Message

**From:** adm15.arwheeler.email@epa.gov [adm15.arwheeler.email@epa.gov]
**Sent:** 9/25/2019 10:03:25 PM
**To:** Abboud, Michael [abboud.michael@epa.gov]
**CC:** Molina, Michael [molina.michael@epa.gov]; Scott, Corey [scott.corey@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Block, Molly [block.molly@epa.gov]
**Subject:** Re: What You Need To Know | President Trump's Call with President Zelenskyy

Thanks

Sent from my iPhone

On Sep 25, 2019, at 5:29 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

Sir, want to flag this for you before your speech tomorrow morning. Very likely someone will ask about the impeachment query during the press gaggle. We recommend sticking to this:

**Ex. 5 - Deliberative Process**

Here is also a link to the transcript: https://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf

**From:** Hahn, Julia A. EOP/WHO Ex. 6
**Sent:** Wednesday, September 25, 2019 11:10 AM
**Subject:** What You Need To Know | President Trump's Call with President Zelenskyy

# What You Need To Know | President Trump's Call with President Zelenskyy

---

**Press reports have given currency to flat-out falsehoods about the call.**

- The transcript clearly shows there was no quid pro quo or anything else inappropriate about the conversation between President Trump and President Zelenskyy.
  - **Myth:** The President made a mysterious "promise" to Zelenskyy in return for Ukraine reviving an investigation relating to Joe Biden and his son.
    - **Fact:** There was no such promise. The President wanted allegations of corruption potentially involving an American official to be investigated.
  - **Myth:** The President offered a "quid pro quo" related to military aid for Ukraine.
    - **Fact:** There was no quid pro quo; in fact there is no mention of the aid package to Ukraine at all.

- **Myth:** The President urged President Zelenskyy to work with Rudy Giuliani to investigate Biden's involvement in securing the firing of a Ukrainian prosecutor *eight times*.
    - **Fact:** The President mentioned Rudy Giuliani only after Zelenskyy mentioned him first and referred to Biden in only one exchange.

**What the President actually talked about was entirely proper.**

- President Trump asked President Zelenskyy to investigate any connection between Ukraine and attempts to interfere with the 2016 election, something he has publicly discussed in the past.
    - It is entirely appropriate for the President to ask a foreign leader to investigate any connection between his country and attempted interference in the 2016 election.
- The President did not mention Rudy Giuliani or Vice President Biden until after President Zelenskyy had raised Giuliani first.
    - Only after Zelenskyy brought up Giuliani related to addressing corruption issues did the President ask Zelenskyy to speak to Giuliani and raised Vice President Biden's role in the firing of a Ukrainian prosecutor who had been investigating a Ukrainian company that had Biden's son on its board.
- When a high-ranking U.S. government official, like then Vice-President Biden, brags that he used his official position to derail an investigation in another country that could have impacted his son, it is appropriate for the President to suggest that the matter be looked into.
    - That is not seeking foreign "interference" in a U.S. election, it is suggesting that allegations of an abuse of office merit looking into.

**The real scandal here is that leaks about a second-hand account of the President's confidential telephone call with a foreign leader triggered a media frenzy of false accusations against the President and forced the President to release the transcript.**

- <!--[if !supportLists]--><!--[endif]-->The country has already been put through over two years of investigation by the special counsel into a phony Russian collusion story, six months of congressional investigations into the same issue, and now Democrats want to trigger a new round of investigations into fake accusations.
- This case just shows another example of the "Deep State," the media, and Democrats in Congress damaging our national security by leaking confidential information in an attempt to seek political gain.

**Let's be clear, there was no quid pro quo for Ukraine to get US aid in exchange for looking into Biden or his son.**

- Assistance to Ukraine was mentioned by President Trump only to stress how much the United States is doing and how other countries, like Germany, need to do their fair share.
- The President has said repeatedly that he wants other countries to be pitching in more to help Ukraine and President Zelenskyy agreed with him.

**These are unique circumstances that require the transcript to be released if the American people are to know the truth.**

- After Secretary Pompeo talked with the government of Ukraine, the President determined to release the transcript of his telephone conversation to end the wild speculation and to set the record straight.
- The President believes his private conversations with world leaders should be kept confidential and made this exception in the interests of transparency because of the amount of misinformation being spread in the press.
- The idea that someone can hear a second-hand account of a confidential conversation and use it in a complaint to start a partisan investigation fundamentally undermines the office of President.
- This is just another example of the "Deep State," the media, and Democrats damaging our national security for political gain.

**This complaint was handled absolutely by the book and it was properly determined that no further action should be taken.**

- After receiving the complaint from the ICIG, the DNI appropriately consulted with the Office of Legal Counsel (OLC) at the Department of Justice.
- OLC determined that this complaint did not fall within the scope of the Intelligence Community Whistleblower Protection Act, and, therefore, that the DNI was not required to send the complaint to the intelligence committees.
- The DNI did not forward the complaint because it implicated significant, constitutionally based Executive Branch confidentiality interests and there was no applicable statutory requirement.
- While the DNI determined that the complaint should not be sent to Congress, that did not end the review of the complaint. To the contrary, the complaint was given to DOJ for appropriate review.
- DOJ officials reviewed the complaint in light of the legal issues identified by the ICIG in his cover letter to the DNI and determined that no further action was warranted.

###

Message

**From**: Jackson, Ryan [jackson.ryan@epa.gov]
**Sent**: 10/15/2018 10:39:28 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject**: Fwd: Deregulation Meeting
**Attachments**: Acting Adm Wheeler Deregulation Meeting.pdf; ATT00001.htm

I just received this. We'll prepare some material.

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

Begin forwarded message:

**From:** "Mocarski, Ashley D. EOP/WHO" Ex. 6
**Date:** October 15, 2018 at 5:27:59 PM CDT
**To:** Ryan Jackson <jackson.ryan@epa.gov>
**Cc:** "McGinley, William J. EOP/WHO" Ex. 6 "Connor, Cameron M. EOP/WHO" Ex. 6 "McBride, Emily J. EOP/WHO" Ex. 6
**Subject: Deregulation Meeting**

Ryan –

Please see the information attached for the run of show before the cabinet meeting on Wednesday. Call with any questions.

Ashley D. Mocarski
Senior Director for Cabinet Affairs | Office of Cabinet Affairs
(202) 456-7644 desk Ex. 6

THE WHITE HOUSE
WASHINGTON

# DEREGULATION STAKEHOLDER MEETING

**WHEN:** Wednesday, October 17, 2018
11:00 a.m. – 11:30 a.m.

**LOCATION:** Oval Office

**FORMAT:** Meeting

**PRESS PLAN:** CLOSED, with an official photographer. White House Press will release photographs from the meeting.

**ATTIRE:** Business

**Benson Walker, Professional Miner**
Benson Walker is a born and raised Kentuckian. He received and Bachelor of Arts degree from the University of Central Florida and returned home to Morganfield, KY where he lives today with his family. Throughout his career in mining Benson has done everything from being a roof bolt operator to mechanic to his current position as a surveyor for the Riverview Coal Mine in Western Kentucky. Riverview Coal Mine is operated by Alliance Resource Partners and just recently announced the hiring of 100 new employees as the resurgence in the coal mining industry continues to grow. The mining industry has seen a tremendous boost to the industry since President Trump took office in 2017. The mining industry has also been stimulated by the regulatory relief it has received in the first 18 month of the Administration. Examples of this relief include the EPA's Affordable Clean Energy rule which replaced the job killing Clean Power Plan. The lifting of the coal leasing moratorium, which has renewed interest in mining on federal land. When the President signed legislation nullifying the Stream Protection Rule he literally saved tens of thousands of jobs in the mining industry. The mining industry looks forward to working with the Trump Administration to continue to provide the resources that power the country.

**INTERNAL PARTICIPANTS:**

General John Kelly, *Assistant to the President and Chief of Staff*
Ryan Zinke, *Secretary of the Interior*
Sonny Perdue, *Secretary of Agriculture*
Elaine Chao, *Secretary of Transportation*
Mick Mulvaney, *Director of the Office of Management and Budget*
Linda McMahon, *Administrator of the Small Business Administration*
Andrew Wheeler, *Acting Administrator of the Environmental Protection Agency*

Chris Liddell, *Assistant to the President and Deputy Chief of Staff for Policy Coordination*
Jared Kushner, *Assistant to the President and Senior Advisor to the President*
Kellyanne Conway, *Assistant to the President and Senior Counselor to the President*
Mercedes Schlapp, *Assistant to the President and Senior Advisor for Strategic Communications*
William McGinley, *Assistant to the President and Cabinet Secretary*
Brooke Rollins, *Assistant to the President*
Justin Clark, *Deputy Assistant to the President and Director of the Office of Public Liaison*
Neomi Rao, *Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget*

**EVENT BACKGROUND:**

This meeting will highlight the Administration's regulatory removal of redundancies, burdensome red tape, and cost saving actions. President Donald J. Trump promised to revive the American economy by getting rid of unnecessary, outdated, and duplicative regulatory burdens. It will also showcase the Administration's movement toward cutting red tape and easing regulatory burdens that were hurting farmers, fisherman, factory workers, small businesses, and the American economy.

