kevin Fay, executive director of the Alliance for Responsible Atmospheric Policy in Washington, D.C., told EPA officials at a May 4 stakeholder meeting.

Fay said the agency owes that much to the industry, which has invested billions of dollars to transition away from HFCs and to manufacture climate-friendly alternatives.

"You have all these people now wondering where they stand in the process," Fay added. "You have got to say something more than, 'We don't know.'"

Interagency Process
EPA officials, though, largely dodged industry questions about where the agency stands on the HFC deal, known as the Kigali Amendment. They said the EPA is engaged in an ongoing interagency process to determine a path forward.

"The administration hasn't been saying much, but that doesn't mean nothing is happening," Wehrum, who sat in on the latter half of the meeting, told stakeholders. He said several parts of the administration, including the departments of Commerce and Defense, were participating in discussions.

But Wehrum and other EPA officials declined to take a substantive position on the Kigali agreement.

The agency can't speak unilaterally for a multi-agency deliberation process, said Justin Schwab, EPA's deputy general counsel. But he also told a frustrated Fay, "I just want you to know how seriously we are taking this."

Economic Impact
The EPA held the May 4 meeting to discuss April 13 guidance stating it won't implement Obama-era limits on the use of HFCs while it rewrites them. Last summer, a federal appeals court partially struck down those limits, which would have been the foundation for U.S. compliance with the Kigali deal.

Agency officials said they aim to provide certainty to industry in the forthcoming rewrite process—but almost all companies represented at the meeting said ratifying the Kigali deal would offer the greatest amount of clarity. Even representatives from the two chemical companies that brought the winning lawsuit against Obama-era HFC limits, Mexichem Fluor Inc. and Arkema Inc., reiterated their strong support for the Kigali agreement.

Congress has weighed in, too. A bipartisan group of senators—led by Sens. John Kennedy (R-La.) and Tom Carper (D-Del.)—introduced legislation in February that would direct the EPA to establish a market-based system to implement the HFC deal's requirements.

Industry is trying to speak about the Kigali deal in the Trump administration's language. A May 3 report from the Alliance for Responsible Atmospheric Policy and the Air-Conditioning, Heating & Refrigeration Institute said ratification of the agreement would add 33,000 manufacturing jobs to the industry by 2027. The report also estimated an additional $12.5 billion of manufacturing output in the sector per year would result from Kigali ratification.

Without Kigali, U.S. companies could see their investments go elsewhere and their products priced out of foreign markets, said Charlie Hon, sustainability and government affairs manager for the Missouri-based True Manufacturing Co., Inc., which specializes in commercial refrigeration products.

"That's a direct reversal of what this administration promises. Working ourselves out of jobs is not what we're looking for," Hon told EPA officials. "If we don't have this regulatory stability, we're going to lose. It's just plain as day to us as a corporation."

The Spokesman-Review
http://www.spokesman.com/stories/2018/may/05/epa-declines-to-test-air-downwind-of-lead-smelter-/
EPA declines to test air downwind of lead smelter in British Columbia
By Becky Kramer, 5/5/18

The state of Washington will look for money to conduct air quality monitoring downwind of a Canadian smelter after the federal government declined to restart the testing.

Trail, British Columbia, is home to one of the world's largest lead and zinc smelters and refineries. The community of Northport, Washington, is about 20 miles south of the smelter.

Two years of air monitoring would cost about $300,000. The state Department of Ecology will look into options for funding the work, including grants or agency funding, said Brook Beeler, an Ecology spokeswoman.

More than 100 local residents sent a petition to the U.S. Environmental Protection Agency in December, asking the agency to install air monitors from Northport to the U.S.-Canadian border.

The petition came after state modeling indicated Teck Resources Ltd.'s smelter could be sending the highest known airborne levels of arsenic and lead in Washington, Idaho and Oregon over the border.

Air quality monitoring hasn't been conducted on the Washington side of the border since 2009.

So, state Department of Ecology officials used six years of data from British Columbia's government to project levels of heavy metals crossing the border from 2009 to 2014.

Average lead and arsenic levels modeled at the international border and in Northport were several times higher than the Northwest's next-largest reading, which was taken in an industrial area of Seattle. The modeling also indicated elevated levels of cadmium.

The heavy metals in the emissions wouldn't pose a short-term risk to Northport-area residents, but long-term inhalation could increase cancer risks, according to the Department of Ecology.

The Northeast Tri-County Health District also supports the monitoring to determine whether a public health risk is present.

EPA officials, however, disagree that additional monitoring is needed.

"From our evaluation of data collected in 1999 to 2009, we believe that the risk to you from the outdoor air in Northport is low," wrote Cami Grandinetti, a manager in EPA's remedial cleanup program, in an April letter.

Based on additional improvements at the smelter, "we expect current day operations to be even lower," Grandinetti said in the letter.

Teck has spent more than $1.5 billion modernizing the Trail smelter since the mid-1990s. Company officials recently said they've reduced air and water emissions by more than 95 percent.

About 45 people attended a meeting with EPA officials Thursday night in Northport.

AP
https://apnews.com/e495266bd5e7490ab3e86dbe1713943f/EPA-requests-new-contamination-testing-at-Michigan-tannery
EPA requests new contamination testing at Michigan tannery
5/7/18

ROCKFORD, Mich. (AP) — Federal environmental officials are resuming an investigation into contamination at a former tannery in western Michigan five years after the Environmental Protection Agency left the site under state control.

The Grand Rapids Press reports that the EPA says new testing will begin this month at the former manufacturing site where Wolverine World Wide used chemicals to waterproof shoe leather.

The EPA has requested Wolverine conduct extensive soil and groundwater sampling across the Rockford property. The site has been open to the community and used as a space for events since 2010.

Recent testing found extremely high levels of per- and polyfluoroalkyl substances at the site. But the EPA is focusing its probe on other contaminants as well.

Wolverine says it's working with regulators and expects to begin fieldwork this summer.

E&E Greenwire
https://www.eenews.net/greenwire/stories/1060081005/search?keyword=EPA
Agency employees, Jeff Bezos up for government 'Oscars'
By Nick Sobczyk, 5/7/18

Employees from EPA and the departments of Energy and the Interior are in the running for distinguished civil service awards.

The Partnership for Public Service yesterday announced 27 finalists for its Samuel J. Heyman Service to America Medals, known as the "Sammies" for short.

The group will be honored at a ceremony tomorrow to commemorate Public Service Recognition Week, and seven winners will be crowned at an Oct. 2 gala in Washington.

"Amid the political headlines, it's easy to overlook our nation's career public servants who perform the essential day-to-day work of government," said Max Stier, president and CEO of the Partnership for Public Service, in a statement. "That's why the Service to America Medals are so important — they showcase the many remarkable men and women who assist their fellow Americans with passion to maintain the safety, health and prosperity of the nation."

Among the finalists for the career achievement medal is Gerald Ankley, an EPA research toxicologist who for decades has been at the forefront of studying chemical contamination in the Great Lakes.

His nearly 500 scientific papers have helped researchers identify chemicals like PCBs and dioxins in lakes and rivers and laid the groundwork for EPA regulations.

"He has that elite scientific knowledge and understanding, but there's no ambiguity in his commitment," Tina Bahadori, director of EPA's National Center for Environmental Assessment, told the partnership. "His job, his passion, is to do the work that makes this country and this planet a safer place to live. That's been his lifetime commitment and it's been unwavering."

Judith Lynn Allaire DesHarnais of the Army Corps of Engineers' St. Paul District is also up for the career achievement award for directing a series of major flood control projects. So is Allen Hefner of the National Institute of Standards and Technology for developing a power semiconductor model that revolutionized the electronics industry.

Interior's Mark Bathrick and his team of employees have been nominated for the homeland security and law enforcement medal for building the nation's largest civilian drone fleet. The department uses its 312 unmanned aerial vehicles to spot wildfires and pipeline leaks, as well as in wild horse roundups.

"Mark's program at Interior is the gold standard for civilian use of unmanned aerial vehicles in government," Philip Hall, who heads the drone initiative at NOAA, told the group.

DOE, meanwhile, will send Barbara Kutchko to the October gala. Kutchko is in the running for the science and environment medal for developing new industry standards for the foamed cement that lines oil wells after the 2010 Deepwater Horizon accident.

A pair of federal employees are also on the list of finalists for developing new ways to prepare for natural disasters. Tim Schmit is vying for the science and environment medal for helping create new weather satellite technology for NOAA. Jordan Manos is up for the promising innovation medal for saving the Federal Emergency Management Agency an estimated $20 million with new damage assessment techniques in the aftermath of Hurricane Harvey.

The winners of the awards will be chosen by a group of leaders from the public and private sectors, including Axios founder and CEO Jim VandeHei, Reps. David Price (D-N.C.) and Phil Roe (R-Tenn.), author Michael Lewis, and American University President Sylvia Mathews Burwell.

The Partnership for Public Service calls its medals the Oscars of government service.

But the Oct. 2 gala could feature one person who has attended the real Oscars: Amazon CEO Jeff Bezos.

The group will award Bezos its first ever private-sector Service to America Medal for collaborating with the federal government on advancements in cloud computing, space exploration and sustainable energy.

Message

From: Sauerhage, Maggie [Sauerhage.Maggie@epa.gov]
Sent: 5/28/2019 8:07:29 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily News Clips: 5/28/2019

Administrative
Bloomberg Environment: EPA Fills Southeast Post, Six Months after Prior Chief Indicted

Air Quality
Chicago Tribune: Trump EPA backs away from smog breaks for Foxconn, Indiana steel mills
Greenwire: White House concludes review of EPA particulate guidance
Reuters: Democratic presidential hopeful Klobuchar proposes revamping EPA ethanol rules
St. Louis Post-Dispatch: Editorial: The EPA isn't going to make the air safer; it's just going to say it is.
Washington Examiner: Daily on Energy: Utilities warned EPA about hamstringing natural gas and renewables with a coal-only climate rule

Chemicals
The Hill: Lawmakers, Trump agencies set for clash over chemicals in water
Midwest Center for Investigative Reporting: Controversial pesticide use sees dramatic increase across the Midwest

Climate
Climatewire: GOP criticizes its own on climate
The New York Times: Trump Administration Hardens Its Attack on Climate Science

Policy
Bloomberg (Opinion): EPA Chief Says the Right Thing. Will He Do It?
Inside EPA: CEQ Rewrite Of NEPA Implementing Rule May Face Challenging Timeline

Superfund
Greenwire: 'Extremely expensive' cleanup resumes at ex-chemical plant

Water
Associated Press: Report: Pennsylvania must do more to help Chesapeake Bay
Energywire: AGs blast Trump energy orders
Greenwire: Nonprofit to EPA: Enforce pollution diet or face lawsuit
Inside EPA: EPA Wastewater Official Backs Utility Consolidation On Case-By-Case Basis

Bloomberg Environment
EPA Fills Southeast Post, Six Months after Prior Chief Indicted
https://news.bloombergenvironment.com/environment-and-energy/epa-fills-southeast-post-six-months-after-prior-chief-indicted
By Chris Marr

- Mary Walker appointed regional administrator
- Trey Glenn resigned in November, indicted on corruption charges

The EPA's southeast region officially has a new administrator—six months after its previous region chief resigned following his criminal indictment.

Mary Walker was appointed as regional administrator for the eight-state region headquartered in Atlanta, the Environmental Protection Agency announced May 28. Walker has served as acting administrator since November, after Trey Glenn stepped down from the job.

The region includes the states of Alabama, Florida, Georgia, Kentucky, North Carolina, Mississippi, South Carolina, and Tennessee, as well as tribal lands for six federally recognized tribes.

"Mary's leadership and intimate knowledge of the region's concerns will ensure that EPA continues to work closely with the states, tribes, and regulated community to improve lives and protect the environment," EPA Administrator Andrew Wheeler said in a written statement.

Walker previously worked at the Georgia Environmental Protection Division before joining the EPA in 2016. She's a graduate of the University of Georgia and an Alabama native.

The region's previous administrator, Glenn, was indicted by an Alabama grand jury in November in connection with an alleged corruption and attempted bribery scandal, alongside a business partner, Willie Scott Phillips Jr.

The two men previously advised as private consultants on the Birmingham 35th Avenue Superfund Site.

The site is the subject of a broader corruption scandal in which a former Alabama state legislator, a coal company executive, and a lawyer have been convicted on federal charges. It was being considered for addition to the EPA's National Priorities List, potentially meaning an accelerated cleanup plan and litigation that could force Drummond Co. to pay for it.

Glenn had served as head of the Alabama Department of Environmental Management from 2005 until 2009, prior to his consulting work. Phillips served on the body that oversees that department, the Alabama Environmental Management Commission, until 2017, including the time when he and Glenn consulted on the 35th Avenue site.

Chicago Tribune
Trump EPA backs away from smog breaks for Foxconn, Indiana steel mills
http://www.chicagotribune.com/news/breaking/ct-met-foxconn-indiana-smog-trump-epa-20190516-story.html
Michael Hawthorne

When the Trump administration exempted parts of the Chicago area last year from federal limits on lung-damaging smog, it delivered a huge financial break to steel mills, chemical plants and other industries that are some of the region's biggest polluters.

Scott Pruitt, who at the time headed the U.S. Environmental Protection Agency, also freed the Foxconn Technology Group from spending millions of dollars on pollution-control equipment as it builds a new electronics plant in southeast Wisconsin, just north of the Illinois border in an area with some of the region's dirtiest air.

But faced with a legal challenge from environmental groups and a coalition of cities and states, including Chicago and Illinois, federal lawyers are having second thoughts about Pruitt's controversial decision.

In a few densely worded paragraphs buried at the end of a 63-page document, attorneys for the EPA and Justice Department asked a federal appeals court this month for what, in legal terms, amounts to a do-over.

Administration officials aren't admitting they did anything wrong, the lawyers contend. But they can see EPA data showing the region's smog problems are getting worse, not better, and that polluters in four counties singled out by Pruitt for special treatment are contributing to chronically dirty air breathed by millions of people.

The court shouldn't rule against the Trump administration, the lawyers pleaded. Rather, they said, it "could benefit from additional explanations" and the EPA could end up revising its designations.

"These federal attorneys looked at the record, relied on their professional judgment and realized there isn't any evidence to justify Pruitt's last-minute switcheroo," said Howard Learner, executive director of the Environmental Law and Policy Center, one of the nonprofit groups that sued to overturn the EPA's smog designations in Illinois, Indiana and Wisconsin.

By dramatically reducing the size of areas required to crack down on dirty air, Pruitt overruled the agency's career scientists, a move that saved Foxconn and other polluters from either installing more effective pollution-control equipment, scaling back production to reduce emissions or brokering costly trading agreements with cleaner industries.

Other beneficiaries included then-Wisconsin Gov. Scott Walker, a Republican who made Foxconn the centerpiece of his 2018 re-election campaign. Walker already had wooed the company to Racine County with $3 billion in financial incentives, promises to relax state environmental laws and access to Lake Michigan water.

Walker, who ended up losing to Democrat Tony Evers in November, blamed Chicago for making the air unhealthy to breathe in Wisconsin. But an EPA staff analysis concluded Wisconsin is at least partially responsible for its own smog problems, and documents filed with the Wisconsin Department of Natural Resources show Foxconn will be a major new source of smog-forming pollution.

Newly released emails show EPA scientists strongly objected to Pruitt's decision, which they said could not be supported with data despite political pressure from Trump administration officials and then-House Speaker Paul Ryan, a Wisconsin Republican. The emails were obtained Friday by the Sierra Club and Clean Wisconsin as part of a federal public records request.

"I do not see a sound technical basis for the areas we are being directed to finalize in Wisconsin," Jennifer Liljegren, an EPA scientist, wrote to colleagues in an April 11, 2018, email. "I will need the wordsmithing of the legal and policy experts if we are really going to do this — I am still in disbelief."

One of the recipients of that email, EPA scientist Lars Perlmutt, replied, "I have a background in air pollution health effects and more specifically on acute exposures, so for me personally, this is hard to digest and support."

Another email from Liljegren concluded that Wisconsin polluters are responsible for up to 15 percent of the smog detected by air quality monitors — enough to register violations in all of the areas exempted by Pruitt.

Smog, also known as ground-level ozone, is formed by a reaction between sunlight and pollution from car tailpipes, power plants and factories, fumes from volatile solvents and gasoline vapors. After a scientific review required every five years by the federal Clean Air Act, the Obama EPA tightened the national smog standard in 2015 to 70 parts per billion, down from the 75 ppb limit set during the Bush administration.

Average smog concentrations in the counties at issue exceeded the new federal limit during the past three years, according to monitoring data. In Racine County, for instance, smog levels peaked at 90 ppb last year and averaged 78 ppb between 2016 and 2018, even without Foxconn operating.

More perplexing is Pruitt's reversal of the EPA staff designation for northwest suburban McHenry County.

Unlike Wisconsin officials, who under Walker insisted the state's air was clean enough to pass muster, the Illinois EPA had repeatedly included McHenry in its lists of areas required to take additional smog-fighting measures. Monitoring data supports that decision: Smog concentrations in McHenry averaged 72 ppb between 2016 and 2018 and peaked at 77 ppb last year.

But Alec Messina, a former industry lobbyist who headed the state agency under Republican Gov. Bruce Rauner, abruptly reversed course after phone conversations with Clint Woods, a top Pruitt aide.

"Just wanted to check to see if you might have a free 5 min today or tmrw for a quick call about ozone. The administrator asked me to reach out with 2 quick questions," Woods wrote to Messina in an April 25, 2018, email obtained by the Chicago Tribune through a public records request.

While the content of subsequent phone conversations wasn't documented, Messina sent Pruitt a one-paragraph letter two days later agreeing that McHenry County should be exempted from the new smog standard.

Pruitt, in turn, relied on the Messina letter as the only evidence supporting his decision.

The former EPA administrator also tweaked the agency's final calculations for northwest Indiana by including years with fewer bad air days. Lake and Porter counties recorded average levels just below the new smog standard when 2014 monitoring data was included. That gave Pruitt a rationale for exempting part of Lake and all of Porter, including the ArcelorMittal steel mill in Burns Harbor, the largest source of smog-forming pollution in the region.

However, the EPA staff report concluded that pollution from the two counties contributes to air quality problems in the larger Chicago metropolitan area. During the most recent three-year period, smog concentrations in Porter County averaged 73 parts per billion and peaked last year at 85 ppb.

"Our final (metropolitan) area designation for Chicago is not the result of an analysis with any technical support," Eric Svingen, an engineer in the EPA's Chicago office, wrote in an April 24, 2018, email to colleagues who were attempting to draft a report that reflected Pruitt's wishes.

It remains to be seen if the federal appeals court will give Trump administration officials another chance to revise the Chicago-area smog designations. During President Donald Trump's first two years in office, his administration prevailed only 6 percent of the time when its anti-regulatory decisions were challenged in the courts, according to a Brookings Institution study.

"I've never seen an administration with a record this atrocious," said John Walke, an attorney at the nonprofit Natural Resources Defense Council who works on air quality issues. "That's good for the environment and public health, but we shouldn't be forced to defend clean air and water in the first place."

Greenwire
White House concludes review of EPA particulate guidance
https://www.eenews.net/greenwire/2019/05/28/stories/1060416397
Sean Reilly, **E&E News reporter**

The White House's regulatory shop has wrapped up an unusually prolonged review of draft EPA technical advice pertaining to states with areas that are flunking National Ambient Air Quality Standards for fine particulates.

The Office of Information and Regulatory Affairs (OIRA) completed the interagency review of what is formally known as "PM2.5 Precursor Demonstration Guidance" last Thursday, or more than six months after receiving it from EPA, according to a government website that tracks federal rulemakings (*Greenwire*, Nov. 12, 2018).

That's roughly double the 90-day timetable laid out in a Clinton-era executive order. Spokespersons for the Office of Management and Budget, where OIRA is housed, did not immediately reply to an email this morning seeking information on the factors that contributed to the review's length.

Fine particulate matter is technically known as PM2.5 because it's no wider than 2.5 micrometers in diameter, or one-thirtieth the width of a human hair. Such tiny particulates are linked to a variety of heart and lung problems; so-called precursor pollutants that contribute to their formation include sulfur dioxide and volatile organic compounds.

While an EPA spokesman did not respond to a request for confirmation today, the agency seems to now be working on a final version of 2016 draft guidance designed to help regulators who want to make a case that individual power plants

or other specific sources of precursor pollutants do not "contribute significantly" to fine particulate levels that exceed the national standards and could thus be exempted from added pollution control requirements.

The draft, released in late 2016, drew feedback from the American Petroleum Institute, the Utility Air Regulatory Group, Earthjustice and several state and local agencies, according to a roundupof public comments.

It is unclear what changes, if any, EPA has made in response to those comments. Ken Labbe, the EPA spokesman, also did not reply to a question today asking when the agency plans to release the final version.

EPA's current annual exposure standard for fine particulates is 12 micrograms per cubic meter of air; the 24-hour limit is 35 micrograms per cubic meter of air.

Reuters
Democratic presidential hopeful Klobuchar proposes revamping EPA ethanol rules
https://www.reuters.com/article/us-usa-election-klobuchar/democratic-presidential-hopeful-klobuchar-proposes-revamping-epa-ethanol-rules-idUSKCN1SY1KE
By Humeyra Pamuk, Ginger Gibson

WASHINGTON (Reuters) - Democratic presidential hopeful Amy Klobuchar on Saturday called for revamping the Environmental Protection Agency's (EPA) rules governing how refineries use ethanol in gasoline products, a proposal aimed at the politically critical state of Iowa.

Part of a series of farm policies that also addressed access to capital and bankruptcy assistance, Klobuchar, a U.S. senator, said the EPA's waivers that allow refineries to avoid the requirements are "misguided" and said financial institutions are manipulating the biofuels credit trading market.

She called for new compliance standards and additional oversight.

Klobuchar is one of more than 20 Democrats vying for her party's presidential nomination. If she is going to be successful, her campaign needs to galvanize support in the heavily-agriculture state of Iowa, which holds the first primary contest in the nation. Iowa is the country's leading producer of corn, which is used to produce ethanol.

Klobuchar, who represents Minnesota, another heavily agriculture state which borders Iowa to the north, in the U.S. Senate, has been trailing in polls on the Democratic presidential field.

In a Reuters/Ipsos poll tmsnrt.rs/2LeoO8z earlier this month, she garnered support of only 1% of respondents. Former Vice President Joe Biden led the poll, with 29% of Democrats and independents saying they would vote for him in the state nominating contests that begin next winter.

The Renewable Fuel Standard (RFS) program that mandates ethanol use is a more than decade-old regulation aimed at helping farmers and reducing U.S. dependence on oil. The policy has helped farmers by creating a huge market for ethanol and other biofuels, but oil refiners say compliance is prohibitively expensive.

Under the program, refiners are required to blend biofuels into the nation's gasoline pool or purchase credits from those that do, but smaller refineries with a capacity of less than 75,000 barrels per day (bpd) can obtain a "hardship waiver" if they prove that compliance with RFS would cause them significant financial strain.

The Trump administration made extensive use of such waivers in the last two years, saving refiners money but angering the corn lobby, particularly after major companies like Exxon Mobil Corp received exemptions for certain facilities.

Ethanol mandates have opened a war between the oil and corn industries. The ethanol industry claims the exemptions have been over-used, threatening demand for corn-based ethanol at a time when farmers are already struggling.

The policy has helped farmers by creating a 15-billion-gallon-a-year market for corn-based ethanol, but oil refiners have increasingly complained about the expense – particularly when prices are high and volatile.