The Trump Administration has ushered in economic freedom and prosperity by reining in unnecessary regulations and making excessive federal overreach a policy of the past. Building from the momentum spurred by Executive Order 13771 and Executive Order 13789, which reexamined and prioritized burdensome regulations that limit market forces and led to a 23 to 1 reduction in rules and regulations on the Federal Registry.

American Taxpayers and businesses now have more liberty and the ability to freely pursue the American dream of life, liberty and the pursuit of happiness. They can invest more into their families and businesses, hire more and better employees, and continue to grow. Under President Trump's leadership, the United States has once again established itself as a beacon of opportunity for both personal and economic freedom.

**SEQUENCE OF EVENTS:**

10:45 a.m. Acting Administrator Wheeler arrives the West Wing and proceeds to the Roosevelt Room.

11:00 a.m. The participating Cabinet Members and stakeholders enter the Oval Office and the meeting with the President begins. The President discusses the successes of the Administration's deregulation policies with the meeting participants.

11:20 a.m. The meeting concludes, and the participating Cabinet Members depart the Oval Office and enter the Cabinet Room for the Cabinet Meeting.

Message

**From**: Humphreys, Hayly [humphreys.hayly@epa.gov]
**Sent**: 12/10/2018 4:33:44 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject**: RE: Deliberative and FOIA Exempt

Yes sir. Printing now.

**Hayly Humphreys**
Office of the Administrator
U.S. EPA

**From:** adm15.arwheeler.email
**Sent:** Monday, December 10, 2018 11:33 AM
**To:** Humphreys, Hayly <humphreys.hayly@epa.gov>
**Subject:** Fwd: Deliberative and FOIA Exempt

Can you make copies of this for my 12:30. Thanks.

Sent from my iPhone

Begin forwarded message:

> **From:** "Brooke, Francis J. EOP/WHO" Ex. 6
> **Date:** December 7, 2018 at 5:36:26 PM EST
> **To:** "Andrew Wheeler (adm15.arwheeler.email@epa.gov)" <adm15.arwheeler.email@epa.gov>
> **Subject: Deliberative and FOIA Exempt**

Message

**From:** Lyons, Troy [lyons.troy@epa.gov]
**Sent:** 2/1/2019 4:50:40 PM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Konkus, John [konkus.john@epa.gov]
**Subject:** FW: Governor Cooper to Acting Administrator Wheeler on PFOA / PFOS
**Attachments:** Cooper to Wheeler on PFOA PFOS.pdf

---

**From:** McCleskey, James <jim.mccleskey@nc.gov>
**Sent:** Friday, February 1, 2019 11:47 AM
**To:** Lyons, Troy <lyons.troy@epa.gov>; Hoelscher, Douglas L. EOP/WHO
Ex. 6 Pottebaum, Nic D. EOP/WHO
Ex. 6
**Cc:** Whichard, Jordan <Jordan.Whichard@nc.gov>; Stallard, Lorea A <lorea.stallard@nc.gov>
**Subject:** Governor Cooper to Acting Administrator Wheeler on PFOA / PFOS

Good morning all

FYSA attached---

***To contribute to the North Carolina Disaster Relief Fund to benefit survivors of Hurricane Florence, please click here.***

**Jim McCleskey**
**Director, North Carolina Washington Office**
**444 North Capitol Street NW, Suite 332**
**Washington DC 20001**
**o) 202-624-5833**
**m) 984-218-0086**
**jim.mccleskey@nc.gov**

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# Office of the Governor
## State of North Carolina

Roy Cooper
Governor

20301 Mail Service Center
Raleigh, N.C. 27699-0301

February 1, 2019

Mr. Andrew Wheeler, Acting Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator Wheeler:

I am writing to express concern on behalf of the state of North Carolina about your agency's reported decision not to set standards for compounds that are causing serious concerns about drinking water in North Carolina and across the country.

Choosing not to set science-based standards for PFOA and PFOS runs contrary to the EPA's promises last summer to the people of our state during public meetings. This absence of federal leadership adds to the burdens of uncertainty as states like North Carolina see more instances of these emerging compounds in our wells and drinking water.

Only with national regulatory standards can states have a shared, consistent benchmark for regulating substances like PFOA and PFOS. Science rarely moves quickly, but partnerships and collaboration built on a foundation of data can jump start our understanding of emerging compounds to set science-based regulatory standards. It is vital to the public trust that all Americans be confident in their access to safe drinking water. The EPA's failure to act robs them of that peace of mind.

A choice by the EPA to refuse standards will continue to weigh heavily on overburdened and under resourced state and local governments that are working to inform people about emerging compounds and protect them from harm. Ignoring real questions about water quality and failing to issue standards reduces confidence that water is safe.

Location: The State Capitol Building, Raleigh, N.C. 27602
Phone: 919-814-2100

I urge the EPA to use its resources to partner with states to better understand and set important standards for PFOA and PFOS. It is our shared responsibility to protect drinking water for the people who rely on it.

With kind regards, I am

Very truly yours,

Roy Cooper

Roy Cooper

RAC/sm

cc: North Carolina Congressional Delegation

Message

**From**: Beach, Christopher [beach.christopher@epa.gov]
**Sent**: 8/20/2018 3:36:42 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
**CC**: Molina, Michael [molina.michael@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Konkus, John [konkus.john@epa.gov]
**Subject**: RE: OPED

Great, thank you. We will make those changes.

**From:** adm15.arwheeler.email
**Sent:** Monday, August 20, 2018 10:29 AM
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
**Cc:** Molina, Michael <molina.michael@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Konkus, John <konkus.john@epa.gov>
**Subject:** Re: OPED

Overall very good.

**Ex. 5 - Deliberative Process**

Sent from my iPhone

On Aug 20, 2018, at 9:11 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

> Can you please take a look at the attached and let us know your thoughts? This has gone through White House Staff Sec review (NEC/CEQ/DOE/OMB). OAR/OGC reviewed their edits this morning. For purposes of meeting the drop dead placement deadline, can you please get us your edits by noon (EST) or as soon as possible. Drop dead deadline for placement is 2 pm.
>
> **Mandy M. Gunasekara**
> Principal Deputy Assistant Administrator
> Office of Air and Radiation
> US Environmental Protection Agency
>
> <OPED ACE Clean_FINAL DRAFT 2018 08 20.docx>

Message

**From**: Traylor, Patrick [traylor.patrick@epa.gov]
**Sent**: 3/12/2019 9:54:03 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject**: NCI Summary Briefing
**Attachments**: Proposed Changes to National Compliance Initiatives (March 12, 2019).docx

I didn't get the NCI briefing you requested in your binder this evening, so I'm emailing it instead. Natasha will also have a hard copy for you in the morning.

**Patrick Traylor**
Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
202.809.8796 (m)
202.564.5238 (o)

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Message

**From:** EPA Press Office [press@epa.gov]
**Sent:** 9/24/2019 3:00:37 PM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject:** EPA Takes Action to Ensure California Meets Nation's Air Quality Standards

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

# EPA Takes Action to Ensure California Meets Nation's Air Quality Standards

**WASHINGTON** (Sept. 24, 2019) — Yesterday, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Air Resource Board (CARB) Chairman Mary Nichols notifying her of the Trump Administration's forthcoming action to eliminate its backlog of California State Implementation Plans (SIPs). This action is a necessary step toward ensuring compliance with EPA's National Ambient Air Quality Standards (NAAQS) designed to ensure that all Americans have clean air.

"California has failed to carry out its most basic responsibilities under the Clean Air Act, and as a result, millions of Californians live in areas that do not meet our nation's air quality standards," **said EPA Administrator Andrew Wheeler.** "EPA stands ready to work with California to meet the Trump Administration's goal of clean, healthy air for all Americans, and we hope the state will work with us in good faith."

The state of California represents a disproportionate share of the national list of backlogged SIPs, including roughly one-third of EPA's overall SIP backlog. As most of these California SIPs are inactive and do not meet the minimum threshold of public health protection necessary for approval, they must either be redone or withdrawn. As a first step, EPA is calling on California to immediately withdraw inactive SIPs that would most likely be denied. If California does not withdraw the inactive SIPs in a timely manner, EPA will begin the process of evaluating these SIPs for disapproval and developing Federal Implementation Plans that are approvable and will protect public health.

Disapproval of a SIP triggers statutory clocks for:

- Highway funding sanctions, which could result in a prohibition on federal transportation projects and grants in certain parts of California.

- New Source Review permitting sanctions.
- A deadline for the issuance of a Federal Implementation Plan (FIP).

"We certainly want to avoid these statutory triggers, but our foremost concern must be ensuring clean air for all Americans. That is our goal," **added Wheeler.**

EPA has made reviewing and approving or disapproving of SIPs a priority to meet its goal of providing regulatory certainty with regard to Clean Air Act implementation. This is particularly relevant for SIPs, which provide important air quality benefits to impacted communities. California's extensive backlog is due to approvability issues, state-requested holds, missing information, or resources. California has the worst air quality in the United States, with 82 nonattainment areas and 34 million people living in areas that do not meet NAAQS—more than twice as many people as any other state in the country.

**Background**

A SIP is a collection of regulations and documents used by a state, territory or local air district to reduce air pollution in areas that do not meet NAAQS. EPA has established the NAAQS for six criteria air pollutants known to be harmful to human health: carbon monoxide, lead, nitrogen oxide, ozone, particulate matter, and sulfur dioxide. SIPs provide a plan for implementation, maintenance and enforcement of the NAAQS in each state. To learn more, visit https://www.epa.gov/sips/basic-information-air-quality-sips#what-is-a-sip.

# # #

Visit The EPA's Newsroom

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

**From**: Lyons, Troy [lyons.troy@epa.gov]
**Sent**: 5/9/2019 2:27:22 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]
**Subject**: Pallone PFAS Legislation

Yesterday, Chairman Frank Pallone (D-NJ) introduced the *Providing Financial Assistance for Safe Drinking Water Act (PFAS Drinking Water Act).* The legislation would establish a new EPA grant program ($500,000,000 for each FY FY2021-FY2025) for the treatment of PFAS contamination, and required the agency to publish guidance on the program within 12 months.

Priority for funding would be based on 1) disadvantaged community, 2) a community that will provide at least 10% cost share, 3) ability to demonstrate the capacity to maintain treatment technology

**Troy M. Lyons**
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
202-309-2490 (cell)

Message

**From**: Hewitt, James [hewitt.james@epa.gov]
**Sent**: 5/31/2019 2:57:14 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**CC**: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Konkus, John [konkus.john@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]
**Subject**: 2019 media interviews to date
**Attachments**: Admin Wheeler 2019 Media Clips.xlsx

Sir,

Please see the attached spreadsheet that lists your 2019 media interviews/press availabilities to date.

Best,
James

James Hewitt
Environmental Protection Agency
Press Secretary
(202) 578-6141

TV

| DATE | OUTLET |
|---|---|
| 4-Feb | Bloomberg TV |
| 13-Feb | ABC Live |
| 4-Mar | Fox News |
| 18-Mar | Ag Day TV |
| 20-Mar | CBS |
| 22-Apr | Cheddar |

RADIO/Other Broadcast

| | |
|---|---|
| 2-Mar | WMAL |
| 2-Mar | Fox News Radio |
| 2-Mar | Lars Larson Show |
| 2-Mar | America First |
| 2-Mar | Daily Signal Podcast |
| 2-Mar | Daily Caller Video |
| 2-Mar | Breitbart Video |
| 29-Mar | KOA (Denver) |
| 3-Apr | KMOX (St. Louis) |
| 3-Apr | WPHT (Philadelphia) |
| 12-Apr | Agri Pulse Open Mic Podcast |
| 30-May | WSPF (Toldeo) |
| 30-May | WISN (Milwaukee) |
| 31-May | WHO |
| 31-May | Radio Iowa |

Open Press Availabiltiy

| DATE | CITY |
|---|---|
| 14-Feb | Philadelphia |
| 4-Mar | New York |
| 22-Mar | Cincinatti |
| 29-Mar | Denver |
| 5-Apr | Miami |
| 12-Apr | Lexington |
| 22-Apr | Washington, DC |
| 13-May | Minden, WV |

Exclusive Interviews

| DATE | OUTLET |
|---|---|
| 25-Mar | BNA |
| 29-Mar | Western Wire |
| 10-Apr | Reuters |
| 12-Apr | Associated Press |
| 1-May | Financial Times |
| 3-May | Agence France Press |
| 19-May | The Washington Post |
| 31-May | The Wall Street Journal |

HOST
Emily Chang
Devin Dwyer
Charles Payne (filling in for Cavuto)
Clinton Griffiths
Major Garrett
JD Durkin

Host
Larry O'Connor
Guy Benson
Lars larson
Seb Gorka
Rob Bluey
Michael Bastasch
Sean Moran
April Z.
Mark Reardon
Rich Zeoli

Scott Sands
Mark Belling
Jeff Angelo
Dar Danielson

TOPIC
PFAS announcement
Superfund announcement
Lab Visit
Water facility tour
WIFIA announcement
food waste event press availability
Marine litter press conference with Japanese ambassador
Superfund announcement

TOPIC
Cincinatti visit
Wide-ranging
Wide-ranging
visit to Kentucky
G7 preview
visit to Europe
EPA delegating to states
E15 announcement

LINK

https://www.bloomberg.com/news/videos/2019-02-04/epa-and-california-far-apart-on-emissions-acting-administrator-
https://abcnews.go.com/US/video/epa-chief-andrew-wheeler-sits-abc-news-61058307
https://www.foxnews.com/transcript/epa-administrator-green-new-deal-makes-a-lot-of-promises-i-dont-think-can-be-a
https://www.agweb.com/article/epas-wheeler-dedicated-to-clear-concise-wotus-rule/
https://www.cbsnews.com/news/epa-administrator-andrew-wheeler-exclusive-interview/
https://cheddar.com/media/epa-can-protect-the-environment-and-deregulate-agency-head-claims

https://omny.fm/shows/the-larry-o-connor-show/andrew-wheeler-on-the-larry-oconnor-show-03-01-19
https://townhall.com/tipsheet/cortneyobrien/2019/03/04/epa-chief-tells-us-the-real-biggest-threat-to-the-environmen
http://larslarsoninterviews.alphamediausa.libsynpro.com/-andrew-wheeler-whats-your-plan-as-the-new-head-of-the-ep

https://www.dailysignal.com/2019/03/04/new-epa-chief-implementing-trumps-energy-dominant-environmentally-frien
https://dailycaller.com/2019/03/05/andrew-wheeler-secret-science-epa/
https://www.breitbart.com/politics/2019/03/02/exclusive-epa-administrator-andrew-wheeler-green-new-deal-activists-

https://omny.fm/shows/mark-reardon-show/april-3rd-2019-2-3pm
https://omny.fm/shows/rich-zeoli/white-house-opportunity-zone-and-revitalization-co
https://www.agri-pulse.com/media/podcasts/85-agri-pulse-open-mic-interview/play/9897-epa-administrator-andrew-w
https://www.iheart.com/podcast/139-the-scott-show-27091419/episode/epa-administrator-andrew-wheeler-discusses-
https://www.iheart.com/podcast/139-The-Mark-Belling-Show-24992319/episode/53019-epas-wheeler-joins-mark-at-45

LINK

https://news.bloombergenvironment.com/environment-and-energy/better-to-work-with-farmers-on-lake-erie-issues-ep
http://westernwire.net/epas-wheeler-talks-ozone-water-infrastructure-in-denver-visit/
https://www.reuters.com/article/us-usa-epa-text/text-transcript-of-reuters-interview-with-epa-administrator-andrew-w
https://www.apnews.com/50477c032631417989d1e540ebd1b9db
https://www.ft.com/content/8e606d04-6b35-11e9-80c7-60ee53e6681d
https://www.lapresse.ca/actualites/environnement/201905/03/01-5224528-bannir-les-pailles-en-plastique-ne-sauvera-
https://www.washingtonpost.com/national/health-science/states-arent-waiting-for-the-trump-administration-on-envirc
https://www.wsj.com/articles/trump-administration-lifts-summer-ethanol-ban-11559275260

Message

**From:** Sullivan, Melissa [sullivan.melissa@epa.gov]
**Sent:** 9/12/2019 8:06:35 PM
**To:** AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
**Subject:** Daily Press Clips 09/12/19

**Daily Press Clips**
**September 12, 2019**

**Agency**
https://www.eenews.net/greenwire/2019/09/12/stories/1061114809
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**GreenWire**
**"Political staffer nixed EPA concerns on major Alaska project"**
https://www.eenews.net/greenwire/2019/09/12/stories/1061114809
**Ariel Wittenberg**

EPA scrapped objections to a massive proposed natural gas pipeline in Alaska two years ago after developers spoke to a high-ranking political appointee, documents obtained under the Freedom of Information Act show.

Office of Water Deputy Assistant Administrator Lee Forsgren, then the top-ranking political appointee in the office, spoke with representatives from the Alaska Gasline Development Corp. (AGDC) just one week before EPA was set to send a letter to the Army Corps of Engineers restating concerns with AGDC's planned Alaska Stand Alone pipeline project.

EPA had previously expressed concerns that the 733-mile-long, 36-inch-diameter natural gas transmission line, planned to span the state from Prudhoe Bay to an existing pipeline system in south-central Alaska, would irrevocably damage wetlands in the Yukon River Basin.

But after speaking with Forsgren on Sept. 21, 2017, AGDC's Senior Vice President for Program Management Frank Richards emailed Forsgren, thanking the Trump appointee for "letting us know that there will not be a [second] letter from EPA to the [Army] Corps."

"That is a big relief for us," he wrote.