RFS and the small refinery waiver program have increasingly emerged as one of the key policy areas that several Democratic presidential hopefuls have raised.

U.S. Senator Elizabeth Warren earlier this month in a letter to the EPA questioned the agency's decision to grant a small refinery waiver to an oil refinery owned by billionaire Carl Icahn, who is a former adviser to President Donald Trump. She said waivers undermine the renewable program.

(The corrected story clarifies Iowa's status as the leading corn-producing state in fourth paragraph.)

Reporting by Humeyra Pamuk and Ginger Gibson; Editing by Leslie Adler

St. Louis Post-Dispatch
Editorial: The EPA isn't going to make the air safer; it's just going to say it is.
https://www.stltoday.com/opinion/editorial/editorial-the-epa-isn-t-going-to-make-the-air/article_7c0294fa-2020-5c4b-99de-c3dfbf82cb23.html
By the Editorial Board

In the Trump administration's latest assault on science in service to industry, the Environmental Protection Agency is planning to adopt a new method for projecting the future health risks of air pollution. It will drastically lower the number of predicted deaths — not by actually prompting cleaner air, but by downplaying the dangers of the current levels of air pollution.

The method officials are planning to use is one experts say isn't scientifically sound. This looks like yet another gift to big business at the expense of the environment and Americans' health.

It's part of a broader campaign by President Donald Trump's government to aggressively undo decades of environmental progress. President Barack Obama's Clean Power Plan, for example, set regulations designed to nudge utilities to switch from coal to natural gas or renewable energy. The main goal was to lower greenhouse-gas emissions that contribute to climate change. But an important side benefit is that those standards reduced particulate matter in the air.

Microscopic particles put into the air by burning coal can cause a range of health problems, some fatal. The EPA has set a general safety threshold for the level of particulate matter in the air, but it still assesses health hazards that can occur below that threshold. Scientists liken it to a speed limit: Even if 65 mph is the legal speed limit, that doesn't mean deaths don't occur at lower speeds.

But the new method that Trump's EPA intends to use would, in effect, pretend just that. It would operate under the assumption that there are no health hazards at all related to a pollution source that is putting particulate matter into the air at a concentration below the general EPA safety threshold.

That might sound like common sense, but scientists point out that the threshold is merely one guideline for assessing health threats. As one scientist told The New York Times, "It's not a hard stop where we can say 'below that, air is safe.' That would not be supported by the scientific evidence."

But by arguing exactly that, the Trump administration would give itself cover for further roll-backs of air pollution rules under the premise that once particulate-matter levels drop below that threshold, there's no reason to push for making it any cleaner.

As currently envisioned, the new method would actually allow for *more* air pollution, while officially predicting *fewer* deaths from it. And the EPA plans to use that commonsense-defying method even though it hasn't been peer-reviewed by scientists.

It's not intrinsically illegitimate to argue, as industry does, that pollution regulation must be a balance between reasonable safety and viable business activity. But simply pretending that pollution threats aren't threats isn't the way to strike that balance.

Washington Examiner
Daily on Energy: Utilities warned EPA about hamstringing natural gas and renewables with a coal-only climate rule
https://www.washingtonexaminer.com/policy/energy/daily-on-energy-utilities-warned-epa-about-hamstringing-natural-gas-and-renewables-with-a-coal-only-climate-rule
By John Siciliano **&** Josh Siegel

GAS AND RENEWABLES WITH A COAL-ONLY CLIMATE RULE: The Environmental Protection Agency faces a major decision in whether to heed a utility industry warning as it finalizes its revised version of Obama-era climate rules for power plants next month.

The latest White House unified regulatory agenda, released just days ahead of the Memorial Day holiday recess, shows the Affordable Clean Energy rule being made final sometime in June, nearly a year after it was first proposed. The regulation is meant to replace the Obama-era Clean Power Plan, a key piece of former President **Barack Obama's** climate change agenda.

The utility industry's question is whether the final rule will allow it to follow its own clean energy path, rather than meet the goals of the rule.
The utilities, represented by the Edison Electric Institute, told EPA last fall that they wanted assurances that the ACE rule would not interfere in company activities to install more natural gas and renewable energy. EEI stated that some of its companies are seeking to cut greenhouse gas emissions 80% by 2050, with other members seeking even more aggressive targets.

The large utility group warned that a lack of flexibility to continue the transition to cleaner energy would raise prices by focusing states on less-competitive energy resources like coal.

The emission reductions expected to be achieved under the ACE rule are moot: EPA has suggested that the ACE Rule will reduce U.S. power sector emissions by around 34% below 2005 levels. "However, those projected reductions have largely already been achieved due to the on-going fleet transition" from coal to natural gas and renewables, EEI explained.

The utility industry is concerned that the ACE rule's preference for investing in coal plants to make them more efficient, and thus cleaner, could upset the energy "transformation" the country is currently undergoing, harming billions of dollars of investments and the jobs that go with them.

"EPA must consider this transformation if the Agency finalizes these proposals and provide [power plant] owners and operators and states significant compliance flexibility, consistent with the requirements of the [law]," EEI stated.

Failure to provide the flexibility "has the potential to undermine not only the clean energy transition by increasing costs for electricity customers, but also EPA's proposed ACE rule itself, by increasing the economic burdens imposed on the remaining existing coal-based ... fleet."

The EPA is also slated to make final a separate action repealing the Clean Power Plan. The action would coincide with the two-year anniversary of **President Trump**'s decision to withdraw from the Paris climate deal on June 1.

DEMOCRATIC ATTORNEYS GENERAL SAY TRUMP'S ORDER TO LIMIT STATE PIPELINE AUTHORITY IS ILLEGAL: A coalition of 16 Democratic state attorneys general is warning the Trump administration that the president's recent executive order limiting state authority over oil and gas pipelines is illegal.

Trump signed an executive order April 10 designed to limit the instances in which blue states such as New York can reject pipeline projects using authority granted to states in Section 401 of the Clean Water Act. Section 401 allows states to deny permits if leaks from an energy infrastructure project could harm nearby streams or lakes.

In a comment letter, the Democratic attorneys general argue that any change to EPA's "guidance and regulations" under Section 401 of the Clean Water Act would violate the law.

They say the law provides states the primary authority to protect water quality within their borders, allowing for "broad discretion" in making decisions over pipeline certifications.

"New York will always defend the right to ensure the people of our state have access to clean water, period," said New York Attorney General **Letitia James.**

The Hill
Lawmakers, Trump agencies set for clash over chemicals in water
https://thehill.com/policy/energy-environment/445514-lawmakers-trump-agencies-set-for-clash-over-chemicals-in-water
By Rebecca Beitsch

The chemicals, commonly abbreviated as PFAS, are used in items ranging from food wrappers and Teflon pans to raincoats and firefighting foam. But studies have found that as they break down and find their way into drinking water, they can cause a variety of negative health effects.

PFAS has been linked with kidney and thyroid cancer along with high cholesterol and other illnesses. Contamination has spread to 43 states, and a 2015 study found 98 percent of Americans tested now have the chemical in their blood.

But the bipartisan push to tackle the problem is setting up a clash with agencies, in particular the Environmental Protection Agency (EPA) and Pentagon, that have been resistant to regulating the chemicals.

Members of Congress have introduced at least 20 bills this session to address PFAS in some form, a record number and a sign of the growing concern.

"It has the most bills because we are now fully aware of the risks and how extensive the contamination is," said Sen. Debbie Stabenow (D-Mich.), whose home state is believed to have the most severe PFAS contamination in the U.S. thanks to Michigan's long manufacturing history and PFAS's use on military sites.

PFAS appears in a staggering number of products, and that production, along with heavy use of firefighting foam by the military and at airports, are the main sources for the contamination.

Stabenow has sponsored two bills on the topic this year. The broad package of bills in both chambers include measures that would require EPA to set a drinking water standard for PFAS, set deadlines for cleaning up PFAS contamination caused by the federal government, allow the use of Superfund cleanup funds to deal with PFAS contamination, establish a ban on new PFAS chemicals, and provide funding to clean up already-contaminated water. Senators have added some similar measures to this year's defense spending bill.

Committee chairpeople in both chambers dealing with PFAS legislation have called the bills a priority.

But there remain some tough sticking points, such as whether to address all 4,700 varieties of PFAS or just the handful that have been rigorously studied. Lawmakers, particularly Republicans, are concerned Congress may overstep its

authority by jumping ahead of the EPA's own scientific review. And there's also disagreement over how to hold companies and even the government liable for cleaning up contamination.

Senate Environment and Public Works Committee Chairman John Barrasso (R-Wyo.) said he's concerned about imposing liability on companies that used products containing PFAS for decades in good faith.

"Our nation's airports, refineries, and others used fire-fighting foam containing PFAS in order to protect their workers and the public at large," Barrasso said this week before reviewing several bills. "All these entities were either following regulations or the industry's best practices."

The chemicals industry wants the government to tackle each PFAS chemical individually.

Kimberly Wise White, senior director of chemical products and technology with the American Chemistry Council, told the Senate Environment and Public Works Committee this week that some forms of PFAS are not water soluble and should not be blamed for drinking water contamination.

"You can't treat all these PFAS chemistries the same. That's why you can't have a one-size-fits-all approach," she said, citing the broad approach of some bills.

A bill from Sen. Kirsten Gillibrand (D-N.Y.) would require the EPA to set a drinking water standard for all PFAS, and there's similar legislation in the House. Others would ban new uses or development of PFAS chemicals.

Environmentalists argue the chemicals will continue to spread without sweeping action.

"If we don't regulate them as a class, we're going to be on this treadmill of trying to regulate one at a time, and we'll never get off of it," Erik Olson, the health program director at the Natural Resources Defense Council (NRDC), told House members at a hearing earlier this month.

Some Republicans worry taking sweeping action would sidestep the EPA and force Congress to weigh the science, and potentially invite lawsuits from companies.

"States would face significant unfunded mandates, while foisting obligations on private parties who are currently unaware of potential liability — like farmers using biosolids from wastewater treatment facilities to improve soil health," Rep. Greg Walden (Ore.), the top Republican on the House Energy and Commerce Committee, said at a recent PFAS hearing. "All of this is likely to result in litigation to prevent or prolong the situation, rather than move to promptly address contamination."

Democrats have not yet committed to regulating all classes of PFAS, instead asking experts like Olson to weigh in, but there is broad consensus that the EPA response to PFAS has been lacking.

"EPA has given us little reason for confidence that they will act with the urgency that impacted communities know is needed," said Rep. Paul Tonko (D-N.Y.), lamenting that it would be years before the agency can set a drinking water standard. "One thing is clear: We cannot wait for EPA to act."

EPA will decide by the end of the year whether they want drinking water standards for PFAS, what is known in the agency as a maximum contamination level (MCL).
But critics of the agency say they've been dragging their feet on a decision that should have been made shortly after the Obama administration recommended in late 2016 that water should not contain more than 70 parts per trillion (ppt) of PFAS.

The EPA declined an interview request for this story and would not comment on any pending legislation.

In the absence of action from EPA, eight states have passed their own drinking water standards, many of them lower than the 70 ppt level that EPA recommends.

Rep. John Shimkus (R-Ill.), ranking member of the House Energy and Commerce Subcommittee on Environment and Climate Change, said Democrats were rushing to regulate PFAS by legislative fiat rather than giving EPA time to review the chemicals.

"We cannot only support the use of science or public input when it guarantees our preferred policy solution," he said in a mid-May hearing on PFAS, saying that role should lie with EPA and not Congress.

Shimkus is inclined to support some of the bills, but added, "I have too many questions about the wholesale regulation of this large class of chemicals."
The EPA is not the only agency to come under fire for moving slowly on PFAS.

The Department of Defense (DOD) is facing a $2 billion cleanup tab, and senators have expressed concern over behind-the-scenes maneuvering from the Pentagon to get EPA to scale back future PFAS regulations and save the military millions of dollars.

Some worry the military won't clean up the chemicals without a push from Congress.

"I think a lot of us learned in kindergarten that if you make a mess, you clean it up," said Olson with the NRDC. "Maybe the Department of Defense didn't learn that lesson in kindergarten and a lot of polluters did not ... It's important to hold those polluters accountable, whether they are federal agencies or private companies."

The Pentagon would not comment on pending legislation but denied the military has tried to weaken EPA's approach and said they support EPA setting cleanup standards.
"DOD is not seeking a different or weaker cleanup standard but wants the standard risk-based cleanup approach that is based on science and applies to everyone," said Pentagon spokeswoman Heather Babb.

Congress secured some funding for cleanup last year, though not enough to tackle the problem. This year's budget would also include funding, though several other bills more specifically outline the military's obligations for cleaning up contaminated water.

Stabenow, alongside Sens. Marco Rubio (R-Fla.) and Gary Peters (D-Mich.), sponsored one such bill, dubbed the "PFAS Accountability Act." It would give the military a year to develop a cleanup plan with the state requesting it, and access to grants to help fund the process. If the military misses that deadline, they have to report to Congress.

The latest version of this year's defense budget would include a measure similar to Stabenow's and also bar DOD from using firefighting foam that contains PFAS.

Finding a consensus on how to push EPA and the Pentagon, though, will be a challenge.

"This is very expensive and pretty much connected to every military base," Stabenow said of the contamination. "We want to hold them accountable and move forward to address this."

Midwest Center for Investigative Reporting
Controversial pesticide use sees dramatic increase across the Midwest
https://investigatemidwest.org/2019/05/26/controversial-pesticide-use-sees-dramatic-increase-across-the-midwest/
By Christopher Walljasper and Ramiro Ferrando/Midwest Center for Investigative Reporting

Farmers have been using the weed killer glyphosate – a key ingredient of the product Roundup – at soaring levels even as glyphosate has become increasingly less effective and as health concerns and lawsuits mount.

Nationwide, the use of glyphosate on crops increased from 13.9 million pounds in 1992 to 287 million pounds in 2016, according to estimates by the U.S. Geological Survey.

A review of the agency's data by the Midwest Center for Investigative Reporting shows that farmers across the Midwest used an estimated 188.7 million pounds of glyphosate in 2016 – nearly 40 times more than in 1992 when they used a total of 4.6 million pounds. The data for the year 2016 is the latest available.

Farmers in those 12 states – including Illinois, Indiana, Iowa and Nebraska – grow most of the country's soybean and corn crops. Glyphosate is now the primary way farmers manage weeds that would otherwise reduce the amount of grain they can produce. The Midwest accounts for 65 percent of the nation's use of glyphosate for crops, according to the Center's analysis.

The estimates are from data collected through surveys of farms and may be high in some cases. However, the estimates provide an overview over decades on how dramatically glyphosate use has increased.

As a caution, the Midwest Center reviewed data with low estimates of pesticide use on crops and crop fields to avoid overestimation. And not all crops can be sprayed with glyphosate. Therefore, the rate applies only to crops engineered to survive the pesticide.

Pesticide is the broad term for substances that can kill bugs, weeds and other pests. Specifically, herbicides kill weeds and insecticides kill bugs.

Roundup was manufactured by agriculture company Monsanto until it was bought by German pharmaceutical company Bayer in 2018.

Once thought of as a miracle product, overreliance on glyphosate has caused weeds to grow resistant to the chemical and led to diminished research and development for new weed management solutions, according to Bill Curran, president-elect of the Weed Science Society of America and emeritus professor of weed science at Penn State University.

"We're way over-reliant on roundup," Curran said. "Nobody thought we were going to be dealing with the problems we are dealing with today."
Meanwhile, juries have recently awarded at least $2.2 billion in damages to plaintiffs in three separate cases who claimed that glyphosate caused the cancer, non-Hodgkin lymphoma.

Glyphosate is at the center of thousands of more similar lawsuits against Bayer.As Bayer faces the fourth lawsuit over Roundup this August in St. Louis County Circuit Court, the company is also receiving backlash from investors and the public. The company's stock price has dropped more than 40 percent since it bought Monsanto.

The EPA, during a routine review of its glyphosate registration, said earlier this year glyphosate does not cause cancer, but the International Agency for Research on Cancer in 2015 classified glyphosate as "probably carcinogenic to humans."

The U.S. Food and Drug Administration has reported trace amounts of glyphosate in food samples after testing for the first time in 2016, though levels remained below acceptable thresholds. The Centers for Disease Control and Prevention has called for more research on the chemical's effects on humans.

Resistance to glyphosate grows
Despite warning that overuse could lead to weed resistance, manufacturers of glyphosate have continued selling the product to farmers at increasing rates.

James Benham has been farming in Southeast Indiana for nearly 50 years. Benham said, as resistance grew, Roundup went from a cure-all to a crutch.

"Sometimes if you timed it just right, you could get away with just one spraying. Now we're spraying as often as three or four times a year," he said.

Benham said farmers continue to spend more on seed and chemicals but aren't seeing more profit.

"That puts the farmer in that much more of a crisis mode. Can't do without it, can't hardly live with it," he said.

As glyphosate became less effective, farmers also turned to even more pesticides to try and grow successful crops each year.
Glyphosate was first introduced by Monsanto in 1974.

But it wasn't until the 1990s, when the company released genetically modified corn, soybean and cotton seeds that could withstand the weed killer that the use of glyphosate saw a dramatic increase, said Sarah Ward, associate professor of plant genetics at Colorado State University.

"I think it did become too much of a good thing. I think growers locked on to the simplicity, and the effectiveness of using glyphosate as your primary, or in many cases your only means of weed control," Ward said.

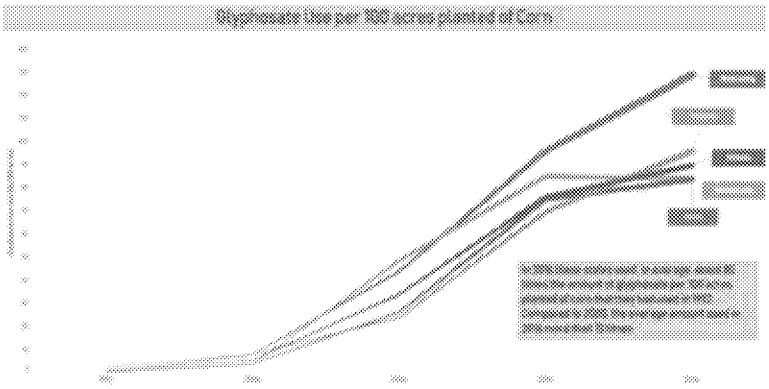
When the patent for glyphosate expired in 2000, it opened the door for generic production, and usage increased even more.

By 2007, the University of Nebraska's Institute of Agriculture and Natural Resources noted at least 40 generic glyphosate-based herbicides, including offerings by DowDupont (now Corteva Agriscience) and Syngenta.

Charla Lord, spokeswoman for Bayer, said in an email statement that glyphosate is safe and still effective for farm and residential use.

"Glyphosate-based herbicides are supported by one of the most extensive worldwide human health and environmental effects databases ever compiled for a pesticide product. Glyphosate's ability to effectively control unwanted vegetation provides benefits that extend from individual farms to global trade to national parks to golf courses to local governments to gardeners," Lord said.

But as glyphosate use shows little sign of slowing, some experts fear what it means for farmers and consumers.



In 2017, Monsanto reported net sales of $3.7 billion in its agricultural productivity division, which includes glyphosate, up $213 million from 2016, according to its annual report.

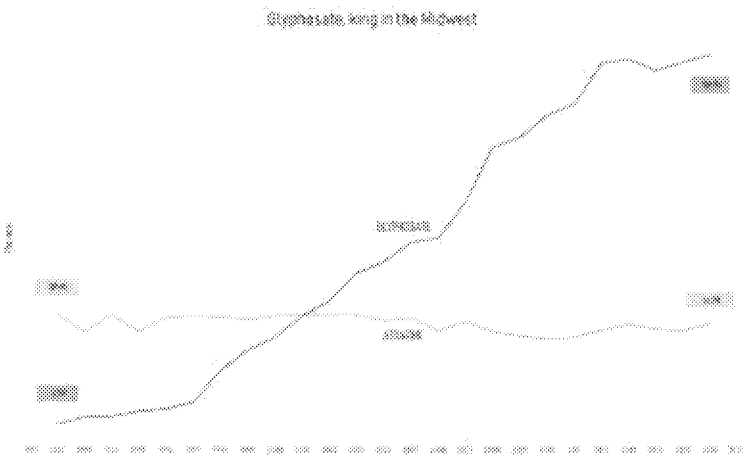
Market researchers predict the glyphosate market to grow to $8.5 billion to $10 billion annually by 2021 up from $5 billion now.

"The increase in agricultural productivity reflects increased volume of Roundup and other glyphosate-based herbicides globally," Monsanto said in the report.
Market researchers predict sales of glyphosate will be between $8.5 billion and $10 billion by 2021.

Game changer
Before glyphosate was available, farmers used a variety of other pesticides to combat specific weeds.

Jack Boyer, a farmer who plants around 800 acres of corn, soybeans and cereal rye in northeast Iowa, said before Roundup, he would apply a mixture of pesticides to the soil before planting, or or spray on patches of weeds after the crop emerged from the ground.

"It was quite a labor-intensive process, as well as more chemicals," Boyer said. "When Roundup, or glyphosate came along, it made things a whole lot simpler and really cleaned up the area, for a long time."



Even after applying pesticides, farmers or farm workers would walk the fields, chopping weeds out by hand.

"As a young teenager, I spent a good chunk of my summer with a hoe in hand, chopping those weeds out," said Mary Boote, chief executive officer of Global Farmers Network, a non-profit group based in Des Moines, Iowa,that advocates for farmers around the world.

In the late 1990s, when glyphosate was combined with genetically modified seeds that could withstand the herbicide, it was a scientific breakthrough in crop biotechnology, according to Boote.

She said glyphosate did more than just help farmers grow better crops.

"The advent of glyphosate was a game-changer. Not only did it effectively kill the weeds that were threatening and taking away maximum crop production, there was a quality of life issue," Boote said.

The combination of planting glyphosate-resistant seeds, then applying the chemical over the top of the crop allowed farmers to apply a fewer number of chemicals, and led to the rise of no-till farming, which prevented soil erosion.

Alan Kadolph, a farmer in Hardin County, Iowa, said some moved away from other weed management practices, like cultivation or hand-chopping, all together.
"It all went back to cost-effectiveness. Roundup was such a cheap product per acre," Kadolph said.

Victims of success
Dane Bowers, technical product lead for herbicides at Syngenta, said glyphosate worked so well in the late 1990s and early 2000s, people didn't believe that weeds could develop a resistance to it .

"We're kind of a victim of our own success here," Bowers said. "It is such an effective herbicide, it was really difficult to convince people to reduce their reliance on it. It made weed control so simple, effective and affordable."

But with that dramatic shift to glyphosate came a drastic increase in use as well, especially in the Midwest.

Farmers were applying it multiple times a year to keep weeds at bay.

Kadolph said some farmers got used to how versatile glyphosate could be.

"It was so easy. You didn't have to worry about what stage the weeds were (at) out in your field. You just changed your rate of Roundup. 'I'm not going to spray this week, I'll spray next week,'" he said.

Aaron Hager, a weed scientist at the University of Illinois, said the overreliance on glyphosate accelerated the growth of weed resistance.

"In any biological system, when you make such a dramatic shift to a very limited number of options to control a pest, that system is very likely going to evolve," Hager said.
Lord said weed resistance is not a new problem for farmers.

"Farmers have been dealing with this issue of herbicide resistant weeds since the 1950s, and it is a reality that growers know how to manage," Lord said in an email.

Ward said this resistance is different because of how widespread glyphosate use has become.

"Growers locked on to the simplicity, and the effectiveness of using glyphosate as your primary, or in many cases your only means of weed control," Ward said.
Charles Benbrook, an agricultural economist who has published several studies on glyphosate, and testified as an expert witness on behalf of plaintiffs, said the overuse of glyphosate has presented farmers with real financial challenges.

"The sad reality is that, weed management on conventional, biotech-dependent corn, soybeans and cotton farms is out of control," he said. "It's created a serious economic problem for farmers, because they're spending far more for seed and weed control."

In 2017, farmers spent $17.6 billion on chemicals according to the USDA's 2017 Census of Agriculture.

That more than doubled in 20 years. During the same time, farmers spent $21 billion on seed, up from $6 billion in 1997, when genetically modified seeds were just hitting the market.

The adoption of genetically modified seeds was rapid. For example, genetically engineered corn made up 17 percent of all corn planted in 2000; by 2016, 92 percent of all corn planted was genetically engineered, according to USDA data.

"It's just a whole different ballgame, because of how powerful, and how successful glyphosate has become," Curran said.

Climatewire
GOP criticizes its own on climate
https://www.eenews.net/climatewire/stories/1060410993/
Scott Waldman **and** Mark K. Matthews

As some Republicans inch toward climate policy for the first time in years, those in the party who reject climate science are getting nervous that a more permanent shift is coming.

And they're going on the attack against their former allies.

A group called Energy & Environment Action Team recently sent a 16-page pamphlet to every member of Congress encouraging lawmakers to reject all climate policy and connecting concern about global warming to political losses.

In bold letters across the top, the pamphlet stated, "The Plan is ... No Plan! Why the GOP shouldn't do anything on climate."

"There is absolutely no reason for any Republican to offer a plan to 'combat climate change,'" the pamphlet continued. "Such a plan, if enacted would accomplish nothing good for America or the climate."

A growing number of Republican lawmakers, including some who have disputed climate science for years, are not only now acknowledging global warming but also putting forward climate policies. But some worry that their colleagues are simply shifting to climate action because they have been spooked by the popularity of the Green New Deal.

"If you are planning on running against the Green New Deal, it seems sort of odd to play footsie with key elements of the Green New Deal," said Republican energy lobbyist Mike McKenna, who was on President Trump's Energy Department transition team.

In March, Rep. Matt Gaetz (R-Fla.) proposed a "Green Real Deal" resolution that acknowledges the reality of climate change and the threat it poses to national security, and seeks to use innovation to combat global warming. Sen. Lamar Alexander (R-Tenn.) called for a bipartisan "New Manhattan Project for Clean Energy" that would increase the share of renewables on the energy grid, boost nuclear power and encourage electric car production.

"Congressman Gaetz and others are going to do what they think is best, but the idea that Republicans are going to outcompete with Democrats with respect to who can have the best government-based solution to anything is ridiculous and profoundly unserious," McKenna said.

While modest in comparison with the ideas put forward by Democrats — none of the Republican proposals would restrict fossil fuel use, for example — such plans have angered groups allied with the GOP for years.

The Competitive Enterprise Institute and other groups opposed to regulations want to increase political pressure on Republicans who are proposing climate action to "educate them and thereby bring them back into line," said Myron Ebell, director of CEI's Center for Energy and Environment and head of the Trump EPA transition team.

Ebell said he is particularly concerned that there seems to be a push among House leadership to craft climate policy. He accused House Minority Leader Kevin McCarthy (R-Calif.) of misleading others in the party and said some lawmakers, including Reps. Garret Graves (R-La.) and Frank Lucas (R-Okla.), have been misinformed by advocates on the value of clean energy.

"It's when conservatives have decided to offer alternatives, they have gotten beat, because in the public's mind it becomes very difficult to tell the difference between the left's plan and the right's plan and then pretty soon they're compromising it, they're coming to some sort of middle ground and pretty soon we've lost the whole issue," he said.

Ebell added: "It's pretty clear to anybody who looks at it, there is no middle ground."

A spokesman for Gaetz said the congressman has discussed "the reality of climate change" with Republican lawmakers as well as with Trump. Gaetz, who once proposed eliminating EPA, is optimistic that more Republicans will eventually form their own plans to address climate change, spokesman Luke Ball said. Gaetz doesn't view those in the party who reject science as a lost cause because the scientific evidence is now so overwhelming that it will push others to act, his spokesman said.

"Gaetz is concerned at the lack of support he has received from members of his own party who continue to deny the science of climate change," Ball said. "He believes history will judge harshly those who refuse to acknowledge this issue or take actionable steps to address it."

Other GOP lawmakers criticized from the right for climate policy were more reluctant to call out their colleagues.

Graves is one of the most visible congressional Republicans when it comes to the issue of global warming. Not only does he serve as the top GOP lawmaker on a new House climate change committee, but Graves has a history of acknowledging the risks of a warmer planet (*Climatewire*, March 11).

In a brief Capitol Hill interview, he said he hasn't encountered noticeable pushback from climate deniers or climate contrarians. But he said he's still cognizant of the way he must broach the issue with other Republicans.

"What you have to do is to meet people where they are and sort of use verbiage or words that translate to people the right way," Graves said.

"You may not be able to go into some Republican circles and say that, 'Hey, I've got this plan on how we're going to reduce greenhouse gases in the United States and we're going to convert everything to renewable energy,'" he said.

But Graves added that the audience could be more receptive "if you come in and start talking about strategies on how we can reduce energy costs by improving efficiency and conservation [or] by bringing new technologies to the table."

Nonetheless, conservatives who oppose climate policy plan to escalate their attacks if members of the party don't back down.

The recent 16-page brochure attacked a few lawmakers for being concerned about climate change, labeling Gaetz as "one Republican to fall for the climate-baiting guilt-trip." The pamphlet, which misrepresents and distorts climate science, portrays Republicans as politically victorious when they reject climate policy. It blamed the late Arizona Republican Sen. John McCain's loss in the 2008 presidential election on his climate policy.

Steve Milloy, editor of JunkScience.com and the author of the pamphlet, said it's a signal to Republicans not to get out of line on climate policy. Democrats have united on the other side, he said, and the GOP should also do the same. He blamed Republican actions on climate change on young staffers who don't yet understand the party's position. Milloy said he plans to make sure other lawmakers don't "drift" and warned he would extend his advocacy beyond pamphlets.

"People say all kinds of shit, and if they stop saying it, then OK, but if they persist, well, tougher action will be required," he said. "Then it's going to be ugly."

The differences between Gaetz's plan and the Green New Deal backed by progressive Democrats are mere "window-dressing," wrote James Taylor, a senior fellow at the Heartland Institute, which aims to muddy climate science.

Taylor has said that Republicans risk alienating their base if they craft climate policy. He said that "weak-minded congressional Republicans" who try to respond to the Green New Deal take away the chance to run against it in the 2020 elections.

He has written critically of Gaetz in particular and even referred to him as "Matt Gore" in reference to Al Gore, the former U.S. vice president and environmental activist.

"Gaetz, Alexander, and their small cadre of Republican climate alarmists are seeking to undermine the conservative Republican voter base and Trump on one of his most important policy principles," he wrote. "Their betrayal of Trump and the conservative Republican base will almost certainly and justly come back to haunt them."

The fight on the right over climate change isn't a new one for Alex Flint, who leads the Alliance for Market Solutions, a conservative group that supports carbon taxes.

Earlier this year, Flint criticized climate contrarians for their views and argued that denialism is anathema to conservatism because it ignores the risks of global warming. And "being irresponsible disqualifies anyone from being a true conservative," he wrote at the time (*Climatewire*, April 15).

In an interview Thursday, Flint made the case that the rejection of climate science is losing ground with Republicans.

"But we won't know until after the 2020 elections how rapidly it's occurring," he said.

To gauge their strength, Flint said he planned to keep an eye on a very specific kind of congressional race — open seats in safe Republican strongholds. Because there won't be an incumbent, those races could feature a real clash of GOP political power.

He added, "In those primaries, all sorts of groups can have a disproportionate impact on who wins those races" — including climate deniers.

The New York Times
Trump Administration Hardens Its Attack on Climate Science
https://www.nytimes.com/2019/05/27/us/politics/trump-climate-science.html
By Coral Davenport **and** Mark Landler

WASHINGTON — President Trump has rolled back environmental regulations, pulled the United States out of the Paris climate accord, brushed aside dire predictions about the effects of climate change, and turned the term "global warming" into a punch line rather than a prognosis.

Now, after two years spent unraveling the policies of his predecessors, Mr. Trump and his political appointees are launching a new assault.

In the next few months, the White House will complete the rollback of the most significant federal effort to curb greenhouse-gas emissions, initiated during the Obama administration. It will expand its efforts to impose Mr. Trump's hard-line views on other nations, building on his retreat from the Paris accord and his recent refusal to sign a communiqué to protect the rapidly melting Arctic region unless it was stripped of any references to climate change.

And, in what could be Mr. Trump's most consequential action yet, his administration will seek to undermine the very science on which climate change policy rests.

Mr. Trump is less an ideologue than an armchair naysayer about climate change, according to people who know him. He came into office viewing agencies like the Environmental Protection Agency as bastions of what he calls the "deep state," and his contempt for their past work on the issue is an animating factor in trying to force them to abandon key aspects of the methodology they use to try to understand the causes and consequences of a dangerously warming planet.

As a result, parts of the federal government will no longer fulfill what scientists say is one of the most urgent jobs of climate science studies: reporting on the future effects of a rapidly warming planet and presenting a picture of what the earth could look like by the end of the century if the global economy continues to emit heat-trapping carbon dioxide pollution from burning fossil fuels.

The attack on science is underway throughout the government. In the most recent example, the White House-appointed director of the United States Geological Survey, James Reilly, a former astronaut and petroleum geologist, has ordered that scientific assessments produced by that office use only computer-generated climate models that project the impact of climate change through 2040, rather than through the end of the century, as had been done previously.

Scientists say that would give a misleading picture because the biggest effects of current emissions will be felt after 2040. Models show that the planet will most likely warm at about the same rate through about 2050. From that point until the end of the century, however, the rate of warming differs significantly with an increase or decrease in carbon emissions.

The administration's prime target has been the National Climate Assessment, produced by an interagency task force roughly every four years since 2000. Government scientists used computer-generated models in their most recent report to project that if fossil fuel emissions continue unchecked, the earth's atmosphere could warm by as much as eight degrees Fahrenheit by the end of the century. That would lead to drastically higher sea levels, more devastating storms and droughts, crop failures, food losses and severe health consequences.

Work on the next report, which is expected to be released in 2021 or 2022, has already begun. But from now on, officials said, such worst-case scenario projections will not automatically be included in the National Climate Assessment or in some other scientific reports produced by the government.

"What we have here is a pretty blatant attempt to politicize the science — to push the science in a direction that's consistent with their politics," said Philip B. Duffy, the president of the Woods Hole Research Center, who served on a National Academy of Sciences panel that reviewed the government's most recent National Climate Assessment. "It reminds me of the Soviet Union."

In an email, James Hewitt, a spokesman for the Environmental Protection Agency, defended the proposed changes.

"The previous use of inaccurate modeling that focuses on worst-case emissions scenarios, that does not reflect real-world conditions, needs to be thoroughly re-examined and tested if such information is going to serve as the scientific foundation of nationwide decision-making now and in the future," Mr. Hewitt said.

However, the goal of political appointees in the Trump administration is not just to change the climate assessment's methodology, which has broad scientific consensus, but also to question its conclusions by creating a new climate review panel. That effort is led by a 79-year-old physicist who had a respected career at Princeton but has become better known in recent years for attacking the science of man-made climate change and for defending the virtues of carbon dioxide — sometimes to an awkward degree.

"The demonization of carbon dioxide is just like the demonization of the poor Jews under Hitler," said the physicist, William Happer, who serves on the National Security Council as the president's deputy assistant for emerging technologies.

Mr. Happer's proposed panel is backed by John R. Bolton, the president's national security adviser, who brought Mr. Happer into the N.S.C. after an earlier effort to recruit him during the transition.

Mr. Happer and Mr. Bolton are both beneficiaries of Robert and Rebekah Mercer, the far-right billionaire and his daughter who have funded efforts to debunk climate science. The Mercers gave money to a super PAC affiliated with Mr. Bolton before he entered government and to an advocacy group headed by Mr. Happer.

Climate scientists are dismissive of Mr. Happer; his former colleagues at Princeton are chagrined. And several White House officials — including Larry Kudlow, the president's chief economic adviser — have urged Mr. Trump not to adopt Mr. Happer's proposal, on the grounds that it would be perceived as a White House attack on science.

Even Stephen K. Bannon, the former White House strategist who views Mr. Happer as "the climate hustler's worst nightmare — a world-class physicist from the nation's leading institution of advanced learning, who does not suffer fools gladly," is apprehensive about what Mr. Happer is trying to do.

"The very idea will start a holy war on cable before 2020," he said. "Better to win now and introduce the study in the second inaugural address."

But at a White House meeting on May 1, at which the skeptical advisers made their case, Mr. Trump appeared unpersuaded, people familiar with the meeting said. Mr. Happer, they said, is optimistic that the panel will go forward.

The concept is not new. Mr. Trump has pushed to resurrect the idea of a series of military-style exercises, known as "red team, blue team" debates, on the validity of climate science first promoted by Scott Pruitt, the E.P.A. administrator who was forced to resign last year amid multiple scandals.

At the time, the idea was shot down by John F. Kelly, then the White House chief of staff. But since Mr. Kelly's departure, Mr. Trump has talked about using Mr. Happer's proposed panel as a forum for it.

For Mr. Trump, climate change is often the subject of mockery. "Wouldn't be bad to have a little of that good old fashioned Global Warming right now!" he posted on Twitter in January when a snowstorm was freezing much of the country.

His views are influenced mainly by friends and donors like Carl Icahn, the New York investor who owns oil refineries, and the oil-and-gas billionaire Harold Hamm — both of whom pushed Mr. Trump to deregulate the energy industry.

Mr. Trump's daughter Ivanka made a well-publicized effort to talk him out of leaving the Paris accord in 2017. But after being vanquished by officials including Mr. Bannon, Mr. Pruitt, former Attorney General Jeff Sessions and the former White House counsel Donald F. McGahn II, there is little evidence she has resisted his approach since then.

The president's advisers amplify his disregard. At the meeting of the eight-nation Arctic Council this month, Secretary of State Mike Pompeo dismayed fellow diplomats by describing the rapidly warming region as a land of "opportunity and abundance" because of its untapped reserves of oil, gas, uranium, gold, fish and rare-earth minerals. The melting sea ice, he said, was opening up new shipping routes.

"That is one of the most crude messages one could deliver," said R. Nicholas Burns, who served as the NATO ambassador under George W. Bush.

At the National Security Council, under Mr. Bolton, officials said they had been instructed to strip references to global warming from speeches and other formal statements. But such political edicts pale in significance to the changes in the methodology of scientific reports.

Mr. Reilly, the head of the Geological Survey, who does not have a background in climate change science, characterized the changes as an attempt to prepare more careful, accurate reports. "We're looking for answers with our partners and to get statistical significance from what we understand," he said.

Yet scientists said that by eliminating the projected effects of increased carbon dioxide pollution after 2040, the Geological Survey reports would present an incomplete and falsely optimistic picture of the impact of continuing to burn unlimited amounts of coal, oil and gasoline.

"The scenarios in these reports that show different outcomes are like going to the doctor, who tells you, 'If you don't change your bad eating habits, and you don't start to exercise, you'll need a quadruple bypass, but if you do change your lifestyle, you'll have a different outcome,'" said Katharine Hayhoe, the director of the Climate Science Center at Texas Tech University and an author of the National Climate Assessment.

Not all government science agencies are planning such changes. A spokesman for the National Oceanic and Atmospheric Administration, asked if its scientists would limit the use of climate models, wrote in an email, "No changes are being considered at this time."

The push to alter the results of at least some climate science reports, several officials said, came after November's release of the second volume of the National Climate Assessment.

While the Trump administration did not try to rewrite the scientific conclusions of the report, officials sought to play it down — releasing it the day after Thanksgiving — and discredit it, with a White House statement calling it "largely based on the most extreme scenario."

Still, the report could create legal problems for Mr. Trump's agenda of abolishing regulations. This summer, the E.P.A. is expected to finalize the legal rollback of two of President Barack Obama's most consequential policies: federal regulations to curb planet-warming pollution from vehicle tailpipes and power plant smokestacks.

Opponents say that when they challenge the moves in court, they intend to point to the climate assessment, asking how the government can justify the reversals when its own agencies have concluded that the pollution will be so harmful.

That is why officials are now discussing how to influence the conclusions of the next National Climate Assessment.

"They've started talking about how they can produce a report that doesn't lead to some silly alarmist predictions about the future," said Myron Ebell, who heads the energy program at the Competitive Enterprise Institute, an industry-funded research organization, and who led the administration's transition at the E.P.A.

A key change, he said, would be to emphasize historic temperatures rather than models of future atmospheric temperatures, and to eliminate the "worst-case scenarios" of the effect of increased carbon dioxide pollution — sometimes referred to as "business as usual" scenarios because they imply no efforts to curb emissions.

Scientists said that eliminating the worst-case scenario would give a falsely optimistic picture. "Nobody in the world does climate science like that," said Michael Oppenheimer, a professor of geosciences and international affairs at Princeton. "It would be like designing cars without seatbelts or airbags."

Outside the United States, climate scientists had long given up on the White House being anything but on outlier in policy. But they worry about the loss of the government as a source for reliable climate research.

"It is very unfortunate and potentially even quite damaging that the Trump administration behaves this way," said Johan Rockström, the director of the Potsdam Institute for Climate Impact Research in Germany. "There is this arrogance and disrespect for scientific advancement — this very demoralizing lack of respect for your own experts and agencies."

Bloomberg (Opinion)
EPA Chief Says the Right Thing. Will He Do It?
https://www.bloomberg.com/opinion/articles/2019-05-28/epa-s-wheeler-on-costs-of-clean-air-regulation
By Cass R. Sunstein

Andrew Wheeler, administrator of the Environmental Protection Agency, recently released an important memorandum that makes terrific sense. In principle, it should improve the EPA's performance -- and receive bipartisan applause.

In practice? Well, that might be another story.

The background is provided by two Supreme Court decisions. In 2009, the court ruled that whenever a congressional enactment is ambiguous, the EPA has the authority to consider the costs of its regulations and to weigh them against the benefits.

In 2015, the court went much further and ruled that whenever the EPA has the authority to consider costs but refuses to do so, it is acting unreasonably and thus in violation of law. In short: The EPA is required to weigh benefits against costs.

Taken together, the two rulings reflect the success of the cost-benefit revolution – a movement embraced by both Democratic and Republican presidents and designed to ensure that agencies do more good than harm. It is essential to see that careful attention to costs and benefits can help spur, and often has spurred, aggressive environmental regulation, not least in the domain of air pollution and climate change.

Consistent with the court's rulings, Wheeler's memorandum directs EPA officials to be guided by four principles (to the extent permitted by law).

First, they have to evaluate and consider both benefits and costs in deciding what to do.

Second, they must be consistent in their interpretation of statutory terms. If Congress uses a word such as "reasonable" or "feasible," different offices within the EPA should not diverge from one another.

Third, those offices must be transparent. They must clearly identify which factors were and were not considered in their cost-benefit analysis. They must also specify "how these factors were weighed to arrive at a particular regulatory outcome."

Fourth, they must follow best practices in analyzing costs and benefits. That means they must adhere to "peer-reviewed standards."

This might sound like technical stuff, but it's real progress. Suppose that a regulation would cost $100 million per year and would deliver $500 million in benefits. If so, Wheeler's memorandum seems to require EPA to go forward.

Nor is the example unrealistic. The EPA currently values a human life at about $10 million. Every year, air-pollution regulations prevent hundreds of thousands of premature deaths. You don't have to prevent many of them to get up to that $500 million figure.

The Trump administration has rightly tried to rein in the costs of regulations. But in some cases, it has given too little attention to benefits. Wheeler's memorandum corrects the balance, requiring the EPA to focus on both.

Transparency is exceedingly important. Assessment of costs and benefits can be opaque and complicated. The EPA should always make its conclusions and assumptions clear, preferably in an executive summary for all to see.

It's also right to emphasize the importance of adherence to peer-reviewed standards, which increase the likelihood that the agency won't be playing politics with matters of life and death.

In practice, of course, things might not be so rosy.

A warning sign comes from Wheeler's own memorandum, which notes that in 2018 the agency asked for comments on its agenda to reassess and reform its regulations. Wheeler emphasizes that "a large cross-section of stakeholders identified instances when the agency underestimated costs" and "overestimated benefits."

Those "stakeholders" are not exactly neutral observers following peer-reviewed standards. Many of them are interest groups, unenthusiastic about environmental protection.

Here's a giveaway: Wheeler does not refer to comments pointing to instances where the agency overestimated costs or underestimated benefits.

Environmentalists are right to note that this happens a lot. Retrospective review of regulations finds important cases in which agencies greatly inflated costs.

Those skeptical of Wheeler's order will also point to cases in which his own EPA has not shown sufficient interest in "peer-reviewed standards."

In the context of climate change, its low number for the "social cost of carbon" (a critical figure for regulations that reduce greenhouse-gas emissions) seems to be driven by politics, not science or economics. With that low figure, the benefits of greenhouse-gas regulations shrink substantially.

A similar indifference to "peer-reviewed standards" can be found in the context of regulation of toxic air pollutants, where the EPA has proposed to disregard "co-benefits" (the benefits that come when, for example, mandatory reduction of mercury emissions leads to adoption of technologies that reduce other air pollutants as well). Disregarding co-benefits is bad economics, and it would threaten public health.

With these and other examples in mind, it is not crazy to fear that Wheeler's memorandum is a wolf in sheep's clothing – a directive that will encode not the best science and economics, but a general aversion to environmental protection and the longstanding views of polluters ("stakeholders") about how to value costs and benefits.

Maybe so. But for now, let's focus on Wheeler's admirable text. If the EPA actually followed it, it would make the air and water a lot cleaner -- and save money in the process.

Inside EPA
CEQ Rewrite Of NEPA Implementing Rule May Face Challenging Timeline
https://insideepa.com/daily-news/ceq-rewrite-nepa-implementing-rule-may-face-challenging-timeline
By Dawn Reeves

The White House Council on Environmental Quality's (CEQ) plan to streamline agencies' requirements under the National Environmental Policy Act (NEPA) may face long delays that threaten hopes to finish the policy in President Donald Trump's current term, sources say, even though CEQ will submit the plan for inter-agency review next month.

These sources expect White House regulatory officials to take an extended time reviewing the draft proposal, and say it might not be publicly released until the fall at the earliest. Given the widespread attention it will receive, it could be difficult to complete the NEPA implementing rule overhaul by the end of 2020.

CEQ's NEPA director Ted Boling told a May 22 NEPA conference in Baltimore that the council would send its draft NEPA plan to the White House Office of Information & Regulatory Affairs (OIRA) in June. "This is a significant undertaking and I expect we will hold to a fairly ambitious schedule moving through the OIRA process," he said.

But one source questions how smooth the review will be. The "wild card is how long OIRA will take. Even if [CEQ] gets them a document in June, I bet OIRA takes its full 90 days, and then some, before it is ready for publication. I'd anticipate back-and-forth between OIRA and CEQ during that time."

CEQ last June issued an advance notice of proposed rulemaking soliciting input on how it should update and streamline its NEPA implementing rules, and it received more than 12,000 public comments. Democratic state attorneys general, former EPA officials and scores of environmental groups urged CEQ to drop the effort, arguing that NEPA is rarely the reason for delays to major infrastructure projects. But major industry groups offered a host of suggestions and charged that NEPA reviews take an unacceptable amount of time to complete.