Sources have previously told E&E News that EPA scientists had already drafted a second letter objecting to the Alaska Stand Alone pipeline when political appointees at headquarters stepped in (Greenwire, July 22).

EPA Region 10 never did send a second letter to the Army Corps.

Instead, the corps issued a permit for the pipeline eight months later, ignoring EPA's concerns that AGDC hadn't done enough to minimize impacts to wetlands or to compensate for the destruction the project would cause by preserving or restoring similar nearby wetlands.

Neither Forsgren nor Richards responded to requests for comment.

EPA spokeswoman Molly Block wrote in an email that "EPA's involvement in the Corps' permitting process on the Alaska Standalone Pipeline was consistent with applicable requirements under the Clean Water Act and its implementing regulations."

"The agency consistently works with states — as we did with Alaska on this project — and assists the Corps with its permitting process," she wrote.

The incident sheds light on the "elevation" process EPA can draw on to object to the Army Corps' Clean Water Act permitting process for projects that would damage wetlands or other aquatic resources, like rivers and streams.

The process, and the role Trump administration political appointees play in it, came under new scrutiny this summer when EPA eschewed a decades-old agreement outlining the process in its response to a permit for the controversial Pebble mine planned for Alaska's Bristol Bay (Greenwire, July 29).

Here's how the elevation process is supposed to work: When EPA disagrees with the Army Corps' Clean Water Act permitting process or has concerns about a particular project, it can send two letters, 25 days apart, outlining those objections. Under an agreement between the two agencies crafted in the 1990s, the two letters must contain specific language. The first must describe how a project "may affect" an "Aquatic Resource of National Importance," and the second must describe how the project "will affect" the "Aquatic Resource of National Importance."

A permit will only be elevated, and considered by the headquarters of each agency, if EPA sends both letters.

EPA sent its first letter on the Alaska Stand Alone pipeline on Aug. 29, 2017. It expressed concern that the project would permanently destroy 7,573 acres of wetlands within the Yukon River Basin and urged the Army Corps Alaska District to consider requiring AGDC to take steps to minimize those impacts by elevating parts of the pipeline above ground. EPA also criticized AGDC for proposing to offset only 1% of wetlands destroyed by the pipeline.

"Overall, the EPA believes that such extensive, unmitigated destruction and degradation of wetlands and aquatic resources, particularly in aquatic resources underlain by permafrost, may not comply" with the Clean Water Act, the agency wrote. "Given the importance of the Yukon basin wetlands and water resources for the support of fisheries, wildlife and subsistence, commercial and recreational use by humans, the EPA concludes that these resources are Aquatic Resources of National Importance."

But that phrase apparently alarmed AGDC.

Two weeks later, Kelly Johnson, an attorney representing the group, emailed then-EPA policy chief Samantha Dravis asking whom to talk to about the letter.

"We have run into a situation where EPA Region 10 has indicated that they believe the Yukon River drainage system (approximately 1/4 of the State) may be an Aquatic Resource of National Importance (ARNI) under the Clean Water Act," Johnson wrote. "AGDC (and I believe the Administration of Governor Walker) strongly disagrees with such a designation."

Dravis forwarded the email to two advisers to then-EPA Administrator Scott Pruitt, who sent it to Forsgren at the Office of Water.

"I would be happy to speak with you regarding the issue," replied Forsgren, who has his own Alaska connections: He worked as a staffer for Alaska Republican Rep. Don Young in the 1990s (Greenwire, May 31, 2018).

In her response, on Sept. 18, 2017, Johnson noted that EPA had just one week to send its second letter, fulfilling the elevation process, and that "AGDC wants to ensure that Region 10 not take any further action until AGDC/State of Alaska have had a chance to explain to you why the ARNI decision is inappropriate and problematic."

She requested both a phone call and in-person meeting about the decision, and sent Forsgren a letter written by AGDC's Richards explaining that his group — and the state of Alaska — feared labeling the Yukon River as an ARNI would not only slow down permitting for the pipeline but also could bolster environmental groups' challenges to all kinds of infrastructure permits in the watershed, which stretches 200,000 square miles from the Canadian border to the end of the Yukon Delta at the Bering Sea.

"[T]he State of Alaska is concerned that the ARNI decision will have broad-reaching impacts to all development activities in the Yukon River basin, including the proposed Alaska LNG gas pipeline, and any infrastructure projects, whether they be airports, schools, roads, or water and sewer systems requiring fill to be placed in wetlands," he said. "This could impact public safety, increase costs, and set a terrible precedent that the State of Alaska will have to endure for the foreseeable future."

The letter was also sent to members of Alaska's congressional delegation, including Forsgren's old boss.

Richards also wrote that using the elevation process "appears contrary" to President Trump's initiatives to streamline permits for energy development projects.

While Richards acknowledged that the label "is a temporary designation" only applicable to the interagency elevation process between EPA and the Army Corps, he wrote, "The designation could live on and be used by project opponents. The designation only causes confusion, and can be misinterpreted by special interests to oppose projects."

Richards and Forsgren spoke three days later, after which Richards sent Forsgren the email thanking him for agreeing to nix the second letter.

He concluded his email: "[I] hope that you will let Region 10 know your opinion."

Forsgren's agreement with Richards predated a letter then-Gov. Bill Walker (I) sent Pruitt on Oct. 4, 2017, outlining similar "grave concerns" with the ARNI designation for the Yukon River Basin and arguing that the use of the elevation process would be contrary to the Trump administration's efforts to streamline permitting.

EPA Region 10's "recent actions appear to be an attempt to add significant risk or delay to this project," Walker wrote.

Pruitt would ultimately agree with Walker in a December letter, confirming that EPA would not elevate the permit project, though the deadline had passed months earlier.

Forsgren's correspondence with Richards comes to light as EPA is facing new scrutiny for its use of the "elevation" process on Alaska infrastructure projects.

This summer, EPA General Counsel Matthew Leopold announced the agency would scrap a 2014 proposed veto of the controversial Pebble mine in favor of using the elevation process.

While Leopold called the elevation process a "well-understood" process that would represent a "significant step toward restoring order to this protracted and uncertain process," EPA did not send its second letter before its July deadline.

Instead, EPA sought a 90-day extension from the Army Corps and now must decide whether to send a letter with the "will affect" language by Oct. 24.

Asked about EPA's departure from regular order for Pebble mine, Block noted that "EPA has been working with the Corps as part of the Corps' permit review process" and that the agency sent a nearly-200-page comment letter on the environmental review.

She noted that the 90-day extension was granted by the Army Corps.

"At the end of this extension period, EPA will assess and determine next steps," she wrote.

**GreenWire**
**"Agency pushes for union talks, limits on telework"**
https://www.eenews.net/greenwire/2019/09/12/stories/1061114857
**Kevin Bogardus**

EPA's management has opened up negotiations with several of its employee unions amid concern from labor officials over potential new restrictions on telework.

The talks come after EPA leadership earlier this summer imposed a contract on its largest union — American Federation of Government Employees Council 238, which represents the majority of the agency's workforce, at about 8,000 employees. The contract limited telework, restricted grounds for submitting grievances, barred union use of agency office space, and curbed "official time," paid work hours used for union business.

Emails, memos and other records obtained by E&E News show that EPA has taken a tough line with its other unions, pushing for quick talks and proposing to scrub prior contracts.

EPA is now in discussions with the National Treasury Employees Union, the agency's second largest union, over ground rules for contract negotiations. The union was given notice in late July that the agency would end its contract once it expires in October.

"This email is the Environmental Protections [sic] Agency's notice of its intention to terminate the full collective bargaining agreement effective October 8, 2019," said the message from an EPA labor and employee relations specialist. "The Agency will submit proposals to negotiate terms to replace the terminated collective bargaining agreement."

NTEU soon after contacted its union officials at EPA, asking them to spread the word among members and have them take a survey and provide personal contact information. NTEU President Tony Reardon also noted in a memo that a provision in the union's contract says it "shall continue in full force" until a new deal was reached.

NTEU's survey found widespread worry among its members over possible changes to workplace life, including telework. Nearly 600 EPA employees responded to the survey, with 75% believing that reducing or ending telework would "play a role" in their decision to retire or find another job, while 83% said morale would decrease if rights in the current contract were affected, according to the poll's findings.

EPA and NTEU have traded proposals over ground rules for the negotiations. The agency, however, has already suggested a federal mediator should join the discussions.

In an email last month, a senior labor attorney at EPA told NTEU "there is a significant divide" between their proposals for ground rules.

"I think we would benefit from [Federal Mediation and Conciliation Service] intervention at this point. I do not believe we are at impasse, but I believe the inclusion of a third party would be beneficial," said the attorney, who also called for the union not to wait until October.

"This is an Agency priority, and there is no need for such a delay."

In a statement shared with E&E News, Reardon said EPA and NTEU "are in the early stages of bargaining a new contract" and the union "will insist on good faith negotiations" for "a mutually-agreed upon collective bargaining agreement."

"This administration, however, has a mixed record on contract bargaining and we are keenly aware that some agencies — including EPA — have used this process to illegally take away employee rights and benefits and undermine labor-management relations," Reardon said.