The "end product of the current process" is a proposed rule that will face "thousands of comments during whatever period the CEQ allows -- likely three to four months," the source says. Then, CEQ "would have to consider those comments and get out" a final rule. "In short, even if the OIRA process goes right on time and very smoothly, the administration will be scrambling to get this out before the end of its term."

The source adds that Trump officials must also "worry about the triggering of the Congressional Review Act, which covers rules issued within a certain number of days before the end of an administration."

A final rulemaking could also be litigated, the source notes, while acknowledging that it could be more difficult than a traditional EPA rule for opponents to establish standing to sue, since it will apply to government agencies. "But in theory, it could be challenged."

A second NEPA expert agrees that any final streamlining rule is likely to face legal challenges, including that it fails to follow the Administrative Procedure Act or is inconsistent with NEPA. On substantive issues, however, this source notes that courts have "traditionally given considerable deference to CEQ."

Even if the Trump CEQ completes the rule before 2020, it is possible that Trump loses his re-election bid and that a new administration drops legal defense of the measure or seeks to pause its effective date.

CEQ largely side-stepped questions about the status of the rule, with a spokesman saying a draft plan would be submitted to OIRA "when it's ready."

'Very Poor' Rule

One deregulatory advocate warns that both the draft NEPA implementing rule overhaul -- along with CEQ's draft rewrite of Obama-era NEPA climate guidance that has been under OIRA review since February -- are disappointing. "I've heard from several folks in the administration that the new rule is very poor," the source says.

The greenhouse gas guide is being issued to address a slew of adverse court rulings rejecting NEPA reviews for not adequately considering climate change. The Trump administration early in its term revoked the Obama CEQ's detailed NEPA climate guide and did not replace it. The contents of the replacement are not yet known but are likely to be far less sweeping than the prior version. CEQ will publish the GHG guide for public comment once it clears OIRA, a CEQ spokesman has said.

The deregulatory advocate says, "One high-ranking official outside of CEQ who has seen the draft [NEPA rule] described it as re-arranging the deck chairs. Climate guidance is also done, but it seems to have been on hold for a while. Perhaps because the draft was so unsatisfactory."

OIRA has held three meetings with outside groups on the GHG guide, including a March 1 meeting with representatives of the electric utility Duke Energy, a March 5 meeting with several environmental groups and a March 14 meeting with oil industry representatives, according to recent notices posted OIRA's website.

One environmentalist says the delay in releasing the climate guide for public comment is likely "attributable to some combination of incompetence, lack-of-bandwidth/leadership, and a desire to avoid the legal and political landmines those [guides] raise. That's not very helpful, though, since those factors essentially define every action and inaction of this administration."

This source adds, however, that "OIRA does not seem to wield much influence in this administration," either, while for the Trump administration, re-issuing the guide is a "damned if we do, damned if we don't" scenario.

That is because court losses are applying pressure to have at least a minimal NEPA roadmap for GHG issues, but "doing so seems to amount to a tactic acknowledgement that climate change is real, which doesn't play well with the Trump base. When faced with these kinds of scenarios in the past, it seems the Trump administration has resorted to slow-walking and letting things get lost in a bureaucratic black box (a role that OIRA is nearly tailor made to perform). This is where the administration's incompetence and weak leadership also turns out to be handy -- it provides perfect cover for these delays."

Greenwire

'Extremely expensive' cleanup resumes at ex-chemical plant

https://www.eenews.net/greenwire/2019/05/28/stories/1060415657

Cleanup work has resumed at a former chemical plant in central Michigan that's become one of the country's costliest Superfund sites.

An EPA official, Thomas Alcamo, told MLive.com it could still take another seven years to finish cleaning up the Velsicol Chemical plant site in St. Louis, Mich.

"I could see this going six or seven more years; it's really funding-dependent for a lot of it," Alcamo said. "It's extremely expensive."

Volatile organic chemicals, such as DDT and polybrominated biphenyls, were left behind at the site when the plant closed roughly 40 years ago, seeping into the soil. The chemical DDT was also found to have leaked into the Pine River after the plant closed in 1978, costing over $100 million to clean up.

The first phase of the cleanup process at the site wrapped up last fall, but the second phase that's underway covers an area that's three times larger, the *Morning Sun* reported.

Workers removed nearly 30 tons of contaminated soil during the first phase. About 100,000 tons are planned for removal from the second area by 2021.

Workers will be using a process to remove chemicals from the soil by inserting metal rods into the ground, which heat the chemicals to boiling. The chemicals are then siphoned off and destroyed.

Alcamo said the second phase of the cleanup is estimated to cost up to $25 million, while the following phase will cost up to $20 million.

Pine River Superfund Citizen Task Force, an EPA-sanctioned community group that's overseeing cleanup of the Superfund site, expressed concern about the toxic substance DBCP buried at the site. The chemical, which has been used as a soil fumigant and pesticide, is believed to lead to several health risks, such as decreased sperm counts in males.

Jane Keon, the task force's secretary, said the air will be monitored around the site so that they can react to any potential exposure. — *Associated Press*

Associated Press
Report: Pennsylvania must do more to help Chesapeake Bay
https://www.apnews.com/8d53dcd80d674cf2accdd02dedb5ee44

NORFOLK, Va. (AP) — A nonprofit that tracks pollution in the Chesapeake Bay is once again lambasting Pennsylvania for not doing enough to protect the nation's largest estuary.

The Chesapeake Bay Foundation released a report Tuesday that says Pennsylvania's plan to reduce pollution is "woefully inadequate."

States are tasked with keeping farm manure and storm water from flowing into the bay's watershed. The pollution limits plant and animal life in the Chesapeake.

The Susquehanna River flows from Pennsylvania into the bay in Maryland. Last year, Pennsylvania officials acknowledged the "enormous challenge" of reducing runoff and said major efforts were underway.

The Environmental Protection Agency is requiring states in the bay's watershed to fully implement a "pollution diet" for the Chesapeake by 2025.

The foundation's report assessed progress in Maryland, Pennsylvania and Virginia.

Energywire
AGs blast Trump energy orders
https://www.eenews.net/energywire/stories/1060410671/
Pamela King, **E&E News reporter**

A coalition of state attorneys last week took aim at the Trump administration's efforts to limit states' ability to block Clean Water Act approvals for pipelines and other projects.

Led by New York Attorney General Letitia James, 16 Democratic state lawyers decried EPA's "procedurally deficient" process to solicit public comments on President Trump's recent set of executive orders on energy (*Energywire*, April 11).

"New York will always defend the right to ensure the people of our state have access to clean water, period," James tweeted Friday.

Trump's April orders included instructions for EPA to review and potentially revise guidance for implementation of Section 401 of the Clean Water Act, which gives states a "reasonable timeframe" for certifying that projects meet water quality standards.

State reviews for some projects can go on for several years after an application is filed as states request more information.

During his speech unveiling the orders, Trump highlighted one such New York energy project.

"In New York, they are paying tremendous amounts of money more for energy to heat their homes because New York state blocked a permit to build the Constitution [natural gas] pipeline," he said to an audience of union workers in Crosby, Texas.

Trump's order directs EPA to revisit "the appropriate scope of water quality reviews" and "the nature and scope of information States and authorized tribes may need."
The Democratic attorneys general urged EPA not to weaken its guidance — especially not without appropriate public input.

"EPA's expedited and overly broad 'consultation' process fails to provide adequate public notice and opportunity for comment," the states wrote in a letter to EPA on Friday, the final day of the agency's public comment period for feedback on state water quality certifications.

"Additionally, revisions to EPA's existing guidance and regulations are wholly unnecessary, as states efficiently and effectively review thousands of water quality certifications each year."

They wrote that EPA has failed to offer a proposal or even specify issues that states can review in order to provide meaningful feedback. Meanwhile, Trump's order requires EPA to issue draft guidance as early as next week and draft regulations later this summer.

"EPA's flawed public engagement process calls into question the legitimacy of any forthcoming guidance or regulatory revisions," the states wrote.

Attorneys general for California, Colorado, Connecticut, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont and Washington also signed on to the letter.

California and Oregon are involved in litigation over state permitting for a major hydroelectric project along the Klamath River.

Judges for the U.S. Court of Appeals for the District of Columbia Circuit this year scrapped the states' dam decommissioning agreement, spurring bipartisan concerns that the decision could set precedent to allow dams, pipelines and other projects to evade water quality standards.

The decision could have implications for litigation over the Constitution pipeline in New York (*Energywire*, March 1).

"California has an inherent right under the Clean Water Act to evaluate whether projects meet our water quality standards and to impose conditions on federal projects to protect our water resources," California Attorney General Xavier Becerra (D) said after the states filed their letter with EPA.

"We won't sit by quietly while the Trump Administration tries to rob us of our rights and degrade water quality for our people simply to benefit polluting industries."
Democratic state attorneys weren't the only ones to weigh in on the Trump administration's move.

Led by Louisiana Attorney General Jeff Landry, seven Republican state lawyers said they supported EPA's efforts to "maintain cooperative federalism and the rule of law" in Section 401 certifications.

"Without these Water Quality Certificates, these projects cannot go forward regardless of their importance to the nation," they wrote in a Feb. 26 letter.

"Individual state actors should not be allowed to unilaterally and negatively impact the economies of multiple other states and the nation as a whole under the guise of implementing federal law."

The top attorneys for the states of Alabama, Montana, Nebraska, South Carolina, Texas and West Virginia co-signed the letter.

Greenwire
Nonprofit to EPA: Enforce pollution diet or face lawsuit
https://www.eenews.net/greenwire/2019/05/28/stories/1060416411
Ariel Wittenberg**, E&E News reporter**

With Chesapeake Bay states set to submit final plans to EPA this summer explaining how they plan to reduce pollution in the watershed by 2025, a regional nonprofit is putting EPA on notice it must live up to its role as enforcer of the Chesapeake Bay cleanup.

At issue is Pennsylvania, which often lags behind the five other states and the District of Columbia that committed in 2010 to reduce nutrient, phosphorus and sediment pollution in the bay, where pollution has depleted dissolved oxygen levels and smothered aquatic life and grasses.

Nine years ago, all seven jurisdictions in the 64,000-square-mile watershed agreed to their own targets for pollution reduction, based on how much each contributed, in a plan commonly referred to as a "pollution diet" for the Chesapeake Bay.

Pennsylvania, however, has often fallen short.

The commonwealth already missed its 2017 nitrogen reduction target by more than 17 million pounds, according to an EPA assessment last summer (*Greenwire*, July 27, 2018).

Now, draft plans submitted to EPA in April show future pollution reduction efforts won't meet 2025 targets.

To comply with the agreement, Pennsylvania must reduce nitrogen pollution by 35 million pounds by 2025. But its draft plan would reduce nitrogen by 22.7 million pounds.

The Chesapeake Bay Foundation points out that Pennsylvania also lacks the financial resources to implement that plan, which estimates it would need $486 million a year.

That's $247 million more than current Pennsylvania funding toward the effort, according to CBF.

"None of the proposed funding sources have been passed by the state Legislature," said CBF Pennsylvania Executive Director Harry Campbell. "Because Pennsylvania hasn't invested in clean water initiatives, we are falling significantly behind."

Chesapeake states' final implementation plans are due to EPA in August. If it doesn't include a strategy for meeting Pennsylvania's targets, CBF President William Baker says EPA should sanction the state or expect a lawsuit.

"We don't want to sue anybody, and we only use litigation as a last resort — we will continue to give EPA and Pennsylvania every opportunity to demonstrate that they are serious about meeting their commitments under this multistate agreement," Baker said. "That being said, if we continue to get a lack of reasonable approach to closing the gap Pennsylvania has found itself in, we may have no other option but to litigate."

Campbell and Baker made their comments during a press call to discuss the release of CBF's annual "State of the Blueprint" report.

Pennsylvania is home to more "nonpoint" pollution than other bay states and has not invested enough grant money or enforcement efforts in curtailing agricultural runoff.
At the same time, pollution reduction efforts in Pennsylvania are crucial to overall Chesapeake Bay health because it is located upstream of many of the other bay states.
EPA has previously withheld grant funding from Pennsylvania until it made a plan for addressing agriculture-related runoff.

EPA has the authority, the outline states, to redirect grant funding to a third party to implement practices in priority areas of Pennsylvania if the state is unwilling or unable to.

Baker said if Pennsylvania's final implementation plan is as lacking as the draft, EPA should take similar action.

In addition to redirecting grants, he said EPA could increase the number of farms it regulates by expanding permit coverage to smaller farms, or review state-issued stormwater permits "to make sure they are getting the job done."

While no state is totally on track to meet its goals, the report found Virginia and Maryland are much closer to having programs and strategies in place to meet their targets than Pennsylvania.

Together, Pennsylvania, Virginia and Maryland contribute 90% of pollution into the bay.

Overall, the recovery is working, with recent notable gains in the amount of sea grass in the bay. But, Baker said, the recovery "is fragile, and the road to finishing the job is steep."

"The saying 'a chain is only as strong as its weakest link' applies here," Baker said. "Pennsylvania's failure will be the partnership's failure unless the commonwealth reverses course and agrees immediately to stop polluting its waters."

Inside EPA
EPA Wastewater Official Backs Utility Consolidation On Case-By-Case Basis
https://insideepa.com/daily-news/epa-wastewater-official-backs-utility-consolidation-case-case-basis
By Laura Beaven

EPA wastewater chief Andrew Sawyers is explicitly endorsing the concept of drinking water and wastewater utility consolidations -- a position the agency has been edging towards over the past few years -- although he says there may be some advantages to a less-centralized system in some cases.

"I'm an advocate for consolidation," Sawyers said at a recent water infrastructure event hosted by the Value of Water Campaign in Washington, D.C., noting that in the past the agency tried to stay neutral on the question of whether small utilities should combine their operations or management with other, often larger, regional utilities.

EPA Assistant Administrator for Water David Ross has included reducing the number of drinking water and wastewater systems through partnerships, collaboration and alliances as one of his priorities, and the agency's Environmental Financial Advisory Board (EFAB) has made a number of findings and recommendations on financial and permitting strategies to promote system regionalization.

While the terms regionalization and consolidation are often used interchangeably, EFAB says all forms of regionalization are consolidation but not all forms of consolidation are regionalization because consolidation can include utility management changes that do not require geographic proximity.

Proponents say regionalization and consolidation can reduce costs and improve regulatory compliance for small systems. A report from the US Water Alliance earlier this year outlined principles for consolidation that emphasized the ability of consolidation to enable utilities to address unfunded investment gaps and support better operational resilience, among other benefits.

There are approximately 50,000 community water systems, or drinking water utilities, in the United States, with 81.3 percent serving fewer than 3,300 people and 54.5 percent serving fewer than 500 people. There are approximately 14,500 permitted wastewater systems in the country.

Congress last year directed EPA by the end of 2020 to promulgate regulations implementing statutory changes to the Safe Drinking Water Act (SDWA) that give states greater authority to require consolidation for a drinking water utility that has repeatedly violated SDWA requirements.

But Sawyers, while endorsing consolidation, also tempered his support by saying that any particular consolidation decision has to be made on a case-by-case basis.
One of the few infrastructure sectors that did not fail in Puerto Rico as result of Hurricane Maria was water and sewer, Sawyers said, raising the question of whether there may be cases where several smaller utilities can provide greater resilience than fewer large ones.

Affordability Guidance
Sawyers also discussed at the May 15 event ongoing agency efforts to revamp its water sector affordability guidance and identify water infrastructure projects that could attract private investment in so-called opportunity zones where tax incentives for investors are available.

Sawyers said the agency is taking a closer look at a new affordability framework developed by the American Water Works Association, National Association of Clean Water Agencies and the Water Environment Federation.

The water sector groups sent their framework to Sawyers April 30, describing a methodology EPA could adopt to measure both household and community affordability, factors the agency uses to develop timelines for infrastructure upgrades in enforcement agreements.

A 2017 congressionally mandated analysis highlighted shortcomings in the agency's current approach, especially its reliance on a percentage of median household income (MHI) as a metric for determining affordability.

EPA's combined sewer overflow (CSO) affordability policy developed by the Office of Wastewater Management, a 1995 water quality standards economic guidance used by the Office of Science and Technology, and a 1998 affordability guidance used by the drinking water office all rely on 2 percent of MHI as an affordability metric.

While EPA has committed to revising its affordability approach, Sawyers emphasized at the infrastructure event that a 2014 clarification of the CSO policy "made it very clear the 2 percent is not the only metric" for determining affordability.

Sawyers said the agency will issue a new affordability framework "at some point," although not this year. He said he "won't give a date" for when the new framework is expected because the agency needs to first get the right team in place internally to develop it.

Sawyers also said, in response to an audience question, that his office is looking at EPA's infrastructure funding programs -- the state revolving funds and the Water Infrastructure Finance and Innovation Act loan program -- to see if there are opportunity zone incentives for water projects.

President Donald Trump in 2017 signed an executive order aimed at increasing federal investments in urban and economically distressed communities targeted by state and local officials under the 2017 tax cut law. The order created a White House Opportunity and Revitalization Council chaired by Department of Housing and Urban Development and with representation from EPA and several other federal agencies.

Among the council's tasks is assessing actions federal agencies can take under existing authorities to prioritize or focus federal investments and programs on urban and economically distressed communities, as well as minimize regulatory and administrative costs and burdens that discourage public and private investment in these communities.

The tax law changes are likely to have a direct impact on brownfields redevelopment, but Sawyers said his office would like to get one or two water infrastructure projects off the ground through the opportunity zone tax incentives within the next year.

Message

From: Idsal, Anne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B1BECA8121FB47A08E82B6BF2247A79B-IDSAL, ANNE]
Sent: 2/19/2019 7:13:51 PM
To: Montgomery, Phil [phil.montgomery@aptim.com]
CC: Chancellor, Erin [chancellor.erin@epa.gov]
Subject: RE: Introduction

Good afternoon Phil,

Please call me Anne. And it was a pleasure to meet you last summer at the UNT event. Thanks for letting me know that APTIM was awarded contracts under our RAF and RES contract suite. I don't have any questions for you or your teams at this time, but if I do I'll be sure to let you know.

Many thanks and I'll be sure to tell Cathy we've met.

Best,
Anne

-----Original Message-----
From: Montgomery, Phil <phil.montgomery@aptim.com>
Sent: Tuesday, February 19, 2019 11:56 AM
To: Idsal, Anne <idsal.anne@epa.gov>
Subject: RE: Introduction

Dear Ms. Idsal, we met last summer at a UNT event hosted by Congressman Burgess. I work for a company named APTIM. Recently APTIM was awarded this contract with the EPA:

February 15, 2019
APTIM on Winning Teams for $1.6B U.S. Environmental Protection Agency Remediation Environmental Services Multiple Award Contracts

APTIM is on two teams, a large business team and a small business team, that have been awarded contracts under the $1.6 billion Multiple Award U.S. Environmental Protection Agency (EPA) Remedial Acquisition Framework (RAF) Remediation Environmental Services (RES) contract suite, which provides support to the EPA Superfund remedial program. The scope of the RES contracts includes fieldwork and analytical support; remedial action or removal action implementation; EPA-lead remedy operation including long-term response action; and engineering support. APTIM is also on two teams which were recently awarded contracts under the EPA RAF Design and Engineering Services (DES) contract suite.

The large business team, an APTIM joint venture with HDR (APTIM HDR, LLC), will provide support to EPA headquarters and all 10 EPA Regions. The small business team, where APTIM is a subcontractor to HydroGeoLogic (HGL), will also provide support to EPA headquarters and all 10 EPA Regions.

APTIM's technical expertise, innovative technologies (e.g., per- and polyfluoroalkyl substances [PFAS] treatment), large nationwide staff, successful support of multiple EPA laboratories, and excellent long-term and current relationship with EPA Region 9 contributed to winning this work. The expected 10-year value of this work is more than $160 million.

If I can answer any questions you may have do not hesitate to call, I am based in Dallas. In addition your counterpart, Cathy Stepp in Region 5 is a close personal friend. She and I served in the legislature together and again as part of Governor Scott Walker's Cabinet.

Phil Montgomery
Energy Partner

APTIM | Energy / Environmental

M 469 275 6638
E phil.montgomery@aptim.com

APTIM.com

-----Original Message-----
From: Idsal, Anne <idsal.anne@epa.gov>
Sent: Saturday, July 7, 2018 10:36 AM
To: info@greenbuildsolutionsllc.com; Montgomery, Phil <phil.montgomery@aptim.com>
Subject: Introduction

Gentlemen,

Very nice to meet you both this morning and I look forward to sharing energy efficiency opportunities and partnerships EPA Region 6 is undertaking. I also look forward to hearing your thoughts and feedback from you as well.

Best,
Anne Idsal
EPA Regional Administrator - Region 6
Dallas, Texas
(214)665-2100

Sent from my iPhone

Message

From: POLITICO Pro's Energy Regulation Watch [politicoemail@politicopro.com]
Sent: 6/14/2019 5:51:48 PM
To: Shaw, Betsy [Shaw.Betsy@epa.gov]
Subject: EPA studying benefits of soot reductions — Wisconsin, Texas don't want EPA to redo ozone designations — Automakers urge Trump to moderate rollback

Jun 14, 2019 View in browser

ENERGYREGULATION WATCH

BY **ALEX GUILLÉN**

With help from Gavin Bade and Eric Wolff

EPA DOES INTERNAL REVIEW OF PM2.5 LOW CONCENTRATION STUDY: EPA is writing a report on how it characterizes the benefits of reducing fine particulate matter pollution (aka PM2.5) at low concentrations — and will run its own internal peer review process rather than go to the Science Advisory Board and the Clean Air Scientific Advisory Committee, which have been critical of EPA recently. Several previous outside scientific studies have concluded there is no "safe" level of exposure, such as a 2017 Harvard study that found increased risk of premature death from exposure to PM2.5 levels below the NAAQS threshold.

Mystery contractor: The agency released a notice this week calling for experts to review its study. EPA did not respond to questions about which contractor will run the review. The contractor will run the nomination and selection process, including one round of public comments on candidates. A draft version of the report will be out next

month, with the review panel meeting in August or September and the report being finalized sometime in the fall.

The process has some greens alarmed: "It's easy to predict goal of @EPA's headlong rush: a result-oriented Trump legacy to deny health benefits from reducing PM2.5 pollution at levels that science tells us cause premature deaths & morbidity, & to ignore PM2.5 benefits across multiple clean air & climate rules," the NRDC's John Walke tweeted.

EPA responds: "This format for peer review is appropriate based on the scope of the review, relevant timelines and expertise, statutory focus of other advisory bodies, and the Agency's peer review guidelines," spokesperson Michael Abboud said in a statement. "Previous Administrations have made key scientific methodological changes to EPA's characterization of particulate matter health effects without going through an open, peer review process."

WELCOME TO ENERGY REGULATION WATCH, your biweekly guide to the world of energy and environmental regulations. Any tips, comments and suggestions? Send them to EnergyRegWatch@politicopro.com, and follow me on Twitter at @alexcguillen. And don't forget our other helpful online tools, like the Document Drawer.

EPA UPDATES

OZONE — WISCONSIN, TEXAS PUSH BACK ON EPA REDO: Both Democrat-controlled Wisconsin and Republican-controlled Texas are urging federal courts to leave in place EPA's decision that key parts of those states meet the 2015 ozone standard. After environmentalists filed a lawsuit arguing EPA was too lax on those areas, the agency in early May suggested the court remand ozone designations covering several counties in Wisconsin — including Racine, home to the controversial Foxconn project — and the El Paso area. (That was before environmentalists uncovered internal emails showing EPA scientists perturbed that then-Administrator Scott Pruitt reversed plans to name some areas of Wisconsin as nonattainment, as reported

by the New York Times.) The states say EPA made the right call and should be given deference given the highly technical issues at play.