"We do not know yet exactly what changes in the contract EPA management will seek, but the EPA employees we represent are committed to the mission of the agency. Any attempt to roll back their long standing telework programs — especially in densely populated cities with long commutes — would be problematic."

NTEU represents about 2,100 EPA employees through four chapters based in the agency's headquarters, regional and other offices across the country. Its current contract with EPA includes a full-time telework option for employees.

Under the contract EPA imposed on AFGE's bargaining unit employees at the agency, they are required to report to their work site four days per week, thus allowing one day of telework a week.

NTEU union officials are watching the contract talks with EPA.

"This is one of the few times that politics reaches down in the heartland and affects our day-to-day lives here in Lenexa, Kan.," said Lisa Hanlon, president of NTEU Chapter 294, which represents EPA Region 7 employees. She noted that telework "affects when people can pick up their kids from school, whether they can drop them off at school."

Michael Ottlinger, president of NTEU Chapter 279, said circumstances involving AFGE were "unique."

"I don't think NTEU is in a comparable situation yet. I think we will be concerned if we have to go to the [Federal Service Impasses Panel]," said Ottlinger, who works in EPA's Cincinnati office. "I don't think the impasse panel has a particularly supportive attitude towards unions."

One NTEU union official at EPA said "there is a lot of anxiety" about the contract talks with the agency.

"People keep coming up and asking if the same thing that happened to AFGE, the limitations on telework, is going to happen to NTEU," said the union official. "We are supposed to be an agency that cares about the environment. Making people commute more is anti-environment."

AFGE, meanwhile, is pushing for legislation that could void its contract with EPA.

Earlier this month, the union sent reporters a letter from lawmakers calling on Democratic House leaders to include a provision that would withhold funds from enforcing agencies' collective bargaining agreements not agreed upon by parties in final spending legislation for fiscal 2020. Like EPA, other agencies under the Trump administration have imposed contracts over union protests.

An AFGE spokesman told E&E News that the Federal Labor Relations Authority continues to investigate the union's unfair labor practice complaint against EPA, and the agency has not agreed to go back to the bargaining table.

EPA said AFGE declined to bargain its contract.

"EPA has sent notice and attempted to negotiate telework with AFGE, however AFGE refused to bargain with the Agency. Therefore, EPA implemented its initial contract proposal for the AFGE bargaining unit, which included telework," EPA spokesman Michael Abboud told E&E News in a statement. "Some EPA employees have also been asking why they are required to be part of the bargaining unit."

President Trump last year issued a series of executive orders that targeted federal workers, which included provisions similar to those in EPA's imposed contract with AFGE. A district court challenge against the orders won by unions was tossed earlier this year by a federal appeals court, which unions have since appealed.

New telework policy?

Changes also may be looming for telework across EPA.

E&E News obtained a draft order that would revise a prior directive on telework policy, limiting its practice. The order was requested for comment at the agency in late July.

The draft order says EPA employees should report to their work sites three days per week. "Regular telework may not exceed two days per week," according to the document. In addition, employees cannot conduct regular telework outside their "local commuting area."

EPA's prior order on telework, issued in January 2016, said employees can telework up to full time.

The draft order covers non-bargaining unit employees, like managers, members of the Senior Executive Service and Schedule C political appointees. EPA employees covered by unions' collective bargaining agreements, however, have to adhere to those agreements, including on telework.

EPA press officials didn't address in their statement a question on whether the draft order on telework has since been finalized.

"What is most striking to me is the variance between collective bargaining agreements and what this policy states," said Stan Meiburg, a former longtime EPA official who served as acting deputy administrator during the Obama administration. One day of telework is allowed under EPA's contract imposed on AFGE versus two days of telework for managers and other top officials under the draft order.

"I think it is going to be hard to argue that it is equitable," said Meiburg, who is now a sustainable studies professor at Wake Forest University.

Union officials blasted the order. Bethany Dreyfus, president of AFGE Local 1236, which represents EPA Region 9 employees, said, "It shows the arbitrary nature of these requirements."

"It is a kind of union-busting," Dreyfus said. "It is telling folks that if they got rid of their union, they might get an extra day a week to telework."

Meiburg also questioned whether the order would be too rigid for EPA.

"Telework is always about what is most effective for the agency. The question I have is: Would the policy be flexible enough to be in the interest of the agency?" he said. "For example, what if the agency wanted to retain an employee who was moving out of the local commuting area?"

Union talks going forward

EPA also has pushed forward on contract negotiations with other unions, proposing to limit telework for their bargaining unit employees, too.

The EPA unit of Engineers and Scientists of California, IFPTE Local 20, and the agency earlier this month signed off on ground rules for such talks, which are expected to begin in November.

EPA has already proposed a new collective bargaining agreement for the union. It's similar to the contract imposed on AFGE, including a provision that requires employees to report to the work site four days per week. Mark Sims, the union's president, said he considers the offer "a slap in the face."

"I have had people tell me in the bargaining unit that I love working at the agency, but if they restrict telework to one day per week, I'm going to leave. People have already told me that," Sims said. "I would love the agency to make their business case for restricting telework. I would love to hear how that promotes the efficiency of the service."

ESC represents about 250 EPA employees, including scientists, engineers and accountants, who work in EPA Region 9. Under its telework agreement, employees represented by the union can telework up to full time.

Some talks with EPA unions were initiated in 2018, with formal negotiations now coming later this year.

In April 2018, EPA gave notice to National Association of Government Employees Local R1-240 that it wanted to negotiate the union's contract. The two have traded proposals and earlier this month signed ground rules for negotiations, which are expected to begin in October.

One of EPA's contract proposals for the union scrubbed its prior agreement, including the provision on telework in its entirety.

"They are proposing to gut it. They have crossed out everything in the original CBA — the preamble, the table of contents, everything," said Lesley Mills, president of NAGE Local R1-240, which represents about 60 EPA employees who work in its Atlantic Ecology Division in Narragansett, R.I. "They are targeting telework. The agency has done a complete 180. They have gone from wanting telework, seeing it as a budget-saving approach, to basically badmouthing telework."

Leah Oliver, president of National Association of Independent Labor Local 9, said her union received notice from EPA management in June 2018 that it wished to terminate its contract. Since then, the agency and the union have signed off on ground rules and have been bargaining over the contract, agreeing to two dozen of its articles, Oliver said.

Still, Oliver said higher management at EPA wants to reduce telework and otherwise restrict flexibility in employees' work schedules. She noted that the collective bargaining agreement for the union, which represents about 40 EPA employees stationed at the Gulf Ecology Division in Gulf Breeze, Fla., had been in place for three decades.

"No clear business case has been presented for changing what works well here," Oliver said in an email. "NAIL's constructive relationship with local management is not factored into current negotiations, in that local managers are not included at the table."

Abboud with EPA said, "EPA will follow the negotiation process with each of its labor organizations, including the National Treasury Employees Union, Engineers and Scientists of California, and National Association of Government Employees, and the National Association of Independent Labor in Gulf Breeze, FL."

The EPA spokesman added, "Currently, the parties are in negotiations on all four of these contracts, therefore EPA will not discuss current negotiation strategy or proposals."

EPA's taking a tougher approach with unions has riled its employees. The NTEU official said they believe it is meant to encourage staff to leave the agency.

"We think their ultimate motive is to reduce the workforce," the union official said. "They tried it through the budget process, but Congress restored the funding. So the only other way is to make the workplace so unfriendly that people choose to move elsewhere."

**Air**
https://www.eenews.net/climatewire/2019/09/12/stories/1061113587

**ClimateWire**
**"Hospitals pump CO2 into atmosphere — report"**
https://www.eenews.net/climatewire/2019/09/12/stories/1061113587
**Maya Earls**

Health care is a major contributor to the greenhouse gas emissions that help make people sick, according to a new report.

The report released Tuesday by Health Care Without Harm in collaboration with Arup found that the global health care sector accounts for 4.4% of global net emissions. To put it another way, if the health sector were a country, it would be the fifth-largest emitter on the planet.

"Not only are doctors, nurses and health facilities all first responders to the impacts of climate change, but hospitals and health care systems paradoxically make a major contribution to the climate crisis," said Josh Karliner, international director of program and strategy for Health Care Without Harm and one of the authors of the report.

The top three health care emitters are the United States, China and the European Union, according to the report. The U.S. health sector produces 57 times more emissions per person than India. With health care accounting for 18% of the GDP, there is a real opportunity for the U.S. sector to move the market and lead the transition to a low-carbon economy, said Jessica Wolff, director of the organization's U.S. climate and health program.

"We need to see a decoupling of health care sector growth from the health care sector's carbon footprint," Wolff said.

While the sources of emissions vary by scale in each country, the majority can be traced to the health care supply chain. The report found that 71% of health care emissions comes from the production, transport and disposal of goods and services such as pharmaceuticals, medical devices, food and hospital equipment. The rest comes from health care facilities and their vehicles and energy, including electricity, cooling and heating.

"Hospitals use 2 ½ times the energy per square foot as a commercial space," Wolff said. "For many people that's not surprising. They're open 24 hours a day and use a lot of equipment."

The report calls for collaboration between hospital systems and their suppliers to achieve net-zero emissions by 2050. It says health care systems should also support the transition from fossil fuels to clean, renewable energy. Another recommendation is for governments to develop plans for climate-smart health care, especially in countries that are most responsible for the problem.

"Health care has to step up and do its part to avoid catastrophic climate change, which would be devastating to human health worldwide," Karliner said.

Scientists have linked climate change to extreme heat, worsening storms and droughts. A report issued by the Obama administration in 2016 estimated that federal spending could increase by billions of dollars each year as Americans are hospitalized due to the impacts of climate change on air quality (E&E News PM, Nov. 15, 2016).

While he supported the findings of Health Care Without Harm's report, Marcelo Korc at the Pan American Health Organization said that there are other environmental responsibilities of the health sector that should not be forgotten. Korc, the group's unit chief of climate change and environmental determinants of health, said that some basic issues such as water sanitation, hazardous waste and antibiotic-resistant bacteria need to be tackled, as well.

"We as a health sector historically have looked at issues of the environment affecting us," Korc said. "But not as much [at] what is our responsibility as a health sector in the environmental public health field."

**Chemicals**

https://www.wsj.com/articles/california-defends-its-stance-on-glyphosate-11568235648?mod=searchresults&page=1&pos=1
https://news.bloombergenvironment.com/environment-and-energy/dupont-chemours-named-in-toxic-firefighttps://news.bloombergenvironment.com/environment-and-energy/epa-overly-confident-of-solvents-safety-advisers-warn
hting-foam-case

**Wall Street Journal Opinion**
**"California Defends Its Stance on Glyphosate"**
https://www.wsj.com/articles/california-defends-its-stance-on-glyphosate-11568235648?mod=searchresults&page=1&pos=1

Your Sept. 4 editorial "A Scientific Roundup" mischaracterizes the California Office of Environmental Health Hazard Assessment's position on cancer warnings for glyphosate-containing herbicides.

California is not attempting to "impose its standards" on the federal government. California's Proposition 65 law doesn't require the U.S. Environmental Protection Agency to include cancer warnings on glyphosate products. Manufacturers typically put California warnings on product labels, but they can provide warnings in other ways.

California is simply implementing a law that has led to the reduction or removal of toxic substances from products as varied as faucets, children's jewelry, candy, artificial turf and tableware. Warnings enable Californians to make informed choices about their use of products that could expose them to toxic chemicals.

It is unfortunate that both the EPA and your editorial claim that all glyphosate warnings are false. California's listing of glyphosate as a carcinogen has been upheld by the courts. California based its listing on the chemical's identification as an animal and probable human carcinogen by the World Health Organization's International Agency for Research on Cancer, a highly respected authority.

Your criticisms don't change the agency's finding that studies of humans exposed to different glyphosate formulations in different geographic regions at different times reported similar increases in non-Hodgkin lymphoma, the type of cancer at issue in the personal-injury cases your editorial cites.

Our statement, quoted in your editorial, said it is "'disrespectful of the scientific process'" for the EPA to brand as false all glyphosate cancer warnings based on the international agency's findings. We stand by our statement.

Allan Hirsch

California Office of Environmental Health Hazard Assessment

Sacramento, Calif.

**Bloomberg Environment**
**"DuPont, Chemours Named in Toxic Firefighting Foam Case"**
https://news.bloombergenvironment.com/environment-and-energy/dupont-chemours-named-in-toxic-firefighting-foam-case
**Peter Hayes**

E.I. DuPont De Nemours and Co. and the Chemours Co. share liability for the exposure of staff at the Florida State Fire College to toxic chemicals used in the manufacture of firefighting foam, a proposed class told a federal court in South Carolina.

The plaintiffs seek to add the companies as defendants in the case, which originally named as defendants multiple manufacturers of aqueous film-forming foam containing per-and polyfluoroalkyl substances (PFAS).

DuPont and Chemours don't manufacture AFFF, but face liability as the manufacturers of chemicals used in the production of AFFF, the plaintiffs told the U.S. District Court for the District of South Carolina Sept 11.

The plaintiffs alleged in their proposed class action that the Florida Department of Environmental Protection found the Fire College's water supply contaminated with "significantly elevated levels" of PFAS.

The putative class members allege they routinely used and were exposed to the defendants' AFFF products and contaminated water at the Fire College where the defendants' AFFF products or chemical feedstocks were used and stored.

The plaintiffs allege the exposures have caused them to develop serious injuries, including thyroid and kidney disease, and are seeking damages and medical monitoring.

The complaint originally named 3M Co., Tyco Fire Products LP, Buckeye Fire Equipment Co., Chemguard Inc.; National Foam Inc.; Kidde Fire Fighting Inc., Kidde PLC, Inc..; Kidde-Fenwal Inc., and UTC Fire & Security Americas Corp.

The case has been consolidated in the multi-district litigation over AFFF in the District of South Carolina.

The case is In Re Aqueous Film-Forming Foams Products Liability Litigation MDL 2873, D.S.C., No. 18-mn-2873, 9/11/19.

**Bloomberg Environment**
**"EPA Overly Confident of Solvent's Safety, Advisers Warn"**
https://news.bloombergenvironment.com/environment-and-energy/epa-overly-confident-of-solvents-safety-advisers-warn
**Pat Rizzuto**

The EPA doesn't have enough data about a widely used solvent's effects on the environment to support a conclusion that the chemical doesn't have the potential to harm wildlife, some agency advisers said Sept. 12.

The Environmental Protection Agency's Science Advisory Committee on Chemicals met Sept. 10-12 to critique the agency's draft evaluation of 1-bromopropane (1-BP), which is primarily used to clean grease and dirt off equipment used in many industries. The solvent also is released from building insulation panels.

The EPA's separate conclusions that some workplace exposures to 1-BP could pose too great a potential harm to employees may have been reasonable, several members of the committee said.

Still, it's possible the risk to workers is higher, because the EPA exaggerated the use of personal protective equipment, they said.

1-BP is among the first 10 chemicals in commerce that the EPA is evaluating to comply with the 2016 Toxic Substances Control Act amendments.

Response to Agency Signals

The panel's comments are relevant to companies and trade associations preparing to have the risks of at least 20 more chemicals evaluated starting the end of the year. The recommendations could signal the type of chemical risk data that manufacturers may want to provide to the agency.

Some companies, like BASF SE, and trade associations like the International Institute of Synthetic Rubber Producers Inc., may already be responding to such signals.

They have begun sending the EPA information about one or more of 20 chemicals they make or use that the agency is likely to start evaluating next year.

Lack of Ecological Data

The agency's use of "really only one study" to conclude that 1-bromopropane wouldn't pose unreasonable risks to wildlife was troubling, William Doucette, a Utah State University professor and aquatic chemist, said.

The agency's environmental risk conclusions are "really, really uncertain," said Daniel Schlenk, a professor of aquatic ecotoxicology and environmental toxicology at the University of California, Riverside. "These are huge data gaps that need to be filled by somebody."

The committee urged the EPA to acknowledge the uncertainty in the data.

It didn't tell the EPA to gather more environmental information before completing the 1-BP evaluation, Kenneth Portier, a biostatistician chairing the committee, said.

"We have the data that we have, and we try to evaluate it in the most comprehensive way," Stanley Barone, deputy director of the risk assessment division of the EPA's chemicals office, told the panel.

The Toxic Substances Control Act allows the agency to collect industry data, but the law's deadline for completing the first 10 risk evaluations didn't give the agency sufficient time to do so, he said.

Worker-Safety Presumption

Several committee members objected to an agency worker-safety assumption: The agency's draft risk evaluation of 1-BP says the EPA presumes "workers are properly trained and fitted on respirator use, and that they wear respirators for the entire duration of the work activity where there is potential exposure to 1-BP."

That applies to large industrial companies, Barone said. The agency presumes smaller companies, such as dry cleaners, tend not to use personal protective equipment, he said.

"Why one would presume 100% use of protective equipment?" Henry Anderson, a physician and University of Wisconsin-Madison professor, said.

"My experience is that PPE is generally not used and not used well," James D. Blando, an associate professor at Old Dominion University in Norfolk, Va., said.

Does EPA Listen?

The effect of the committee's advice on the EPA's ongoing assessment is unclear.

This was the committee's third meeting and the fourth draft risk evaluation it has critiqued. None of the committee's recommendations has formally been submitted to the agency, and they aren't binding.

In many cases, members of the panel didn't completely agree with one another. Several advisers said the agency did "the best it could" given the lack of scientific information it had for 1-BP.

"Sometimes we don't agree with their uncertainties, their assumptions, but [the EPA] laid them out, and I could follow them," Portier said.

**Climate**
https://www.washingtonpost.com/graphics/2019/national/climate-environment/climate-change-world/

**Washington Post**
**"Dangerous new hot zones are spreading around the world"**
https://www.washingtonpost.com/graphics/2019/national/climate-environment/climate-change-world/
**Chris Mooney & John Muyskens**

LA CORONILLA, Uruguay — The day the yellow clams turned black is seared in Ramón Agüero's memory.