— Meanwhile, Michigan isn't battling a remand request by EPA in the same case, but the state did come to EPA's defense in a challenge to the Ottawa County designation. The challengers argued Ottawa contributes to poor air quality in neighboring Muskegon County, but Michigan argued in its brief that the real culprits are Chicago, Milwaukee and Gary, Ind., instead.

AUTOMAKERS PRESS TRUMP HARD AGAINST EMISSIONS FREEZE: In a head-turning letter last week, 17 major automakers asked the Trump administration to tone down its vehicle emissions deregulatory plan and avoid a nasty fight with California. "For our companies, a broadly supported final rule would provide regulatory certainty and enhance our ability to invest and innovate by avoiding an extended period of litigation and instability, which could prove as untenable as the current program," they wrote in their letter. It was the industry's most concerted criticism to date of the administration's deregulatory plan, which some automakers have said was much more severe than they had sought.

SAB — BOARD TO REVIEW AUTO ACTION: EPA's Science Advisory Board last week voted to scrutinize the science behind the Trump administration's planned rollback of vehicle emissions standards. The vote comes just months before the rule is expected to be finalized, but Chairman Michael Honeycutt remained hopeful. "I'm going to tell the board today I hope nobody has vacation plans this summer," Honeycutt told reporters.

WOTUS too: SAB also voted to submit comments to Administrator Andrew Wheeler on areas where his rewrite of the Waters of the U.S. rule diverges from science, Annie Snider reports on our site . Honeycutt suggested that the comments should point Wheeler to a deep dive that the SAB released in 2015 on the connections between small upstream waters and wetlands and the larger waterways covered by the Clean Water Act. But he acknowledged that EPA ultimately has to make a policy decision.

ACE RULE 'ALMOST COMPLETE': EPA says it is putting the finishing touches on its final Affordable Clean Energy rule that will replace the Obama administration's Clean Power Plan. "The interagency review process is almost complete, and EPA's intention and expectation is that the Agency will be in a position to take final action in June 2019," EPA wrote in a status report filed with the D.C. Circuit Court of Appeals.

401 — EPA TARGETS STATE POWER: The Trump administration has launched a major rollback of states' power to veto infrastructure projects they fear could harm the health of their rivers, streams and wetlands, including potentially giving EPA the ability to override states' decisions altogether, Annie Snider reports on the Pro website. Updated guidance shortens the time that states have to review proposed projects like natural gas pipelines, coal export terminals and dams. It also limits the scope of issues states can consider when deciding whether to grant a Clean Water Act certification.

RTRs — METAL COATINGS, VEGETABLE OIL: Add two more sectors to the ongoing litany of NESHAP reviews. First, EPA has proposed to maintain the numerical pollution limits for manufacturers of surface coatings for metal cans and coils. As with numerous previous residual risk and technology reviews, EPA also proposed a suite of reporting and monitoring tweaks. The proposal is open for comment through July 19. Second, EPA came to similar conclusions for a review of an 18-year-old rule limiting emissions from vegetable oil production facilities, which produce a pollutant called "n-hexane," which can cause irritations and nausea in the short term and permanent nerve damage in the long term. EPA will take comment for 45 days once the proposal runs in the Federal Register.

OMB WATCH

METHANE PROPOSAL BEGINS REVIEW: The White House Office of Information and Regulatory Affairs has begun reviewing a proposed rule from EPA expected to roll back methane emissions limits for new oil and gas wells, according to a notice . Wheeler said last month that

the proposal will include at least two strong arguments for lifting methane limits imposed on new oil and gas wells in 2016.

Reply hazy, try again later: OMB is also reviewing the final version of draft guidance issued in 2016 describing how states should write their regional haze SIPs due July 31, 2021, for the second implementation period, which runs from 2018 to 2028. (The Obama administration issued a rule that extended the deadline by three years.) Among other things, the guidance is expected to discuss how states weigh benefits alongside factors such as compliance costs and the remaining useful life of affected plants.

AROUND THE AGENCIES

PERRY WAVES WHITE FLAG ON COAL BAILOUT: Energy Secretary Rick Perry this week gave the clearest indication yet that his agency isn't planning to provide financial support to keep struggling coal and nuclear plants from closing, Gavin Bade reports on the Pro site . "I don't think the DOE has any regulatory or statutory ability to do that," Perry told reporters at the annual convention of the Edison Electric Institute, a utility trade group. "FERC would be where I would direct you to."

FERC WORLD

DEMS, GROUPS PUSH FERC ON ORDER 719: Democrats and a coalition of consumer groups are pushing FERC regulators to review rulemaking processes at regional grid operators, saying current procedures unfairly favor large utilities over consumers, Gavin Bade has more on the POLITICO Pro website.

Also at the hearing: FERC Chairman Neil Chatterjee said he is considering a state panel to help resolve fuel security and grid resilience issues. That panel could be convened with the National Association of Regulatory Utility Commissioners, Chatterjee told S&P.

SUPREME COURT

FEDERAL LAW TRUMPS STATE LAW OFFSHORE: The Supreme Court this week ruled in a unanimous opinion that an offshore drilling worker cannot rely on California wage laws to seek compensation for time spent on "standby" on oil rigs on the outer continental shelf. "All law on the OCS is federal, and state law serves a supporting role, to be adopted only where there is a gap in federal law's coverage," Justice Clarence Thomas wrote, reversing a lower-court decision.

JUSTICES TO SETTLE SUPERFUND QUESTION: The Supreme Court has agreed to decide whether people who live near Superfund sites can sue the liable companies for additional cleanups under state law, in addition to any cleanup agreement reached with EPA under federal law. The case will be argued this fall or winter and likely decided sometimes next year.

But not this Superfund question : The justices declined to hear a challenge brought by Teck Metals, a Canadian mining company, against the 9th Circuit's ruling that it must pay for Superfund pollution affecting U.S. waters and land, even though the causative pollution was emitted from a smelter over the border in Canada. The Supreme Court's decision not to hear the appeal leaves that decision in place.

POCKET DOCKET

Valuation: Separate lawsuits from mining groups and the American Petroleum Institute are reviving legal arguments over the Obama administration's 2017 valuation rule, which closed a loophole in which companies could sell coal from federal lands to subsidiaries for bargain prices and pay less in royalties, among other reforms. A federal judge in April ruled that the Trump administration's repeal of the Obama rule was "wholly improper," leading to these new challenges.

E15: Oil refiners hardly hesitated before launching their challenge to the EPA's rule allowing year-round sales of 15 percent ethanol. The American Fuel and Petrochemical Manufacturers filed a challenge to the rule at the D.C. Circuit Court of Appeals on Monday. "We fully expect the court's ruling to align with what the EPA and Congress have each previously concluded: the plain language of the Clean Air Act

does not authorize an RVP waiver expansion beyond E10," AFPM CEO Chet Thompson said in a statement. Meanwhile, both Growth Energy and the Renewable Fuels Association have already filed to help defend EPA's decision.

Kids' climate case: A trio of federal judges last week acknowledged that climate change posed a serious threat to the U.S. and said the federal government may have fallen short in protecting American citizens, but they expressed skepticism that the judiciary can order the sweeping action sought by a group of children to address the problem. Read more about the arguments on POLITICO's Pro website.

TSCA: Public health and advocacy groups that challenged EPA's framework rules for implementing the Toxic Substances Control Act reiterated in a supplemental brief their ability to sue because they argue the rules will "systematically understate risk." The 9th Circuit took the unusual step of ordering more briefing following oral arguments last month, when the court seemed lost over whether the framework rules present the sort of imminent, concrete harm that would give the groups standing to challenge EPA. The brief's legal arguments mimic what was said at the hearing, but it allows the challengers to lay out some facts supporting their argument that ongoing reviews of asbestos and two other specific chemicals "have already been infected by EPA's illegal Rules." EPA is expected to file its response on Monday.

Offshore drilling: Environmental groups this week asked a judge to invalidate the Interior Department's partial repeal of Obama-era offshore drilling safety rules, arguing the department ignored environmental and administrative rules and its own previous findings, Ben Lefebvre reports on our site. The suit alleges that Interior's Bureau of Safety and Environmental Enforcement violated the Administrative Procedures Act because of its incorporation into the final rule of industry standards that are not readily available to the public.

Methane waste: Environmental and health groups have asked a federal court to reinstate an Obama-era regulation from the Bureau of Land Management limiting methane waste on public lands, also

known as the venting and flaring rule. The Trump administration rolled back much of the rule. In a June 7 motion , the challengers argue that BLM based its deregulatory effort on an analysis not made available for public comment, in violation of the Administrative Procedure Act. They also complain that BLM undercounted the repeal's costs to public health while "inflating" industry compliance costs.

FERC: The D.C. Circuit Court of Appeals upheld a FERC decision granting a permit to a Tennessee pipeline, but it took issue with the commission's justification for declining to conduct a greenhouse gas analysis on the project, Eric Wolff has more on the Pro website.

Title V: The D.C. Circuit Court of Appeals today ruled it is not the proper venue to review the Sierra Club's challenge to a permitting policy change because it was included as part of an action specific to a Utah power plant. The green group argued that Pruitt wrongly decided to sidestep questions regarding prior preconstruction permitting in the Title V process. EPA countered that the decision was limited to this specific power plant, not to all Title V permits nationwide. The court concluded that EPA's order is not nationally applicable, nor has EPA found that the order has nationwide scope or effect, meaning the D.C. court is the wrong venue. The Sierra Club can still pursue its claims in the 10th Circuit.

Lesser prairie chicken: Several conservation groups this week filed a lawsuit against the Interior Department for dragging its feet on their petition to list the lesser prairie chicken under the Endangered Species Act. The Fish and Wildlife Service had said it would decide by summer 2017 but has yet to do so, the groups complain.

Mining: The D.C. Circuit Court of Appeals this week tossed out a Trump administration rule weakening certain miner safety requirements at non-coal mines, saying the Mine Safety and Health Administration's move "does not withstand scrutiny." MSHA in 2018 weakened certain requirements set in early 2017, allowing examinations to take place as miners begin work, rather than before, and letting operators avoid recording issues if they are promptly fixed. But MSHA violated a "unique" statutory requirement that its

standards not reduce existing mandatory health and safety protections, the split panel wrote in its opinion. The panel ordered the Trump rule vacated and the Obama rule reinstated. In a dissent, Judge Gregory Katsas, a Trump appointee, argued that the agency did adequately explain why the recordkeeping change was no less protective than the Obama rule.

ON THE CALENDAR

June 17 Comments due on EPA's proposed residual risk and technology review for asphalt processing and asphalt roofing manufacturing.

June 18 EPA's Science Advisory Committee on Chemicals kicks off a four-day meeting to review EPA's draft risk evaluation for Pigment Violet 29.

June 24 Comment due on EPA's proposed residual risk and technology reviews for engine test cells/stands.

June 24 Comments due on EPA's proposed amendments to TSCA chemical data reporting requirements for small manufacturers.

June 24 Comments due on EPA's proposed rule on procedures for review of confidential business information claims under TSCA.

June 28 Comment due on NOAA's proposal authorizing Hilcorp Alaska to "take" marine mammals connected to construction and operation of the Liberty Drilling and Production Island.

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Bloomberg Environment

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Highlights

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LEADING THE NEWS

Ex-BLM Chiefs Say Interior Is Moving to Transfer Land to States (1)

By Bobby Magill

Two former Bureau of Land Management directors say plans to move the agency's headquarters to Colorado are an early step toward abolishing the entire agency and transferring millions of acres of federal land to the states.

Senate Probe Alleges Wehrum, Law Firm Links in Air Rules Revamp

By Amena H. Saiyid

The EPA's former top air official and his counsel may have violated federal ethics rules by meeting with former industry clients to discuss changes to Clean Air Act rules, a Senate Democratic report said July 22.

AIR, WATER, AND WASTE

EPA's New Source Review Proposal Close to Finish Line

By Amena H. Saiyid

The EPA is close to releasing a proposal that would allow power plants, refineries, and other large industrial sites to avoid certain pollution controls under a Clean Air Act permitting program by changing the way emissions increases are calculated.

Sawdust Might Be One Answer to the World's Plastic Problem

By Aine Quinn

A technology startup near Ontario's leafy border with Michigan says it has the answer to the world's plastic pollution problem: sawdust.

FROM THE STATES

Harris Bill Targets Michigan Water Crisis: Campaign Update

By Emma Kinery

Senator Kamala Harris unveiled the Water Justice Act to allocate $250 billion to upgrade infrastructure and ensure access to clean water, particularly for minority communities.

ConEd Faces Expanded Probe After NYC Heat Forces Shutdown

By Will Wade and Brian Eckhouse

Consolidated Edison Inc. said it would be ready for the heat wave. It wasn't, and instead was forced to shut off power to prevent damage to its equipment.

Cuomo Expands ConEd Probe as Heat Wave Triggers 53,000 Outages

By Brian Eckhouse and Stephen Stapczynski

New York Gov. Andrew Cuomo is expanding a probe into recent New York City power failures as Consolidated Edison Inc. reported about 53,000 customers suffered outages amid a heat wave and record demand.

California Fines Battery Recycler, Takes Over Lead Investigation

By Emily C. Dooley

California is taking over further investigation of a former battery recycling facility outside Los Angeles that state officials say has contaminated thousands of nearby homes with lead.

Power Technician Fired for Behavior, Not Medical Leave: 5th Cir.

By Jennifer Bennett

Southern Company Services Inc.'s 2017 firing of Brandon Tatum wasn't in retaliation for taking medical leave, the Fifth Circuit said July 22.

California, 13 States Weigh in on Maui Groundwater Case

By Emily C. Dooley

A group of 14 states is backing claims by environmental groups that migrating pollution in groundwater that is discharged into the Pacific Ocean violates the federal Clean Water Act.

Foxconn-Type Projects Might Need Federal Role, Congressman Says (1)

By Stephen Joyce

The Environmental Protection Agency and other federal regulators might have a role in scrutinizing projects that receive environmental waivers from state governments, Rep. Brad Schneider (D-Ill.) said at a hearing in Wheeling, Ill.

ENERGY AND NATURAL RESOURCES

Polygamists Admit Biofuel Tax Fraud as Mastermind Faces Trial

By David Voreacos

Four Utah polygamists have admitted to defrauding the U.S. government of $512 million in renewable-fuel tax credits, with the leader saying the mastermind was an Armenian immigrant who owns a small oil and gas empire in Southern California. That businessman now faces trial alone.

INSIGHT

INSIGHT: Climate Adaptation Must Be Part of Agriculture Programs

Agricultural development must include climate adaptation strategies to address priority climate vulnerabilities and help sustain productivity and food security, Lorine Giangola and Sarah Kozyn, Abt Associates write.

AROUND THE GLOBE

Coal's Demise Quickens in Europe as Market Shift Idles Plants

By Jeremy Hodges, Mathew Carr and William Wilkes

Commodity markets are stripping away the case for coal in Europe, moving quicker than government efforts to close the most polluting power plants.

Woman Who Championed South African Renewable Energy Ousted

By Paul Burkhardt

Karen Breytenbach, who oversaw the expansion of South Africa's privately owned renewable energy projects, said she was asked to vacate her job about nine months before her contract expires.

Fast-Tracked Permits, Limited Reviews Pushed in Poland

By Bogdan Turek

Permits for constructing industrial facilities and other activities would get fast-tracked with limited opportunity for input from environmental and community groups, under a bill Poland's Senate will consider July 30.

South Korea Greenlights World's Largest Floating Solar Plant

By Kelly Kasulis

South Korea's new, multibillion-dollar renewable energy project along the coast of the Yellow Sea will be the world's largest floating solar power plant, using about 5.25 million solar panels.

Europe Braces for Next Heatwave With London Record in Sight

By William Wilkes

Europe is facing a second heatwave this summer, just weeks after the hottest June on record, intensifying concern over climate change and the rise in extreme weather events.

Oil Giant Saudi Arabia Is Set to Start First Wind Power Plant

By Anthony DiPaola

Saudi Arabia, the world's biggest oil exporter, is poised to start generating wind power within three years as part of an effort to harness renewable energy to cut local demand for fossil fuels.

Cement Companies Are Starting to Get a $33 Trillion Headache

By Vanessa Dezem and William Wilkes

The world's biggest cement makers have been under pressure from environmental groups, regulators and lawmakers to cut pollution.

Bloomberg Environment

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Highlights

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WEEKEND READ

Ex-BLM Chiefs Say Interior Is Moving to Transfer Land to States

By Bobby Magill

Two former Bureau of Land Management directors say plans to move the agency's headquarters to Colorado are an early step toward abolishing the entire agency and transferring millions of acres of federal land to the states.

THIS WEEK AT EPA

EPA Advisers Were Subject to Inconsistent Ethics Reviews (2)

By Sylvia Carignan and Amena H. Saiyid

The EPA failed to consistently follow ethics rules when vetting members of its scientific advisory committees, a congressional watchdog said July 15.

EPA Clashes With House Panel Over Science Integrity Testimony

By Stephen Lee

The EPA denied allegations from the Democratic chair of a House committee that it blocked its science watchdog from appearing before the panel in a July 17 hearing.

EPA Advisory Board Dispute Ready for Court, Scientist Group Says

By Porter Wells

The Union of Concerned Scientists wants the First Circuit to overturn a lower court's decision to dismiss its lawsuit challenging the EPA's decision to purge its advisory boards of scientists in receipt of agency grants.

Republicans Defend EPA's Appointments to Advisory Panels

By Stephen Lee

House Republicans defended the EPA during a July 16 oversight hearing on the membership of the agency's scientific advisory committees, in the wake of a government watchdog's report criticizing the agency's efforts.

EPA Falls Short on Data Quality, Management: Watchdog (1)

By Stephen Lee

The EPA must do a better job of tracking environmental data, relaying health risks to citizens, overseeing states, and managing its staff's workload, according to a July 15 report from the department's internal watchdog.

THIS WEEK IN CLIMATE CHANGE NEWS

Obama Climate Rule Suit Should End, EPA, Challengers Say

By Abby Smith

It is time for the bitter legal fight over Obama-era power plant carbon controls to come to an end, the EPA and state, utility, and other industry challengers told a federal appeals court.

New York Governor Signs Pace-Setting Climate Legislation (1)

By Keshia Clukey

New York State is embarking on the most aggressive climate action plan in the nation.

Creditors Start Asking Coastal Cities For Their Climate Plans

By Abby Smith

Financial credit rating institutions want answers from coastal cities about how they're preparing for climate-change impacts like sea level rise and whether they can pay for their adaptation plans, the mayor of Honolulu said July 17.

'Killer Heat' Days to Surge Without Climate Action: Report (1)

By Abby Smith

Blistering hot days in the U.S. could increase significantly as the Earth warms, threatening infrastructure, businesses, and public health—but the choices that governments make now could limit the severity, a new report says.

THIS WEEK IN CHEMICALS

EPA Says It Won't Ban Pesticide Chlorpyrifos (2)

By Adam Allington

The Environmental Protection Agency has decided not to ban the pesticide chlorpyrifos.

New Hampshire Slashes Amount of 'Forever' Chemicals Allowed

By Adrianne Appel

New Hampshire will impose some of the lowest limits in the nation on fluorinated "forever" chemicals in drinking water starting this fall.

Lump or Split: Lawmakers, Scientists Wrestle With PFAS Chemicals (2)

By Pat Rizzuto

How quickly the government can regulate contaminating nonstick chemicals will come down to whether lawmakers and regulators consider the chemicals individually, in small groups, or as a single group.

EU Designates GenX, Other Chemicals as High Concern

By Stephen Gardner

A European Union move to designate four chemicals—including PFOA substitute GenX—as substances of very high concern could affect companies including BASF SE, Chemours Netherlands BV and Huntsman Advanced Materials.

China Proposes Overhaul of Chemical Registration Regulations

By Michael Standaert

A draft of environmental management regulations covering new chemical substances in China that will be used in a future program similar to the EU REACH system includes extensive revisions that, if adopted, could benefit chemical companies.

THIS WEEK IN WATER NEWS

California, 13 States Weigh in on Maui Groundwater Case

By Emily C. Dooley

A group of 14 states is backing claims by environmental groups that migrating pollution in groundwater that is discharged into the Pacific Ocean violates the federal Clean Water Act.

States Want Pot to Grow Greener as Legal Cannabis Expands

By Brenna Goth and Tripp Baltz

As more states legalize recreational and medical marijuana, they're confronting the reality that cannabis production involves using huge amounts of pesticides, energy, and water, while generating tons of plant and packaging waste.

Foxconn in the Spotlight at House Committee Field Hearing

By Stephen Joyce

Foxconn Technology Group's construction of a manufacturing plant in Wisconsin, which could include paving over flood-buffering wetlands, will be examined at a House Small Business Committee hearing in Wheeling, Ill., on July 19.

THIS WEEK IN AIR NEWS

Sterigenics Reaches Tentative Deal With Illinois to Reopen Plant (1)

By Stephen Joyce

An Illinois judge will decide July 24 whether to permit Sterigenics U.S. LLP to reopen its Willowbrook, Ill., facility, shut down in February over concerns about its use of ethylene oxide.

More Bad Air Days Despite Drop in Key Air Pollutants, EPA Says

By Amena H. Saiyid

Nationwide declines in air pollutants that lead to smog and haze formation haven't translated into fewer bad air days in some major American cities, the EPA's latest air quality data show.

THIS WEEK IN NATURAL RESOURCES

House to Take Up Bill to Ban Arctic Drilling (1)

By Tiffany Stecker

The House will take up legislation to ban drilling in the Arctic National Wildlife Refuge when it returns from its monthlong August recess, Majority Leader Steny Hoyer (D-Md.) announced July 17 on Twitter.

Ohio Bans 'Rights of Nature' Pollution-Fighting Lawsuits

By Alex Ebert

Ohio residents are now barred from filing lawsuits against polluters on behalf of the Buckeye State's natural resources.

THIS WEEK IN ENERGY

Bipartisan Bill Could Spur Solar, Wind Power on Public Lands

By Bobby Magill

Renewable energy development on federal land in the West could get a boost under a bipartisan bill that aims to create a revenue-sharing system for wind, solar, and geothermal power on public lands.

Democrats Approve Energy Block Grants Bill Over GOP Objections

By Tiffany Stecker

The House Energy and Commerce Committee approved legislation to spend billions of dollars per year for energy efficiency efforts in local communities over Republican objection on July 17.

Funding Levels Slashed in Energy Workforce Training Bill

By Tiffany Stecker

A sweeping job-training program for minorities and other underrepresented groups in the energy sector has been dramatically scaled back after majority Democrats negotiated with House Republicans to pass the bill with bipartisan support.

Senate Panel Advances 22 Energy Bills

By Bobby Magill

Bipartisan bills supporting advanced nuclear reactors and expediting the export of small amounts of liquefied natural gas were among 22 pieces of energy-related legislation approved by the Senate Energy and Natural Resources Committee and advanced to the full Senate July 16.

Earth's Heat Gives States Another Option for Clean Energy Goals

By Brenna Goth

Tapping heat beneath the Earth's surface for electricity and other uses is gaining ground among policy makers, especially out West, as states seek to expand their options for meeting more aggressive renewable energy goals.

JUSTICE JOHN PAUL STEVENS LEGACY

Justice Stevens' Legacy Remains Influential in Workplace, Beyond

By Erin Mulvaney, Jordan S. Rubin, Abby Smith and Sylvia Carignan

The late U.S. Supreme Court Justice John Paul Stevens will continue to make a mark in cases before the high court and in areas relevant to today's political discourse, including workers' rights cases teed up for the high court later this year, evolving environmental policy and greenhouse gas regulation, and the continuing debates over the death penalty.

For Stevens, Chevron Decision Defined How Supreme Court Changed

By Kimberly Strawbridge Robinson

The late Supreme Court Justice John Paul Stevens, a Republican appointee who eventually became a liberal voice, famously said that he didn't move left—the court moved right.

THIS WEEK IN INSIGHTS

INSIGHT: Real Estate Investors Need to Prepare for Climate Change Before It's Too Late

The impacts of climate change, including rising seas and extreme weather events, are quickly emerging as formidable challenges for the real estate industry and our cities.

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Highlights

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LEADING THE NEWS

New Hampshire Slashes Amount of 'Forever' Chemicals Allowed

By Adrianne Appel

New Hampshire will impose some of the lowest limits in the nation on fluorinated "forever" chemicals in drinking water starting this fall.

California Drillers Brace as Governor Signals Industry Crackdown

By Robert Tuttle and Emily C. Dooley

California oil producers are bracing for a crackdown on drilling in the state after Governor Gavin Newsom fired the chief regulator in charge of issuing permits.

States Want Pot to Grow Greener as Legal Cannabis Expands

By Brenna Goth and Tripp Baltz

As more states legalize recreational and medical marijuana, they're confronting the reality that cannabis production involves using huge amounts of pesticides, energy, and water, while generating tons of plant and packaging waste.

ENERGY AND NATURAL RESOURCES

Twin Metals Mine Changes Design But Fails to Appease Opponents

By Stephen Joyce

The owner of a proposed Twin Metals Minnesota LLC mine in northeastern Minnesota wants to change how it will store mining waste in order to make the project more environmentally friendly.

Dakota Access Pipeline Protest Costs Prompt North Dakota Lawsuit

By Christopher Brown

North Dakota wants the federal government to cover its $38 million cost of responding to the Dakota Access Pipeline protests that rocked the state in 2016 and 2017.

CAPITOL HILL

Michigan House Freshman Sees Manufacturing, Sustainability Nexus

By Maya Goldman

Manufacturing and environmental sustainability should go hand in hand, Rep. Haley Stevens (D-Mich.) says.

Bipartisan Bill Could Spur Solar, Wind Power on Public Lands

By Bobby Magill

Renewable energy development on federal land in the West could get a boost under a bipartisan bill that aims to create a revenue-sharing system for wind, solar, and geothermal power on public lands.

CLIMATE

Food Security Threatened by Warming, Leaked UN Report Says

By Lou Del Bello

Global food security faces unprecedented threats from the growing impacts of climate change and the exploitation of land and freshwater never before seen in human history, a leaked draft of an upcoming U.N. report says.

Arctic Summer Melt Shows Ice Is Disappearing Faster Than Normal

By Jeremy Hodges

Ice covering the Arctic Ocean reached the second-lowest level recorded for this time of year after July temperatures spiked in areas around the North Pole.

AIR, WATER, AND WASTE

EPA Advisory Board Dispute Ready for Court, Scientist Group Says

By Porter Wells

The Union of Concerned Scientists wants the First Circuit to overturn a lower court's decision to dismiss its lawsuit challenging the EPA's decision to purge its advisory boards of scientists in receipt of agency grants.

EPA Wasn't Required to Issue Hardrock Mining Rule: D.C. Cir. (2)

By Peter Hayes and Sylvia Carignan

The Environmental Protection Agency's decision to abandon financial responsibility requirements for the hardrock mining industry will stand, the D.C. Circuit ruled July 19.

McClellan Base Groundwater Contamination Claims Revived

By Porter Wells

Two California water districts will get a second chance to argue that a nearby air force base contaminated their water supply without just compensation, the Federal Circuit said July 19.

Duke Energy to Conduct Restoration Projects, Settling Coal Ash Suit

By Peter Hayes

Duke Energy Carolinas LLC will settle Superfund claims stemming from a 2014 coal ash spill by buying land along the Mayo River for conservation and giving it to North Carolina.

Shunned River Group Asks 9th Cir. for Access to Clean Water Suit

By Porter Wells

A federal court in Oregon improperly blocked the Columbia Riverkeeper from intervening in a lawsuit that will define the Clean Water Act's scope in the region, the group told the Ninth Circuit July 18.

CHEMICALS

Bayer Poised for Cut in $2 Billion Judgment on Weedkiller (1)

By Joel Rosenblatt

Bayer AG is poised for a reduction of 90% or more in the $2 billion verdict it was hit with in the most recent trial over its Roundup weedkiller.

FROM THE STATES

Ohio Bans 'Rights of Nature' Pollution-Fighting Lawsuits

By Alex Ebert

Ohio residents are now barred from filing lawsuits against polluters on behalf of the Buckeye State's natural resources.

Foxconn in the Spotlight at House Committee Field Hearing

By Stephen Joyce

Foxconn Technology Group's construction of a manufacturing plant in Wisconsin, which could include paving over flood-buffering wetlands, will be examined at a House Small Business Committee hearing in Wheeling, Ill., on July 19.

Maryland Transit May Intervene in Metro Line Permit Row

By Peter Hayes

The Maryland Transit Administration will be allowed to intervene in a case challenging the U.S. Army Corps of Engineers' issuance of a Clean Water Act permit to facilitate the building of a new metro line, the District of Maryland ruled.

Eversource Loses on Northern Pass in New Hampshire Court (1)

By Adrianne Appel

Eversource won't get another shot at the permit it needs to build its $1.6 billion Northern Pass project, a New Hampshire court ruled July 19.

Texas Propane Group Must Revise Suit Challenging Houston Code

By Porter Wells

The Texas Propane Gas Association will have to try again to convince a trial court that it has the right to challenge Houston's new propane storage and handling restrictions, a Texas appeals court said July 18.

A Week After Manhattan Went Dark, Con Edison Faces Heat Wave

By David R. Baker

Consolidated Edison Inc. has been warning for days that New Yorkers could be on the verge of some isolated power failures. An upcoming heat wave, it says, could bake the pavement and overheat power lines below.

AROUND THE GLOBE

Germany's Offshore Wind Power Boom Nears Capacity Limits

By Chelsey Dulaney

German renewable energy groups are urging the government to free up more grid capacity for offshore wind projects, as the fast-growing industry is set to surpass federal expansion limits before the end of 2019.

The Amazon Is Brazil's, Not Yours, Bolsonaro Tells Europeans

By Simone Iglesias

Brazil's President Jair Bolsonaro attacked the "environmental psychosis" of European leaders concerned over his administration's plans to develop the Amazon rainforest and insisted that the numbers showing sharply increased rates of deforestation were "lies."

South Korea Restricts Chemical Emissions in Air Pollution Push

By Kelly Kasulis

South Korea issued new restrictions on volatile organic chemicals emitted by major industries in its continuing effort to improve its dangerously polluted air.

Australia, Japan Join Forces for Coal-to-Hydrogen Pilot Project

By James Thornhill

Work has started on a A$500 million ($354 million) project in Australia's southeast to explore the potential of turning brown coal into hydrogen, which would then be liquefied and exported to Japan.

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Highlights

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WEEKEND READ

Broad Changes to Endangered Species Protections Could Be Coming

By Stephen Lee

The Trump administration is preparing to unveil a broad final rule that could represent the most significant change to the Endangered Species Act since its inception in 1973.

IN CASE YOU MISSED IT: THIS WEEK IN AIR, WATER, AND WASTE

Trump Appointees Shunned Scientists on Pollution at Foxconn Site

By Jennifer A. Dlouhy and Amena Saiyid

Trump administration appointees overruled concerns from their own technical experts in deciding not to impose tougher smog requirements on the Wisconsin county where Foxconn Technology Group planned a $10 billion manufacturing facility, newly released documents show.

EPA Plans to Rewrite Costs and Benefits of Anti-Pollution Rules

By Jennifer A. Dlouhy

The Trump administration is planning to write new rules for how it weighs the human costs and benefits of environmental regulations, a move that could make it harder for future presidents to tighten limits on pollution and combat climate change.

Busy Summer Planned at EPA for New Water Regulations

By David Schultz

The EPA plans to take two significant steps this summer toward adopting major water regulations, according to its latest regulatory agenda released May 22.

EPA's Superfund Experiment Kicks Off at Gold King Mine

By Sylvia Carignan

The EPA is taking its first step toward overhauling the cleanup process for 1,300 Superfund sites with a new short-term plan for Colorado's Gold King Mine.

THIS WEEK IN CHEMICAL NEWS

EPA Curbs Use of 12 Bee-Harming Pesticides

By Adam Allington

The Environmental Protection Agency has canceled registration of a dozen pesticides, from a class of chemicals known to harm bees.

EPA Drops Rules for Cleaning Solvent, Widely Used Chemicals

By Pat Rizzuto

Planned EPA rules to control how companies use a cleaning solvent and a group of chemicals that have kept autos running and airplanes flying were dropped from a list of regulations under development.

Bayer Hires Sidley Austin as Monsanto Spying Probe Widens

By Naomi Kresge

Bayer AG hired law firm Sidley Austin LLP to investigate a Monsanto surveillance project that first came to light in France and has now spread to encompass a half-dozen other European countries.

THIS WEEK IN ENERGY AND NATURAL RESOURCES

Stun, Skim, Air Bubbles: Army Corps Aims to Stop Asian Carp

By Stephen Joyce

The U.S. Army Corps of Engineers is asking Congress for $777.8 million to stun, deploy air bubbles, and erect concrete barriers in efforts to stop invasive Asian carp from entering the Great Lakes basin and inflicting severe environmental damage.

Roads in Biggest National Forest OK'd in Proposed Rule

By Stephen Lee

The Trump administration plans to develop an Alaska-specific rule in July that would allow roads in otherwise road-free areas of the country's largest national forest under a proposal released May 22.

Senate Panel Approves Two of Trump's Interior Nominees (1)

By Stephen Lee

A Senate committee easily approved two of President Donald Trump's picks for high-level positions at the Interior Department May 21.

U.S. Drilling Rights Go for Less Than a Cup of Coffee Per Acre

By Jennifer A. Dlouhy

The Trump administration's auction of drilling rights on roughly 300,000 acres in Nevada last September appeared to be a bust when it failed to attract any bids.

THIS WEEK IN CLIMATE NEWS

EPA Could Undo or Split Obama-Era Methane Rule, Wheeler Says (1)

By Abby Smith

The EPA is exploring how and if it should regulate the greenhouse gas methane from the oil and gas sector and will propose a plan in the next few months, agency chief Andrew Wheeler said May 23.

Oxy, Carbon Engineering to Build Largest Carbon-From-Air Plant

By Abby Smith

Coming soon to Texas' Permian Basin: the world's largest direct air capture facility.

Maine's Pingree Wants Fellow Farmers to Lead Climate Discussion

By Tiffany Stecker

Rep. Chellie Pingree wants to bring the nation's farmers and ranchers to the forefront of the climate change discussion.

Miami, Other Coastal Cities May Drown in 80 Years, Study Says

By Bobby Magill

Today's children could see Miami and the Earth's other low-lying cities swallowed by the rising ocean within 80 years if the fossil fuel pollution causing climate change continues unabated.

THIS WEEK FROM THE STATES

Filtered Cigarette Ban Looming in California

By Emily C. Dooley

California is on its way to banning the sale of filtered cigarettes to keep butts from covering beaches, clogging roadways, and being eaten by marine life.

Maryland Foam Packaging Ban, Energy Bills to Become Law

By Andrew M. Ballard

Maryland will join Maine and Vermont in banning foam food containers.

Vermont Bill to Update Toxics Law Heads to Governor

By Adrianne Appel

A measure passed by Vermont's Legislature to update the state's 2014 hazardous chemicals law is headed to the governor's desk, where its fate is uncertain.

Mystery Disease Killing Florida Corals Spurs 'Reef-Ugee' Mission

By Jennifer Kay

Thousands of Florida corals are being cut from subtropical ocean reefs to live in tanks in what researchers are calling an unprecedented rescue mission.

Human Composting Now a Climate Fighting Final Wish in Washington

By Paul Shukovsky

There's a new option for fighting climate change in Washington state: composting your remains.

THIS WEEK'S INSIGHTS

INSIGHT: The Case for Regulating All PFAS Chemicals as a Class

In 1968, a scientist named Donald Taves discovered that samples of his own blood contained a distinct form of fluoride, which he later surmised was widespread in people because of the extensive use of organic fluoride-based compounds in consumer products. He was right: Today these fluorinated chemicals, or PFAS, are detected in nearly every person on Earth. Senior scientist with the Environmental Working Group David Andrews outlines why he believes these chemicals should be regulated as a group in a point-counterpoint Insights paired with one from the American Chemistry Council's Jessica Bowman.

INSIGHT: With PFAS One-Size-Fits-All Isn't the Answer

The modern world is a marvel of innovation, ideas, and inventions that have transformed our daily lives and the course of history. When Thomas Edison said, "there's a way to do it better – find it," the world took note. Today, whether we are talking about technology, transportation, medicine, or science, our lives are better because of innovation. This is certainly true when it comes to chemistry, an essential building block for a healthier, safer, more sustainable, and more productive world. The American Chemistry Council's Jessica Bowman describes why she believes chemicals called per- and polyfluoroalkyl compounds should not be regulated as a group in a point-counterpoint Insights paired with one from the Environmental Working Group's David Andrews.

INSIGHT: 'Green Real Deal' Shows GOP Warming to Climate Action

By Sarah E. Hunt

The latest evidence that support for climate policy is growing among Republicans in Congress is the "Green Real Deal." Rep. Matt Gaetz (R-Fla.) introduced the climate action resolution in April—his response to New York Democratic Rep. Alexandria Ocasio-Cortez's Green New Deal.

INSIGHT: Executive Orders to Speed Energy Projects May Mean Delay

The White House issued two executive orders April 10 intended to remove obstacles to developing energy infrastructure and expediting the pipeline permitting process.

INSIGHT: Kirkland Teaches Associates Deposition Skills Through Practice, Preparation

Kirkland & Ellis partners explain how they teach associates skills on taking and defending depositions. In the second of a series on associate training, they say it helps associates make the leap from recognizing a good deposition transcript to actually creating the record that can win a case.

INSIGHT: Success Coaches on Rise for Lateral Partner Hires, Associates

Law firms have been hiring coaches for many years, mostly for helping associates into new roles, but now "Success Coaches" are also being hired to help partners elevate performance. Eva Wisnik, president and founder of Wisnik Career Enterprises, discusses the trends for this growing field.

THIS WEEK'S INSTALLMENT: THE BUSINESS OF BEES

How Apis Mellifera Became Our Go-To Honeybee (Podcast)

By Adam Allington and David Schultz

In the second episode of the Business of Bees, hosts Adam Allington and David Schultz take us back to the earliest days of beekeeping in Egypt and tell us how humans and honeybees formed a partnership that has spanned thousands of years and several continents.

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Morning Consult Energy: Fuel Efficiency Proposal Said to Forecast Reduction in Car Costs and Traffic Fatalities

ENERGY

By Sei Chong

Top Stories

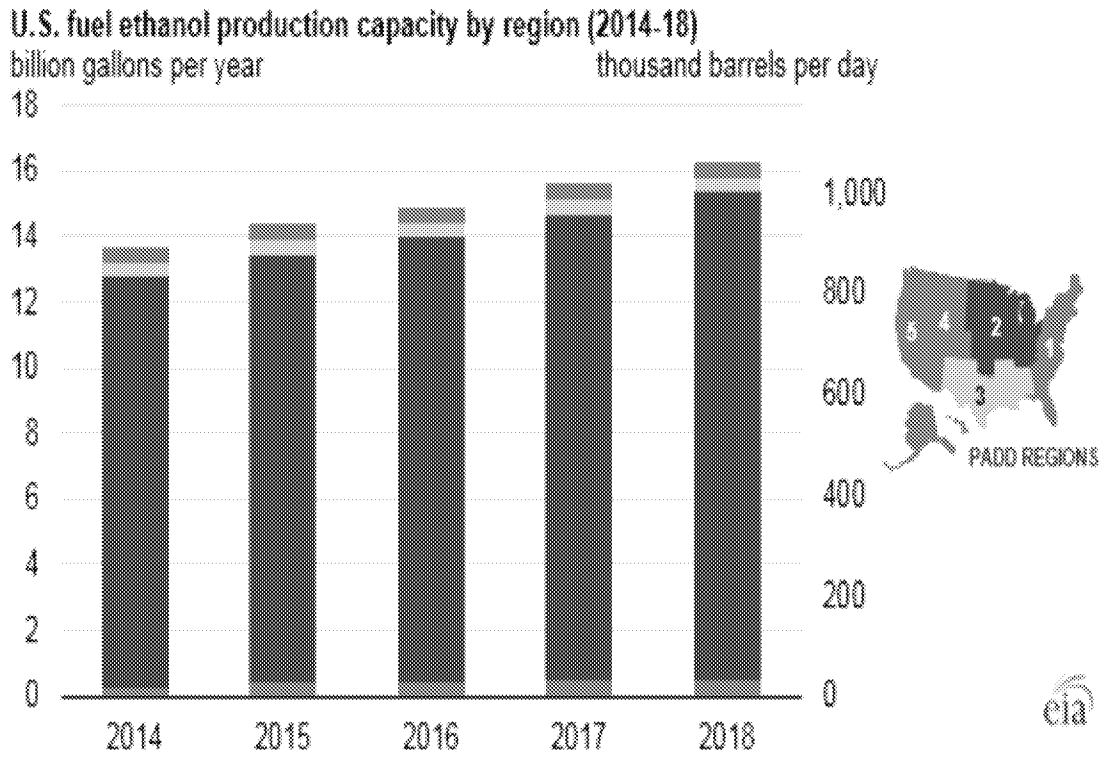
- The proposal by the National Highway Traffic Safety Administration and the Environmental Protection Agency to overhaul fuel efficiency standards, which is expected to be released today, would freeze those standards for six years, according to two sources briefed on the matter. The Trump administration forecasts the proposal will save U.S. consumers about $2,000 every time they buy a new vehicle and prevent 1,000 deaths a year during the period, the sources said. (The Washington Post)

- Tesla Inc. reported a $717.5 million loss in its second quarter, from a $709 million loss in the first quarter and a $336.4 million loss in the year-earlier period, but it burned through cash at a slower rate. During the earnings conference call, Chief Executive Elon Musk assured analysts that the company has addressed production problems with the Model 3 and apologized to three analysts for dismissing their questions in the first-quarter conference call in May. (Los Angeles Times)

- Justice Department attorneys representing the EPA said in federal court that the agency has decided not to revise a 2015 rule that set a new standard for ground-level ozone. Under former Administrator Scott Pruitt, the EPA had tried to delay implementing the ozone rule. (The Hill)

Chart Review

U.S. fuel ethanol production capacity continues to increase
Energy Information Administration



Source: U.S. Energy Information Administration, *U.S. Fuel Ethanol Plant Production Capacity*

Events Calendar (All Times Local)

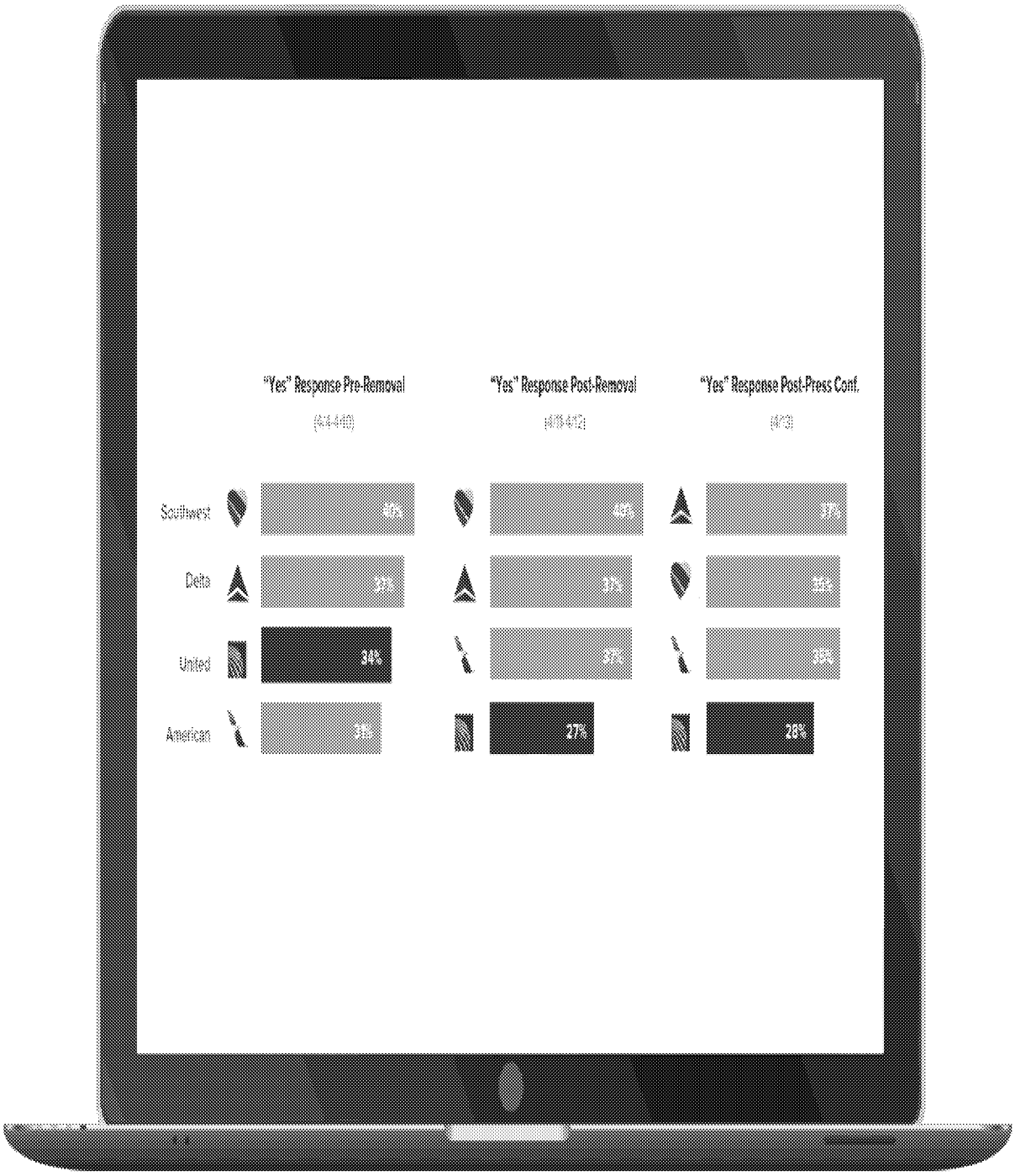
THURSDAY

Duke Energy earnings call	7 a.m.
West Texas Legislative Summit	7:45 a.m.
Northeast Clean Energy Council annual legislative roundup of state clean energy legislation	8:30 a.m.
TransCanada earnings call	9 a.m.

Women's Council on Energy and the Environment luncheon on science at the Capitol 12 p.m.

FRIDAY

Enbridge earnings call 7 a.m.



The PR Nightmare

Learn how to use data to navigate the fallout from a brand crisis.