It was the summer of 1994. A few days earlier, he had collected a generous haul, 20 buckets of the thin-shelled, cold-water clams, which burrow a foot deep into the sand along a 13-mile stretch of beach near Barra del Chuy, just south of the Brazilian border. Agüero had been digging up these clams since childhood, a livelihood passed on for generations along these shores.

But on this day, Agüero returned to find a disastrous sight: the beach covered in dead clams.

"Kilometer after kilometer, as far as our eyes could see. All of them dead, rotten, opened up," remembered Agüero, now 70. "They were all black, and had a fetid odor."

He wept at the sight.

The clam die-off was an alarming marker of a new climate era, an early sign of this coastline's transformation. Scientists now suspect the event was linked to a gigantic blob of warm water extending from the Uruguayan coast far into the South Atlantic, a blob that has only gotten warmer in the years since.

The mysterious blob covers 130,000 square miles of ocean, an area nearly twice as big as this small country. And it has been heating up extremely rapidly — by over 2 degrees Celsius — or 2C — over the past century, double the global average. At its center, it's grown even hotter, warming by as much as 3 degrees Celsius, according to one analysis.

The entire global ocean is warming, but some parts are changing much faster than others — and the hot spot off Uruguay is one of the fastest. It was first identified by scientists in 2012, but it is still poorly understood and has received virtually no public attention.

What researchers do know is that the hot zone here has driven mass die-offs of clams, dangerous ocean heat waves and algal blooms, and wide-ranging shifts in Uruguay's fish catch.

The South Atlantic blob is part of a global trend: Around the planet, enormous ocean currents are traveling to new locations. As these currents relocate, waters are growing warmer. Scientists have found similar hot spots along the western stretches of four other oceans — the North Atlantic, the North Pacific, the South Pacific, and the Indian.

A Washington Post analysis of multiple temperature data sets found numerous locations around the globe that have warmed by at least 2 degrees Celsius over the past century. That's a number that scientists and policymakers have identified as a red line if the planet is to avoid catastrophic and irreversible consequences. But in regions large and small, that point has already been reached.

Some entire countries, including Switzerland and Kazakhstan, have warmed by 2C. Austria has said the same about its famed Alps.

The percentage of the globe that has exceeded 2C varies depending on the time periods considered. Over the past five years, 8 to 11 percent of the globe crossed the threshold, The Post found, while over the past 10 years, the figures drop slightly to between 5 and 9 percent. Considering just the past five years increases the area by roughly 40 percent.

These hot spots are the scenes of a critical acceleration, places where geophysical processes are amplifying the general warming trend. They unveil which parts of the Earth will suffer the largest changes.

Extreme warming is helping to fuel wildfires in Alaska, shrink glaciers in the Alps and melt permafrost across Canada's Northwest Territories. It is altering marine ecosystems and upending the lives of fishermen who depend on them, from Africa to South America to Asia.

It is making already hot places in the Middle East unbearable for outdoor workers and altering forests, lakes and rivers in the United States. It has thawed the winters of New England and transformed the summers of Siberia.

For Uruguay, a small and politically liberal country of fewer than 4 million, the key vulnerability is in the oceans.

Uruguay is famous for its laid-back former president, who lived on a humble flower farm rather than at the mansion occupied by his predecessors, as well as its cattle and sheep, which outnumber Uruguayans by a factor of six. But it's also known for its tourism and beaches.

Nearly half of Uruguayans live in the coastal megacity of Montevideo. Meanwhile, international tourists flock to the beaches of Punta del Este, a stylish resort where a major Trump Organization property, the Trump Tower Punta del Este, is under construction.

But waters have warmed by 1 degree Celsius in just 20 years in the estuary of the Rio de la Plata, where the vast river spills into the ocean, and in the common offshore fishing area shared by Uruguay and Argentina. That is a very fast change in a very short time.

In 2017, a record-setting ocean heat wave caused mass fish die-offs and a dangerous algal bloom, forcing beach closures in Montevideo. Such events are becoming more common and more severe. What the clammers along the coast near Brazil experienced decades ago is spreading and becoming harder to ignore.

Uruguay is trying to help them, but that effort underscores the possibilities — and the limits — of adapting to extreme climate change.

'The new normal'

Over the past five years, Earth has passed a significant threshold. The planet is now more than 1 degree Celsius warmer than it was in the mid- to late 1800s, before industrialization spread across the world.

The Post's analysis relied upon four separate temperature records from the U.S. government and scientific researchers. Variations in the data sets themselves, and how they were analyzed, produce somewhat different assessments of the extent of the planet that has warmed by 2C.

Because the Earth goes through a number of natural cycles, climate scientists consider long periods, of multiple years, to analyze temperature change. The Post's analysis considered two "preindustrial" periods — the 50 years from 1850 to 1899 and the 20 years from 1880 to 1899.

It also considered two end periods, the past five years and the past 10, which were compared with the two preindustrial periods to determine the amount of warming that has taken place.

The past five years are by far the hottest — and display the most numerous and expansive 2C hot spots. And while five years may be a brief period in climatic terms, 2019 is already following the same ultrawarm pathway.

Barring some dramatic event like a major volcanic eruption — which can cause temporary global cooling by spewing ash that blocks the sun — scientists expect this to continue and steadily worsen.

"We're not going to really cool down much in the future, so the last five years are indicative of the new normal," said Zeke Hausfather, a researcher with Berkeley Earth, which produces one of the data sets The Post analyzed.

While the global data sets do not agree about what is happening to every stretch of the Earth, they show unmistakable patterns.

For instance, an intriguing group of ocean hot spots appears again and again. One cause? The tropics are expanding.

Straddling the equator, the tropics are already hot because they receive the most sunlight. As the sun hits the tropics, enormous columns of air rise skyward and then outward. But as greenhouse gases trap more heat, those columns of air are pushed farther toward the north and south poles.

Air that rises in the tropics falls back down over the middle latitudes. With a warming planet, though, the air is falling in different places.

One region where that air sinks is the South Atlantic Ocean, where the tropical expansion has led to a southward shift in the location of a gigantic counterclockwise circulation of winds. These winds, in turn, drive key ocean currents, including a warm, salty, 60-mile-wide stream called the Brazil Current, which is being pushed even farther south.

Near Uruguay, the Brazil Current collides with the cold and nutrient-rich Malvinas Current that flows north from waters off Argentina. Where the two currents meet — what is known as the "confluence" — features sudden temperature contrasts and fosters rich fisheries.

But that zone, too, is on the move. Research suggests it is shifting southward at a rate of more than 40 miles per decade.

The result has been a stunning temperature change off the Uruguayan coast.

"The southward displacement of warm waters creates a very strong signal," explains oceanographer Alberto Piola, a professor at the University of Buenos Aires.

The hot spot emerges most dramatically in The Post's analysis when the most recent five years are compared with the last two decades of the 19th century. By this standard, it has only recently crossed the 2C threshold.

In 2012, scientists first flagged it as one of the ocean's fastest-warming stretches. And they've attributed the changes to a broad global pattern that can't be explained just by natural climate variability.

Some other analyses suggest that a tremendous amount of change has occurred here since the late 19th or early 20th century.

Gerrit Lohmann and Hu Yang, climate scientists with the Alfred Wegener Institute in Germany, examined the Brazil Current region following an inquiry from The Post.

They found a warming of between 2 and 3 degrees Celsius between 1900 and 2018, with the warmest regions located farther offshore, according to a high-resolution data set of sea surface temperatures from the Hadley Center in Britain.

'It wasn't that way before'

Ramón Agüero was about 6 years old when his parents taught him and his younger brother Arturo how to dig for clams. The brothers learned to read the weather and the tides to find the richest lodes, which they collected with shovels and buckets.

Later, as the brothers grew up, it became their work as well — work that disappeared when the government banned clamming after the 1994 die-off.

Arturo Agüero had five children to feed, and had to move to Montevideo to find work.

"When they shut down the clams, I wanted to die," he said. "Because that is what I knew how to do. I knew how to work the clams. I knew it all."

Similar upheaval struck some 100 other clammers, many of whose families had worked these beaches for generations.

Forty years ago, marine biologist Omar Defeo, a professor at the University of the Republic in Uruguay, began studying this fishery. He thought it was a good dissertation topic, so he began making the 200-mile trip from Montevideo out to a region called the Rocha department.

It's a place of endless cattle fields, horseback riders along the highways, and beaches that, unlike in the tourist havens far to the south, are quiet and almost empty.

But then came the huge die-offs, first along the coast of Brazil, then Uruguay and finally Argentina, wiping out clams along each coastline. Defeo's research became much more urgent.

"In a process of more or less 10 years, the mass mortalities destroyed the populations of yellow clam," said Defeo, who has made about 200 trips to the beaches at Barra del Chuy.

In 2008, the fishery finally reopened after a 14-year hiatus, but for an extremely small catch — just three tons. The most recent year's allowed catch was only 10 tons — a decline of 95 percent from the peak of 220 tons in 1985.