General

EPA chief: Obama car rule rollback would save consumers $500B
Timothy Cama, The Hill

Environmental Protection Agency (EPA) acting head Andrew Wheeler said his forthcoming proposal to roll back fuel efficiency and emissions standards for cars will save consumers $500 billion.

Interior IG to scrutinize Zinke's beer-making plans
Ben Lefebvre, Politico

A development backed by Halliburton's chairman includes a microbrewery similar to one the Interior secretary has long sought.

Oil falls for a third day, dented by rising tide of supply
Amanda Cooper, Reuters

Oil prices fell for a third day on Thursday, following a surprise increase in U.S. crude inventories that added to existing concern about the rapid rise in global crude supply.

Oil and Natural Gas

Big Oil switches focus from profits to production
Anjli Raval and David Sheppard, Financial Times

A rebound in crude prices helped the world's energy supermajors generate higher profits in the second quarter but ultimately it was how much oil and gas they produced that differentiated their fortunes.

Natural gas pipeline explosion in Texas critically injures five
Swati Verma et al., Reuters

A series of natural gas pipeline explosions in Midland County, Texas sent five people to hospital with critical burn injuries, and interrupted energy pipeline operations in the area, officials said.

Oil Tanker Owners Are Scrapping the Most Ships in Decades
Firat Kayakiran, Bloomberg

Oil tanker owners are giving up. A 19-month curtailment of OPEC cargoes, and environmental regulations that are proving uneconomical to comply with, have got owners purging the supertanker fleet at the fastest pace since the 1980s, according to Global Marketing Systems Inc., one of the world's top buyers of obsolete ships for scrap.

Utilities and Infrastructure

U.S. utilities balk at expanded carbon-capture subsidy
Timothy Gardner, Reuters

Few U.S. energy policies can bring together coal miners, oil drillers, environmentalists, Republicans and Democrats. But tax credits for capturing and storing carbon dioxide emissions have appeased all these camps, and Congress this year tripled the subsidy's value with broad bipartisan support.

Hackers breached U.S. electric utilities: analysts
Morgan Chalfant, The Hill

Security analysts have discovered a new hacking group that has been successful in breaching networks of electric utilities in the United States. The new research from cybersecurity firm Dragos is yet more evidence that hacking groups are looking for ways to penetrate networks of critical infrastructure - potentially with the intention to stage disruptive or destructive attacks.

PG&E Slumps on Prospect of Wildfire-Induced Debt Restructure
Brian Eckhouse and Mark Chediak, Bloomberg

PG&E Corp., the San Francisco-based utility facing as much as $17.3 billion in wildfire-related liabilities, fell following a report that it hired Weil Gotshal & Manges LLP to explore debt restructuring options.

Duke Energy's profit misses estimates on higher expenses
Anirban Paul, Reuters

Duke Energy Corp reported a lower-than-expected quarterly profit as the U.S. utility failed to keep a lid on its operating expenses.

Renewables

U.S. Electric Vehicle Charging Market to Grow to $18.6 Billion
Rachel Morison, Bloomberg

Falling prices and government mandates are set to boost sales of electric vehicles globally, making owning and operating charging infrastructure an attractive area for investment. Charging infrastructure in North America will draw $18.6 billion by 2030, according to a report by Wood Mackenzie Ltd. published Thursday.

Foxconn and WEC Energy are discussing a huge potential solar array for Mount Pleasant complex
Rick Romell, Milwaukee Journal Sentinel

Foxconn Technology Group and Wisconsin's largest utility are discussing the potential for what could be a huge array of solar panels atop Foxconn's massive factory complex in Racine County.

Coal

Trump's Making U.S. Coal Exports the Greatest They've Ever Been
Mathew Carr, Bloomberg

U.S. exports of coal used by power stations are set to hit a record this year on increased global demand for the nation's high-energy-content fuel. Steam-coal shipments will probably jump 58 percent to 58 million metric tons this year, according to Guillaume Perret, founder of Perret Associates Ltd., a London-based research company.

99 coal miners laid off at Wyoming County mine
Max Garland, Charleston Gazette-Mail

Ninety-nine employees at a Wyoming County coal mine were laid off Friday, according to United Mine Workers of America spokesman Phil Smith.

Britain's Lloyds bank to stop financing new coal plants, thermal coal mines
Emma Rumney, Reuters

Lloyds Banking Group said on Thursday it will not fund new coal-fired power stations or thermal coal mines, or bank new clients that derive most of their revenue from either of these operations.

Nuclear

Pilgrim nuclear plant to be sold after shutdown
Christine Legere, Cape Cod Times

The owner of Pilgrim Nuclear Power Station announced Wednesday a plan to sell the Plymouth plant to a subsidiary of Holtec International for accelerated decommissioning after the reactor is permanently shut down in June.

Failed SC nuclear project to cost typical Santee Cooper ratepayer $6,200
Thad Moore, The Post and Courier

The typical Santee Cooper electric ratepayer will pay more than $6,000 to pay off the utility's share of the failed nuclear project, a bill they'll pay in monthly $13 installments for the next four decades.

Climate

How Climate Change Contributed to This Summer's Wildfires
Carolyn Kormann, The New Yorker

The image of the day from NASA's Earth Observatory shows gusting plumes of smoke veiling the western United States. Two hundred thousand acres are on fire in California, fuelled by strong winds and unrelenting hot, dry conditions.

Trump Finally Picks a Science Adviser. And Scientists? They Seem Relieved.
Carl Zimmer, The New York Times

Kelvin Droegemeier, a well-regarded meteorologist, has a long research record. But his views on climate change are not well known.

2017 was third-warmest year on record, NOAA-led international study finds
Daniel Chaitin, Washington Examiner

An international study released Wednesday found that 2017 was the third-warmest year on record. Only 2016 and 2015 were warmer, according to the 28th annual State of the Climate Report, dubbed the annual "checkup for the planet" by the National Oceanic and Atmospheric Administration.

Canada Loosens Carbon Limit for Big Emitters Facing Competition
Greg Quinn, Bloomberg

Large industrial companies in Canada will face an easier carbon limit when Justin Trudeau's government starts putting a price on emissions next year.

Opinions, Editorials and Perspectives

Make Cars Great Again
Elaine L. Chao and Andrew Wheeler, The Wall Street Journal

During a visit to Detroit last year, President Trump announced his administration would assess and correct the current vehicle fuel-economy standards, which impose significant costs on American consumers and eliminate jobs. The administration is continuing to deliver on that promise.

Here's How America Can Counter Russia's Nord Stream-2 Gas Pipeline
Gabriel Collins and Anna Mikulska, The National Interest

Washington can help make Europe's gas market more competitive, undermining the domination of any one supplier-including Moscow.

Don't Get Complacent About Natural Gas
Spencer Jakab, The Wall Street Journal

With storage well below year-ago levels, the U.S. natural-gas market could be left exposed to a frigid winter like 2013-2014 when prices surged by 75% over the span of several weeks

Research Reports

Actions Needed to Improve National Nuclear Security Administration Contract Document Management
U.S. Government Accountability Office

The National Nuclear Security Administration spent over $11 billion in 2016 on management and operating contracts at the federal sites that maintain the U.S. nuclear weapons arsenal, among other things. We found that NNSA was unable to promptly locate key contract documents, which NNSA officials need to effectively oversee these contracts, and justify awarding millions of federal dollars.

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Subject: Budget & Appropriations: First minibus is out the door — Conservatives issue ultimatum for policy riders — Four-bill package remains in 'holding pattern'

By Sarah Ferris and Jennifer Scholtes | 09/13/2018 05:54 PM EDT

THE REAL TEST: Congress' first bipartisan "minibus" in years has coasted through two chambers and off to President Donald Trump. And the next package — pairing funding for the Pentagon along with some of the biggest domestic agencies — isn't far behind.

As Sarah explains, Capitol Hill leaders struck a momentous deal today to bring that huge package to the floor, H.R. 6157 (115), along with a tide-me-over funding bill to keep the rest of the government open through Dec. 7. "This is a milestone," a beaming Sen. Richard Shelby (R-Ala.) told us after the conference committee meeting on the package that pairs Defense and Labor-HHS-Education. That funding bundle won't be nearly as easy for House Republican leaders to bring to the floor, though.

Victory laps: Democrats were jubilant today as spending leaders put the finishing touches on what could be the first Labor-HHS-Education bill to be signed into law on time in 22 years. They did lose some political battles, including failed attempts to add strict new language related to arming teachers, as Caitlin Emma explains. Another bid to boost transparency on drug prices also fell short, per Alice Miranda Ollstein. Still, when we asked her today, Rep. Rosa DeLauro (D-Conn.) couldn't think of a single thing House Republicans got in the bill that she didn't otherwise want. DeLauro noted that the legislation now includes a boost for Pell Grants and said she was "very pleased" that "anti-busing" language, which has been part of appropriations legislation since at least 1974, was left out, Caitlin reports.

Not-so-veiled threat: That won't sit well with House conservatives, who already complain they were rolled in the first minibus, H.R. 5895 (115). Rep. Mark Walker (R-S.C.), who leads the influential Republican Study Committee, warned today that conservatives may oppose the final Defense and Labor-HHS-Education package if they can't bring home policy wins. "Unless this is done, many of our members will find it difficult to support this funding," Walker wrote in a statement just before leaders announced the deal. What exactly does RSC want? Here's your handy cheat sheet. (Walker's not alone: Rep. Robert Aderholt (R-Ala.), who sat on the Defense and Labor-HHS-Education conference committee, told us today: "Certainly, there's a lot of disappointments in this bill.")

Boxing them in: So far, GOP leaders aren't worried that House Republicans would reject the bill en masse if it means it hamstringing the Pentagon. "If they want to vote against Defense, that's up to them," Rep. Tom Cole (R-Okla.) said today. The same goes for Trump, who hasn't yet said whether he'll sign the massive funding deal. In fact, party leaders strategically crafted the package to avoid Trump's veto, by attaching a short-term funding bill through early December. If he refuses to sign that, "You effectively shut down the whole government," Cole explained.

GOOD THURSDAY EVENING! Reach out: jscholtes@politico.com (@jascholtes) and sferris@politico.com (@sarahnferris).

Doc of the day — A report from Democrats on the House Budget Committee breaks down the proposed $5 trillion in cuts from the House GOP's budget resolution.

#DailyBudgetFact — In a recent face-to-face poll in Puerto Rico, 55 percent of respondents say they believe rebuilding the island is not a priority for the U.S. government.

APPROPRIATIONS

'HOLDING PATTERN': So the three-bill package is off to Trump. And odds look good for enactment of that defense-domestic duo. But what about the four-bill bundle, H.R. 6147 (115)? Spending leaders say it's stalled out right now, as Jen reports for Pros.

Make it happen: Shelby goaded his underlings during the conference committee meeting today. "We're this close on these bills. Let's wrap it up, if there's any way to do it," Shelby told negotiators about coming to agreement on the package that includes Interior-Environment, Financial Services, Transportation-HUD and Agriculture. Then after the meeting, the chairman laid it plain for reporters. "There are a bunch of riders that we're not planning to take," he said, referring to House Republicans' insistence on including partisan language that stands little chance of surviving the Senate.

What's the holdup: Even though disputes over the Interior-Environment title are often blamed for slowing progress on the package, issues remain in several of the bills. As Ryan McCrimmon reports, the spat over cell-grown meat is hanging over the Agriculture title. And Democrats are still fighting off Rep. Tom Graves' (R-Ga.) beloved "grandkids" fund in the Financial Services portion.

WHERE THINGS STAND: Congress is closer than it's been since 2009 to actually complying with its decades-old spending structure. But with 12 bills, three packages and three conference committees, it can be tough to track the status of individual bills. Here's where things stand:

— **Headed to the White House:** Energy-Water, Military Construction-VA and Legislative Branch.

— **Headed to final passage on House and Senate floor:** Labor-HHS-Education and Defense.

— **Still in negotiations:** Transportation-HUD, Agriculture, Interior-Environment and Financial Services.

— **Still waiting for House and Senate vote:** Homeland Security, H.R. 6776 (115), S. 3109 (115), State-Foreign Operations, H.R. 6385 (115), S. 3108 (115), and Commerce-Justice-Science, S. 3072 (115).

HOMELAND SECURITY

A LONG COMMUTE: Tensions are high in meetings with FEMA Administrator Brock Long right now. And not just because one of the most spectacular hurricanes in U.S. history is about to make landfall. Daniel Lippman and Eliana Johnson report today that the DHS inspector general has opened an investigation into whether taxpayers have footed the bill for inappropriate use of government vehicles for Long's commutes back to his home in Hickory, N.C., according to current and former administration officials.

Internal drama: According to one of those people, Long has been clashing with Homeland Security Secretary Kirstjen Nielsen, who allegedly asked the administrator to resign over the issue.

TAX

PRICE OF PERMANENCE: We know taking the "temporary" out of tax cuts is not cheap. If Congress follows through on making a slew of recent tax cuts permanent, we're talking $3.15 trillion from fiscal 2029 to 2038, according to a new Urban-Brookings Tax Policy Center estimate out this week. As Toby Eckert explains, the report goes a decade beyond the JCT's cost estimate.

A 'dynamic' defense: Supporters of making the cuts permanent say the move would give taxpayers more certainty, in turn boosting the economy. To that, the Tax Policy Center says the new plan for permanency, H.R. 6760 (115) , would probably boost GDP by about 0.5 percent in 2026, 0.4 percent in 2028 and 0.1 percent in 2038. And that means billions, not trillions. The economic revving is estimated to provide a total of $71 billion from fiscal 2019 to 2028, and $157 billion from fiscal 2029 to 2038, "offsetting a modest portion of the revenue loss as projected under conventional scoring," the group says.

POLITICAL STRATEGY

JUST TOUT THOSE ECONOMIC GAINS: Speaker Paul Ryan rallied House Republicans this morning for a private pep talk on holding the House in the midterms. The gist: Laser focus on talking up economic gains, guys. "Selling what we've done to voters over the next eight weeks is my top priority," Ryan told the conference, citing the unemployment rate, jobless claims, wages and GDP growth, according to his prepared remarks. "I know everyone in this room will help amplify that message and carry us to victory." However, as Rachael Bade explains, that strategy is harder executed with Trump's approval rating on the decline.

Stick to the script: Besides his waning popularity, Trump's tendency to veer off message on economic issues is also problematic for Republican lawmakers reliant on a unified campaign strategy to give them an edge over the droves of Democrats expected to flip GOP-held districts throughout the country. Ben White and Nancy Cook report that White House aides and Republicans close to the administration think it's a losing endeavor to try to push the president to stick to his economic talking points. And Trump's trade battles aren't helping much either.

Related: In an opinion piece for POLITICO Magazine, National Review editor Rich Lowry writes about how an economic boom is a terrible thing to waste.

EARMARKS

— Democrats weighing earmarks revival if they take back the House. Roll Call.

— Rettig takes over IRS amid budget challenges, regulatory crunch. POLITICO Pro.

— GOP teachers launch statehouse bids to demand more school funding. POLITICO Pro.

— U.S. recovery eludes many living below poverty level, Census suggests. The New York Times.

— Congress moving ahead on spending to avert shutdown. The Associated Press.

WE'RE COUNTING: Federal funding runs out in 17 days (Sept. 30) and the National Flood Insurance Program expires in 78 days (Nov. 30).

To view online:
https://subscriber.politicopro.com/newsletters/budget-appropriations/2018/09/first-minibus-is-out-the-door-340324

Stories from POLITICO Pro

Congress sends first minibus to Trump in race to avoid catch-all spending bill Back

By Sarah Ferris | 09/12/2018 07:18 PM EDT

The House on Thursday overwhelmingly cleared a spending package that marks Congress' first concrete step toward avoiding the kind of catch-all omnibus that President Donald Trump has said he won't sign this fall.

The House voted 377-20 to send the president a fiscal 2019 bipartisan funding deal that House and Senate leaders reached earlier this week to fund the Department of Veterans Affairs, as well as nuclear programs, energy projects, congressional operations and military construction.

Senators voted 92-5 on Wednesday to adopt the package.

In that chamber, just two Republicans opposed the bill: Jeff Flake (R-Ariz.) and Rand Paul (R-Ky.). Three Democrats were also opposed: Kirsten Gillibrand (D-N.Y.), Elizabeth Warren (D-Mass.) and Ed Markey (D-Mass.).

The three-bill package, H.R. 5895 (115), contains a $5 billion funding increase for veterans services — making for the VA's largest-ever budget — to help pay for major infrastructure upgrades at health care facilities nationally, as well as the rollout of a new e-health records system.

Nuclear weapons programs also got a nearly half-billion dollar boost, bringing the total nuclear weapons program to $11.1 billion.

The Army Corps of Engineers, the Capitol Police and the Department of Energy's Office of Research would also see substantial increases. The legislation also includes millions of new dollars for a new paid internship program across Capitol Hill.

Trump is expected to sign the bill, about two weeks ahead of the looming Sept. 30 deadline.

The White House in a statement on Wednesday night congratulated the House and Senate on reaching a conference agreement and said the minibus "aligns with many of the Administration's priorities, providing the necessary funding to implement President Donald J. Trump's historic reforms at the Department of Veterans Affairs, including those enacted in the VA MISSION Act, and to modernize and strengthen our nuclear deterrent. "

The statement added that Trump "looks forward to signing this legislation and continuing to work with Congress to enact Fiscal Year 2019 funding for the Department of Defense, Department of Homeland Security, and other agencies, while continuing to show fiscal restraint."

If enacted, it will be the first time since 2009 that the Department of Energy receives its budget on time.

Senate Appropriations Chairman Richard Shelby (R-Ala.) said Wednesday night that he had spoken to Vice President Mike Pence about the importance of Trump signing the spending package into law, rather than holding out to use the measure as leverage in his attempt to secure more money for a wall along the U.S.-Mexico border.

"I believe he will sign this bill," Shelby said. "This is progress. This is our goal. We're not there yet, but this is something that hasn't happened in years and years."

Those three bills, however, make up just one-tenth of annual spending. Even if the minibus is signed on time, dozens of other agencies could face budgetary uncertainty on Oct. 1.

Democrats have cheered the finished bill, which bucks some of the Trump administration's most severe proposed cuts to renewable energy programs, science research and the embattled Advanced Research Projects Agency-Energy. It also blocks funding for a Yucca Mountain nuclear waste site.

"House Democrats stood firm for our values and rejected both insufficient funding levels and partisan riders," Rep. Nita Lowey (D-N.Y.), the top Democrat on the House Appropriations panel, wrote in a statement this week.

But GOP leaders won out in a budget battle related to a veterans health care program — an issue that stalled negotiations for weeks this summer.

Democrats wanted billions of new dollars to fund veterans health, which is newly under Congress' purview. The program was previously funded automatically, outside of the budget caps.

House Republicans, backed by the White House, refused to boost the spending caps only months after this year's gigantic budget deal, H.R. 1892 (115).

The bill includes $500 million to fund the VA Community Care program through next year, though Democrats say that total cost will be more like $1.6 billion.

The program will also require an additional $8 billion in fiscal 2020 and $9 billion in fiscal 2021, according to Sen. Patrick Leahy (D-Vt.), the top Democrat on the Senate Appropriations Committee.

Leahy said his own proposal, which would have lifted the spending caps, was "met with strong opposition from House Republican leadership and the administration," and was left out.

To view online click here.

Back

Congress dares Trump to shut down the government in new spending deal Back

By Sarah Ferris | 09/13/2018 01:20 PM EDT

GOP leaders believe they've found a way to thwart President Donald Trump's latest shutdown threats: Send him a funding bill that's impossible to resist.

Capitol Hill leaders on Thursday announced a mammoth fiscal 2019 spending deal that achieves one of the Trump administration's top priorities — the Pentagon's first on-time spending bill since 2008. But there's a catch.

The same package also funds some of the government's most sprawling agencies at levels that are billions of dollars more than Trump requested. And if Trump refuses to sign it, much of the government, including parts of the Pentagon, would shutter.

"You effectively shut down the whole government," Rep. Tom Cole (R-Okla.), a senior appropriator, said of the funding deal he helped shape.

Spending leaders from both parties detailed the strategy for the first time Thursday, just 17 days before government spending runs out. The Senate is expected to easily approve the package next week.

Under the tactic, lawmakers will vote on a two-bill spending package that funds the Pentagon as well as health, labor and education programs. There's also a new third component: Spending leaders said that the package will include temporary funding for every other agency facing a funding lapse on Sept. 30.

If approved, the bill would keep those government operations open until Dec. 7, about a month past the looming midterm elections.

Longtime appropriators of both parties said that strategy effectively ties the administration's hands — forcing Trump to decide between signing a spending bill with domestic funding levels he detests, or forcing a potential funding crisis at the Pentagon.

"The president will have to sign this bill or shut down the government, because it contains the continuing resolution," said Rep. Rosa DeLauro (D-Conn.), one of the top Democratic negotiators on the package.

Trump himself has cheered Congress' progress on the Pentagon spending bill, which would break the military's nearly decadelong stop-and-go funding cycle. On domestic funding, however, Trump's deputies have chided Congress for overspending.

It's not just Trump with complaints about the massive domestic bill. House conservatives, too, are livid about funding increases, as well as a lack of conservative policy wins at a time when the GOP controls all levels of government.

"Most of the Democrats will vote for this and smile very big," Rep. Mark Meadows, chairman of the House Freedom Caucus, told reporters Thursday. "It's a Democrat 'Labor-HHS' bill."

The Republican Study Committee, an influential group of about 170 GOP lawmakers, also released a statement Thursday that suggested its members would be willing to oppose the upcoming package — even if it means voting against the Pentagon cash.

House GOP leaders aren't worried about the Republican whip count, according to lawmakers and aides, in part because of the politically toxic prospect of voting against the military's budget just weeks ahead of election day.

"If they want to vote against Defense, that's up to them," said Cole, the lead negotiator on the domestic package. He quoted his Democratic colleague, Sen. Patty Murray (D-Wash.) about how both parties' negotiators decided to work together: "We can have a deal, or we can have a fight, but we can't have both."

Precise details on funding and language remain under wraps until the final text is rolled out. But negotiators said that the final package would largely strip out partisan language favored by House Republicans.

That means lawmakers rejected attempts to defund Planned Parenthood or destabilize Obamacare, as well as a slew of other perennial conservative riders.

"Certainly, there's a lot of disappointments in the bill," said Rep. Robert Aderholt (R-Ala.), who was one of the GOP negotiators on the package.

Lawmakers have planned for weeks to pair the broadly popular Defense bill with the typically contentious Labor-HHS-Education bill. That unprecedented combination allowed the package to soar through the Senate for

the first time in 22 years, while kick-starting formal conference negotiations on both for the first time since 2007.

Senate Appropriations chief Richard Shelby (R-Ala.), one of those to originally pitch the strategy, called it the "linchpin" of Congress' spending bill successes so far this year. "One, the top priority for Republicans; the other, the top priority for Democrats. Both important to all Americans," Shelby said.

At the White House, asked by the press pool about the spending deal, deputy press secretary Lindsay Walters responded:

"We look forward to reviewing the bill when it's released."

To view online click here.

Back

DeLauro: No ban on federal funds for guns in education spending deal Back

By Caitlin Emma | 09/13/2018 12:35 PM EDT

Rep. Rosa DeLauro (D-Conn.) today said she's "disappointed" that a fiscal 2019 appropriations package doesn't include language specifying that federal education funds can't be used to buy guns for schools.

"We missed an opportunity, in my view," she said.

DeLauro and Sen. Patty Murray (D-Wash.) had been pushing for such language. A House and Senate conference committee met today to discuss the Labor-HHS-Education and Defense minibus, H.R. 6157 (115).

At issue is whether school districts can tap into funds under the Every Student Succeeds Act — known as Student Support and Academic Enrichment Grants — to purchase guns and firearms training.

Education Secretary Betsy DeVos has said she won't take a position because Congress didn't authorize her to make such decisions. Democrats argue that it's her responsibility to reject such proposals and they fought for appropriations language to make it clear the ESSA grant can't be used for guns.

A number of education groups also urged conferees today to include language specifying that federal education funds can't be used to buy guns for schools.

"There is no conclusive research or evidence to indicate that arming teachers will make schools safer," the groups wrote in a letter. "On the contrary, research does indicate that the over-hardening of schools diminishes school safety and has a negative impact on school climate."

The groups signing on include the National PTA, AASA: The School Superintendents Association and the National Association of Elementary School Principals.

The ESSA grant program was created with the intention of promoting access to a well-rounded education, ensuring safe and healthy students and supporting the effective use of technology.

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Back

Negotiators drop drug price transparency from minibus Back

By Alice Miranda Ollstein | 09/13/2018 01:27 PM EDT

House and Senate negotiators on a massive minibus spending package, H.R. 6157 (115), today rejected bipartisan language that would have required drug companies to disclose product prices in advertisements.

The transparency requirement, which earlier won unanimous support in the Senate, would have marked Congress' strongest effort to address rising pharmaceutical costs since the Trump administration unveiled its plan to curb the cost of prescription drugs. The administration is preparing its own rule that would require drugmakers to display prices on ads.

Appropriators assembling the giant spending bill to fund the Pentagon, HHS and other agencies said Thursday the requirement pushed by Senate Minority Whip Dick Durbin could disrupt progress on the underlying bill and possibly improve odds for a government shutdown.

"I would hope we would not blow this thing up when we've come so close," said Senate Appropriations Chairman Richard Shelby. "This might come about someday, but not on today's bill."

Durbin said the language, also promoted by Republican Chuck Grassley, amounted to "the very least Congress can do" on rising drug costs and would "put patients before pharma." Grassley, in a tweet, called the decision to punt on the measure "embarrassing."

Experts have questioned how pharmaceutical companies could place a single price on drugs they promote when consumers pay wildly different amounts depending on their insurance coverage and manufacturers extend discounts to different payers.

Even Democrats who supported the language urged Durbin to drop it and save the fight for another day.

"In a normal authorization bill I would eagerly and strongly support it," Vermont Sen. Patrick Leahy said. "But I have to join with Senator Shelby and keep to our agreement. Senator Shelby has had to give up some of the things he wanted just as I have had to give up some of the things I wanted."

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Back

Government funding deal will include Pell increase, DeLauro says Back

By Michael Stratford | 09/13/2018 04:08 PM EDT

The deal between House and Senate negotiators over a government spending measure that includes education funding will have a boost for Pell Grants, according to a top Democratic appropriator.

Rep. Rosa DeLauro (D-Conn.), the ranking member on the House Appropriations subcommittee overseeing education, said today that an increase in the maximum Pell Grant will be part of the final deal, the details of which are still being hammered out.

It's not clear yet how much the measure, H.R. 6157 (115), would increase the Pell Grant. But the Senate last month passed a bill that calls for a $100 boost, bringing the maximum Pell Grant to $6,195.

The House Appropriations Committee, meanwhile, voted earlier this year to advance an education funding bill that would keep the maximum Pell Grant at its current level of $6,095.

Legislative text for the funding deal, which combines funding for the Departments of Defense, Labor, Health and Human Services, and Education, is expected by the end of the week.

Congressional spending leaders also said today that they plan to tie the measure to a stopgap funding bill to keep the rest of the government open through Dec. 7.

To view online click here.

Back

Longtime 'anti-busing' rider dropped from education spending deal Back

By Caitlin Emma | 09/13/2018 03:56 PM EDT

A fiscal 2019 appropriations package has dropped a decades-old rider that would prohibit the use of federal funds for transportation costs for school desegregation.

Rep. Rosa DeLauro (D-Conn.) said she was "very pleased" that the "anti-busing" language, which has been part of appropriations legislation since at least 1974, was left out.

A House and Senate conference committee met today to discuss the Labor-HHS-Education and Defense minibus, H.R. 6157 (115).

The appropriations language emerged amid widespread backlash to the 1971 Supreme Court ruling in *Swann v. Charlotte-Mecklenburg County*, which deemed busing an appropriate tool to aid in desegregation.

Some elected officials — like former Vice President Joe Biden, who was then a senator — sought to appease white constituents who bristled at the thought of their children being bused into African-American neighborhoods. Lawmakers said they supported desegregation but opposed busing as a means to that end.

Civil rights groups and Rep. Bobby Scott (D-Va.), the top Democrat on the House education committee, have fought to remove the language.

In 2017, Scott called the language "a relic of an ugly history when states and school districts across the nation resisted meaningful integration of public education for decades after the Supreme Court's ruling in *Brown v. Board of Education*."

To view online click here.

Back

Spending bill for IRS, agriculture, transportation held up by policy disputes Back

By Jennifer Scholtes | 09/13/2018 04:59 PM EDT

Spending leaders might not work out differences in a four-bill package that funds agriculture, transportation, the EPA, the IRS and more before federal funding runs out on Sept. 30.

If conferees are unable to reach a compromise by the end of the month, Congress is expected to clear a continuing resolution to drag out current funding levels for those measures until early December.

During a conference committee meeting Thursday, negotiators from both parties said several policy issues are holding up the fiscal 2019 legislation, H.R. 6147 (115), that would fund the departments of Agriculture, Interior, Transportation, and Housing and Urban Development, as well as the IRS and environmental programs.

"There are a bunch of riders that we're not planning to take," Senate Appropriations Chairman Richard Shelby (R-Ala.) told reporters after the meeting, referring to the position of Senate negotiators, who have vowed to keep the bills clean of policy disputes despite attempts by House Republicans to include partisan language.

Earlier in the day, appropriators signed off on a backup plan for any funding bills that aren't signed into law by the Sept. 30 deadline. Crafting a legislative package President Donald Trump would be hard-pressed to reject, spending leaders have coupled a Band-Aid stopgap with the two-bill bundle, H.R. 6157 (115), that includes funding for the departments of Defense, Labor, Health and Human Services, and Education.

But Shelby said there is still hope negotiators will zero in on a deal on the four-bill package by month's end, at least avoiding a continuing resolution for those measures.

"Don't give up on these yet. I don't think anybody wants a CR," the chairman told reporters.

House conservatives are increasingly adamant GOP leaders include Republican-backed policy language in any spending bills on the move this month, after Congress cleared a conference report, H.R. 5895 (115), for Trump's signature Thursday that was seen as largely bipartisan.

"Coming off the conference report of the last minibus, House Republican priorities were shut out across the board," Republican Study Committee Chairman Mark Walker (R-N.C.) said in a statement Thursday. "In the next round of appropriations, conservatives are looking for the conferenced legislation to reflect conservative policy riders such as the ones in the House bill. Unless this is done, many of our members will find it difficult to support this funding."

While negotiators say the vast majority of the sticking points are related to the Interior-Environment portion, an Appropriations aide confirmed that issues remain on other measures in the package as well.

"I am truly disappointed that even as we have made so much progress on Defense and Labor-HHS-Education, we have been unable to do the same with this set of four bills," said Rep. Nita Lowey (D-N.Y.), ranking Democrat on the House Appropriations Committee, during the meeting. "If we are to have any hope of avoiding a continuing resolution on these bills, House Republicans must drop their insistence on poison pill riders. ... Until that happens, we will be forced to keep the important domestic priorities in these bills in a holding pattern."

Rep. Mike Quigley (D-Ill.), ranking member on the House Appropriations Financial Services Subcommittee, took aim during the meeting at language subcommittee Chairman Tom Graves (R-Ga.) included in the House's version to set aside $585 million that can't be spent until the federal deficit reaches zero or there is a budget surplus.

"For us to try to address this issue through a subcommittee will do one thing, which is just squash any meaningful effort to fund its elements of government," Quigley said. "So it's not that we don't need to address it. Trying to do it now is far less meaningful and completely destructive to the issues we're concerned about."

Several disputes remain over language in the Agriculture bill as well, including a provision regarding the federal dispute over cell-based meat and another that would effectively block public disclosure of certain data from retailers on food stamps transactions.

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Back

Trump's FEMA chief under investigation over use of official cars Back

By Daniel Lippman and Eliana Johnson | 09/13/2018 05:11 AM EDT

Federal Emergency Management Agency Administrator Brock Long is the target of an ongoing Department of Homeland Security inspector general investigation into whether he misused government vehicles during his commutes to North Carolina from Washington, according to three people familiar with the matter, including current and former administration officials.

The actions by Long, the U.S. government's lead disaster official as the country braces for Hurricane Florence, have been called into question by the inspector general over whether taxpayers have inappropriately footed the bill for his travel, an issue that has tripped up a number of current and former top Trump administration officials.

Long's travel habits triggered a clash between him and his boss, Homeland Security Secretary Kirstjen Nielsen, in recent weeks, clouding their relationship just as senior aides close to President Donald Trump prepared for

hurricane season — a task that's attracted extra scrutiny in the wake of the disaster that befell Puerto Rico in the aftermath of last year's Hurricane Maria.

The IG is investigating whether Long misused government resources and personnel on trips back home to Hickory, North Carolina, on the weekends, said two of the officials. The IG's interest was drawn after one of the vehicles — a black Suburban — was involved in an accident, according to one of the officials.

Long's routine absences from the office due to frequent six-hour drives between North Carolina and Washington also drew Nielsen's attention, this person said. Nielsen had raised the issue of Long's in-office schedule with him in recent months, this person added.

At a meeting in late August, Nielsen confronted Long about his travel, though people familiar with the meeting gave conflicting accounts about whether she took the step of asking him to step down over the issue.

One of the officials said Nielsen asked Long to consider resigning, though he declined to do so and remains in his role. The program to support the FEMA administrator "was never intended for this purpose," said the official.

Long did not respond to requests for comment from POLITICO but addressed the IG investigation at a FEMA briefing on Thursday morning, saying his office was working closely with the inspector general's office "to make improvements to make sure we are running programs and policies according to regulation."

"Bottom line is, we'll continue to fully cooperate with any investigation that goes on and own up to any mistakes and push forward and keep going," Long said.

"I would never intentionally run a program incorrectly," he added. "Doing something unethical is not part of my DNA, and it is not part of my track record in my whole entire career. We will work with the OIG."

Jessica Nalepa, FEMA's director of external affairs, said questions about specific IG investigations should be directed to DHS' IG office and that FEMA fully cooperates with all investigations conducted by the IG. The DHS IG's office and the White House did not respond to requests for comment.

"All questions about any potential investigation by the Office of the Inspector General should be directed to the IG. At this time, we are fully focused on preparing for, responding to, and recovering from Hurricane Florence and the storms in the Pacific," said DHS press secretary Tyler Houlton. "The secretary is confident in the leadership at FEMA and their proven disaster management ability."

Long started using a staff driver to get him home to North Carolina at the beginning of his tenure at FEMA last year. On the weekends Long spent in North Carolina, aides were put up in a hotel at taxpayer expense, according to one of the current officials.

DHS employees must be authorized to access government vehicles for personal use, including travel to a residence outside Washington, according to one of the officials. But a former DHS official said Long, as administrator, is entitled to have a contingency aide accompany him so he can have secure communications in case of a national emergency.

The former official added that Long "never asked for it and believed access to secure communications to be part of a presidential directive." FEMA recently scaled back the use of the contingency team for cost-saving purposes, and Long now drives himself or flies to North Carolina.

Former FEMA Administrator Craig Fugate, who served under President Barack Obama, said he could remember using government cars for commuting purposes only in seven instances during the eight years he held the job. In those emergency or extreme cases, Fugate said, it was deemed appropriate for a FEMA aide to brief him face-to-face as a driver took him from his home in Gainesville, Florida, to the Jacksonville airport for outbound flights to Washington, where his presence was required.

Long previously worked at an emergency management consulting firm and also served as director of Alabama's Emergency Management Agency.

The Trump administration has come under intense criticism for its response to the damage Hurricane Maria did to Puerto Rico. Almost 3,000 people died in the natural disaster, many more than the earlier official tally of 64 people. Trump said this week that his government's response to the disaster in Puerto Rico "was an incredible, unsung success."

Marc Caputo and Rebecca Morin contributed to this report.

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Tax Policy Center: $3.15T long-term cost to make tax cuts permanent Back

By Toby Eckert | 09/12/2018 04:28 PM EDT

Making recent tax cuts for individuals and non-corporate businesses permanent would cost $3.15 trillion from fiscal years 2029 to 2038 and modestly boost GDP, according to an estimate released today.

The long-term static projection by the Urban-Brookings Tax Policy Center goes beyond a cost estimate by Congress' Joint Committee on Taxation. Using its official 2019-2028 budget window, which would only capture three years' worth of costs, JCT put the plan's price tag at $631 billion.

The legislation, H.R. 6760 (115), is part of a package of tax and personal savings bills the House Ways and Means Committee is scheduled to vote on Thursday.

The individual and business tax cuts, part last year's GOP tax overhaul, H.R. 1 (115), were scheduled to expire at the end of 2025 to keep the overhaul's cost down.

Supporters say making the cuts permanent will mean certainty for taxpayers and keep the economy hot.

"This will create over 1.5 million new jobs, continue to raise wages, and boost long-run GDP," Ways and Means Chairman Kevin Brady (R-Texas) said when the legislation was introduced Monday.

Taking account of the macroeconomic effects of extending the tax cuts, the TPC said it "projects the bill would have little effect on the economy through 2025, but would increase GDP by about 0.5 percent in 2026, 0.4 percent in 2028, and 0.1 percent in 2038."

"The resulting macroeconomic feedback would boost revenues by a cumulative total of $71 billion over 2019-28, and by $157 billion over 2029-38, offsetting a modest portion of the revenue loss as projected under conventional scoring," the group added.

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GOP's second round of tax cuts would cost $657B, official estimates show Back

By Brian Faler | 09/11/2018 12:06 PM EDT

House Republicans' plans for a second round of tax cuts would cost $657 billion, new estimates show.

The projections by the Joint Committee on Taxation are sure to fuel complaints over the proposal's cost, which would come on the heels of last year's $1.5 trillion tax cut, and in the face of warnings the government's budget deficit will soon top $1 trillion.

The costliest provisions would extend temporary breaks for individuals due to expire at the end of 2025, with plans to make permanent lower rates running $522 billion and a beefed up child credit costing $179 billion.

Those costs would be partially offset by plans to extend various restrictions on itemized deductions, most notably a controversial new $10,000 cap on state and local tax write-offs. That would save $318 billion, the estimates show.

The JCT projections actually understate the plan's long-term price tag because most of the cost would fall outside of the agency's budget window.

The nonpartisan office estimates costs over the next 10 years. But the legislation would not even begin to extend temporary provisions until 2026, so only three years' worth of costs show up in the official 2019-2028 window.

House Republicans unveiled plans yesterday for their so-called Tax Cuts 2.0, a trio of measures designed to highlight for voters ahead of the November elections the GOP's commitment to lower taxes.

The bills are H.R. 6760, H.R. 6757 and H.R. 6756.

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Ryan urges Republicans to tout economic gains Back

By Rachael Bade | 09/13/2018 09:02 AM EDT

With the Republican majority hanging in the balance, and a Democratic wave building before their eyes, Speaker Paul Ryan encouraged House Republicans on Thursday to hyper-focus on selling the party's one major bright spot: a booming economy.

In a closed-door meeting Thursday morning — House Republicans' last political conference before Election Day — the retiring speaker told members to spend the final sprint of the midterm elections tuning out the drama of Washington and preaching economic gains.

"The unemployment rate is under 4 percent; jobless claims are lowest in 50 years; wages are up 3 percent; GDP is growing," Ryan told the conference, according to his prepared remarks. "Selling what we've done to voters over the next eight weeks is my top priority. I know everyone in this room will help amplify that message and carry us to victory," he added later.

Ryan vowed to help them, promising that "I am going to spend the next 54 days ... spend[ing] time in almost every battleground district until the last vote is counted."

Still, that's easier said than done when President Donald Trump's poll numbers are tanking, dragging Republicans down with him. Republican strategists have long said that if Trump's approval ratings stayed above 40 percent, the party had a serious shot at keeping the House.

But after a bruising August — including the conviction of Trump's former campaign chairman and his personal lawyer's campaign-law-violation guilty plea — Trump's numbers have sunk to the mid-to-upper 30s. At the same time, Democrats have grown their lead on the congressional ballot, with more than 14 percent of voters saying in a recent Quinnipiac University poll that they prefer a Democrat-controlled Congress over a GOP reign.

For months now, Republican leaders have been hammering rank-and-file members to weather the storm by shouting their legislative victories — tax reform, repeal of the individual mandate, rebuilding the military, opioid relief — at the top of their lungs. And on Thursday, National Republican Congressional Committee Chairman Steve Stivers reiterated those same points in a "what you should be doing" presentation at the political huddle.

Stivers ticked off "common mistakes" candidates make and warned them to be on guard. Run a hyperlocal campaign, he told them. Keep raising money like you're behind. Don't wait to engage with constituents.

Ryan told colleagues to "be focused in on the issues that matter to voters and the success of the economy" — and, of course, paint Democrats as too extreme. Whether that can stifle the allure of Democrats promising to be a check on Trump's White House is another thing entirely, however.

"Democrats want to bring dysfunction to Washington, and have gone far left with out-of-touch ideas like single payer health care and abolishing ICE," he said.

Ryan has done just about as much as a speaker could possibly do to help his colleagues. During the 35 months he's been speaker, he's visited 40 states and more than 150 cities, donated about $100 million to the NRCC this cycle and raised $200 million. Despite initial concerns that his demand to be home in Wisconsin with his kids on the weekends would cramp his fundraising prowess, Ryan has shattered records, surpassing even ex-Speaker John Boehner.

Earlier this week, Ryan helped raise $100,000 for vulnerable Rep. John Culberson (R-Texas), who faces a formidable Democratic opponent. He also helped rally the base at campaign-style north Dallas event for House Rules Chairman Pete Sessions, who's found himself in a competitive race. The event, not surprisingly, centered on tax reform.

Next week, during the one-week recess, Ryan will head to the West Coast to help incumbents and candidates in California, Arizona and Colorado. And he plans to be on the road all of October.

But the question remains: is it enough?

History is against the House Republicans — and, at times, so it seems is the White House. Midterm elections for the president's party are typically bloodbaths, averaging a loss of about 30 seats. Add Trump's penchant for drama and the scandal constantly surrounding the White House, and the picture looks grim.

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The one thing Trump can't sell: A booming economy Back

By Ben White and Nancy Cook | 09/12/2018 01:00 PM EDT

In an alternate universe, President Donald Trump would be heading into the midterms relentlessly touting his stewardship of a strong economy with results that include historically low unemployment, strong economic growth, sky-high enthusiasm among small businesses and shattered records for job openings.

Instead, the president is repeatedly muddling that message with easily debunked falsehoods or hyperbole about the state of the economy while pressing on with unpopular trade wars that frustrate establishment Republicans and business groups worried about price increases. His undisciplined approach — coupled with his obsessing about the Russia investigation, Hillary Clinton and the 2016 election — is damaging what many Republicans say should have been a political slam dunk for the GOP heading into the fall.

The result is that one of the White House's most critical projects for the midterm elections — getting Americans to credit Trump and the party with a hot economy — is in danger of failing. White House aides and Republicans close to the administration think it's a losing endeavor, at this point, to try to push the president to stay on that message when he's proven time and time again that he prefers his own method of communicating.

"The economy is the admission ticket for Republicans," said Josh Holmes, former chief of staff to Mitch McConnell, the Senate's majority leader. "But it is clearly not the only thing that matters, and in a news cycle increasingly driven by the president, an awful lot of new things are entering the lexicon of everyday Americans."

Polls show voters rate the economy highly, but approval ratings for both Trump and the GOP remain mired in deeply negative territory. Surveys also show sharp skepticism over Trump's trade battles with Canada, Mexico, China and Europe. That means a booming economy could be turning into a political bust for the party.

"It's just harder to drive a sustained message of economic enthusiasm with the shadow of a trade war looming over those efforts," said Kevin Madden, a partner at Hamilton Place Strategies and spokesman for Mitt Romney's 2012 campaign. "Too much political capital was left on the field. Small business enthusiasm, coupled with tax reform and regulatory relief, could have yielded broader political benefits heading into a tough mid-term cycle if there was a more focused message."

Just this week, as the White House rolled out a fresh push to tout the strong economy, Trump tweeted that economic growth was higher than the jobless rate for the first time in 100 years. It was actually the first time in 12 years. And he suggested that if Hillary Clinton had won the White House, the economy would be sharply contracting right now, an assertion not supported by any available facts or mainstream economists.

The claims follow months in which Trump claimed the GOP tax cut was the biggest in history. It wasn't. And he repeatedly suggested the U.S. economy is now stronger than at any time in history. It isn't.

White House Council of Economic Advisers Chairman Kevin Hassett, who took to the briefing room on Monday to argue that Trump's economy is much more than just a continuation of trends that began a decade ago under President Barack Obama, wound up having to explain why Trump tweeted his false claim about GDP and unemployment.

And he came away from the appearance frustrated that the press doesn't cover Trump's successes on the economy more positively.

"This is a historically good economy, one of those special moments that we see every now and then. If you don't agree that there is enough economic data to support this then you are a science denier as much as a denier in any other area," Hassett said in an interview while traveling in Ireland this week. "The treatment of the president is very hostile. I suppose that if we all became saintly, perfect beings that maybe there is a chance that someone might cover things positively. But it doesn't look like it to me."

Inside the White House, part of the problem stems from a long-standing lack of cohesive strategy on messaging and communications — a quandary that Trump tried to solve by bringing on a former Fox News executive, Bill Shine, as the deputy chief of staff for communications.

One senior administration official also said that Trump, as a former businessman and not politician, does not always bask in or relish his administration's successes, or boast about them enough since he's often so eager to move onto the next thing and does not always realize how hard-fought victories can be in government.

A former administration official said that Trump usually zeroes in on touting the economy on days when new economic data comes out, such as jobs or GDP numbers.

His Twitter stream this week, with less than two months until the midterms, has focused on the impending hurricane, a tell-all book by Bob Woodward, the NFL anthem controversy, North Korea, trade with China, Hillary Clinton — and the economy.

Republican congressional leaders continue to believe the economic message is the most potent one heading into the midterms and plan to keep up the drumbeat of that message — especially in swing suburban districts where House seats are in play. Leaders including McConnell and Speaker Paul Ryan gently brought that up at a meeting at the White House last week, where much of the discussion centered on the economy, said a person briefed on it.

"Would it be terrific if the only thing people cared about was the economy?" Holmes asked. "Yeah. But things like immigration, while not important to everyone, are very important to driving base turnout and focusing on things like that are an important part of the mix."

Polling also suggests that when the economy is bad, it is by far the top issue on people's minds. When it's good, it takes a back seat to other concerns such as health care.

Outside the White House, Trump's seeming inability to just stick to strong economic facts to make his case without resorting to inaccurate superlatives or contrasts to Obama is also frustrating economic conservatives who want the president to stay laser-focused on what he's done on taxes and regulation rather than fight with a former president, or the Canadians or anyone else.

"As is often the case, the president is his own worst enemy here," said David Bahnsen, chief investment officer of The Bahnsen Group, a wealth-management firm. "The deregulatory efforts are indeed laudable and pro-