Over decades of research, Defeo and his colleagues have chronicled the species' downfall amid warming waters: The clams are now much smaller, rarer and increasingly contaminated by toxic red tides — making them unsafe to eat for weeks at a time. The red tides, in turn, are worsened by climate change, scientists say.

What's more, the Rocha beaches are crawling with more tropical species, including crabs and smaller kinds of clams attracted to the warmer waters.

The upheaval matches a key prediction of climate science.

When temperatures rise 1.5 to 2 degrees Celsius for the globe, according to a recent report by the United Nations Intergovernmental Panel on Climate Change, one of the most severely affected ocean animals will be bivalve species — clams, oysters, mussels and their relatives. Above 1.8 degrees Celsius or so, they face "very high risks" of population decline if not extinction, the report said.

That's the sort of biological wreckage that has shown up along the beaches at Barra del Chuy.

For the fishers who remain, even gathering the small numbers of clams that they're allowed to take has gotten tougher.

On an early April day — fall in the Southern Hemisphere — driving winds from the south pushed the waves more than a football field's length inland over the gently sloping beach. For Maria Celia Pereyra Ambrossi, there was no way to pursue her catch. The clams, which are hard to find even on a good day, were all underwater.

"The wind in this area of the beach is always strong, and each passing year, it is stronger," said Pereyra Ambrossi, her silver hair whipped in all directions. "It wasn't that way before."

Two days later, the weather had finally calmed, and the ocean had given back much of the beach.

Jose Rocha, 68, and four other family members packed into an old red Volkswagen Golf and drove straight out onto the sand. Barefoot, Rocha walked along the shoreline, dragging his rusty shovel behind him until he found a promising spot to dig.

But the clams were sparse, and only about four pounds were gathered. After about an hour, Rocha stopped and rolled a cigarette as he leaned against the hood of his car.

"We are in a time — I do not know what's happening — where the climate is not the same," Rocha said. "The climate is not the same anymore."

'A delicate situation'

Government regulators, academics like Defeo and the fishers themselves have hatched a plan to leverage the shrinking supply of the yellow clam.

"The strategy is to catch low numbers of clams, because the stock is very reduced, to sell with a good price to restaurants and just to have this low number of fishers," Defeo said.

The clams are commanding prices nearly double what they were just six years ago, thanks to increasing restaurant demand.

In recent years, the clam has been marketed at high-end restaurants in the tourist meccas of Punta del Este and José Ignacio, about 100 miles down the coast from Barra del Chuy. It's become part of a trend to alter the Uruguayan diet, heavy on beef, toward healthier and locally gathered food.

The first to serve the yellow clam was Lo de Tere in Punta del Este, one of Uruguay's most popular tourist spots. Just steps from the harbor, it serves only Uruguayan food gathered within about 100 kilometers (62 miles).

On a recent visit, chef Nicolas Larrosa pulled several live clams out of a tub of seawater to display them before cooking. As he lifted one up, it sprayed water on the kitchen floor from both of its siphons, the tubelike structures used to filter seawater and gather nutrients.

Larrosa filled a frying pan with oil and garlic before adding the clams, still in their shells. After the frying, he sprinkled a bit of parsley. It's simple — and that's the point.

"People have discovered this. And they are addicted," said Eduardo Marfetán, who owns the restaurant with his wife and daughter. "I have one client, from Buenos Aires, he calls me, before he comes to Punta Del Este, he says, 'You have clams?' "

Most of the time, the answer is no. The clams are never on the menu, Marfetán said. They are a special sold only when the restaurant has them in stock.

The deliveries arrive from Nancy Schuch and her husband, Gabriel Rocha, who buy them from the clammers off the beach. She moves the clams through a small beachside processing plant — the first of its kind in this industry. It is this innovation, paired with a marketing campaign aimed at restaurants, that has led to a new commercial life for the clam.

Plans are afoot for an even larger plant. Schuch and Javier Vitancourt, the plant's veterinary technician, hope to create a more state-of-the-art facility that will also be open to the public, who would be able to try the clams at any time.

That is, if the climate allows it.

Schuch said the clams — and the business — will be okay in the long term. "I'm positive," she said.

Defeo, though, takes a cautious tone about the future.

"The resource is in a delicate situation," he said. "The stock has not been recovered, and we need to monitor the fishery constantly just to provide early warnings."

'A no-analog world'

When it comes to the effects of climate change in the South Atlantic, the clams are only the beginning.

Ocean life is exquisitely sensitive to temperature. In July, Defeo and his student Ignacio Gianelli published a study demonstrating for the first time that the entire Uruguayan fish catch is shifting toward more tropical, warm-water species.

Andrés Domingo, the director of Uruguay's national oceans and fisheries agency, is worried about the changing currents.

"These conditions probably have a lot of impact on ecosystem ecology," he said.

Harvests of the Argentine hake, traditionally the largest fish catch in Uruguay, have plummeted. The hake is a cold-water species, so it may be fleeing the warming waters. Yet given that the species has also been overfished, it's hard for scientists to attribute the changes exclusively to warming.

Patagonia has experienced an utterly opposite trend — a dramatic explosion in the catch of Argentine red shrimp. The catch has grown from a little over 40,000 tons in 2006 to a record of 230,000 tons in 2017.

Bárbara Franco, who studies fisheries and climate change at the University of Buenos Aires, said the temperature measurements in the deeper ocean waters along Patagonia are too spotty to attribute the shrimp boom to climate change.

Climate change can make for winners and losers, especially when it comes to fisheries. Along the U.S. coast, fast-warming waters drove lobsters away from southern New England and into the Gulf of Maine, leading to crashing fisheries in one spot and a boom in another. That could be happening here, too.

Still, the overall consequences of these oceanic changes are likely to be negative, Franco said. Fisheries in Uruguay and Brazil are projected to decline by more than a quarter by the end of the century.

That could mean major harm to any number of small-scale fisheries, far beyond the community that gathers the yellow clam. According to the United Nations' Food and Agriculture Organization, workers in these smaller, often local and subsistence-driven fisheries account for 90 percent of all fishery workers around the globe, largely in developing countries. In many cases, they are earning the equivalent of less than $1 per day.

Scientists say they are struggling to keep up with the impacts of a warming world, whether measuring changes in the Arctic or disappearing kelp forests in the southern Pacific.

"We're really playing catch-up," said marine scientist Boris Worm of Dalhousie University in Canada. "Everything we base our civilization on is based on the accumulated experience from the last 7,000 years, about how the world works, and how we can survive in this world that had an exceptionally stable climate.

"And we're shifting away from that equilibrium at breakneck speed now. We're living in a no-analog world that none of us has any experience with."

**Pesticides**

https://www.publicnewsservice.org/2019-09-12/endangered-species-and-wildlife/beekeepers-call-epa-approval-of-insecticide-illegal/a67750-1
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**Public News Service**
**"Beekeepers Call EPA Approval of Insecticide Illegal"**
https://www.publicnewsservice.org/2019-09-12/endangered-species-and-wildlife/beekeepers-call-epa-approval-of-insecticide-illegal/a67750-1

LYONS, Neb. – The Environmental Protection Agency has allowed the insecticide sulfoxaflor back onto the market, and a coalition of beekeepers is taking the agency to court.

Greg Loarie, an attorney with the environmental law firm Earthjustice, which filed the lawsuit, notes the EPA made the decision without any public input.

And he says the move is bad for bees, bad for agriculture, and could put the nation's food security at risk.

"The EPA is removing restrictions on an insecticide that is highly toxic to honeybees and is linked to the global die off that is impacting honeybees really at a very catastrophic level for agricultural concerns," Loarie points out.

After an earlier court ruling, sulfoxaflor was cleared for use within strict parameters designed to protect pollinator species that play a critical role in producing one third of the nation's diet, including vegetables, nuts and fruits.

The EPA's decision is one of a series of efforts to remove protections the agency sees as barriers to business.

Loarie says the EPA's action may help Corteva, the company recently spun off from DowDuPont, but it comes at the expense of the commercial beekeeping industry.

He adds the EPA's job is not to simply bring pesticides to market as quickly as possible. He says the agency has a legal obligation to ensure that any pesticide does not pose unreasonable risk to human health, the environment or agriculture.

"All of us rely on EPA to ensure that the pesticides that we do bring to market are safe, and that they are not having unintended impacts that in this case – in the case of sulfoxaflor – really do pose a significant threat to our agricultural systems and our food security," he states.

The lawsuit was filed last week in the U.S. Court of Appeals' Ninth Circuit. Loarie says the EPA is expected to release the industry-funded studies that support the agency's decision in the next couple of months.

**The New York Times**
**"Beekeepers Confront the E.P.A. Over Pesticides"**
https://www.nytimes.com/2019/09/12/science/bees-pesticide-lawsuit.html
**Christine Hauser**

Honeybees and other pollinating insects are crucial helpers in putting food on American tables. But the bees' colonies have declined over the years, leading concerned beekeepers and scientists to speculate about the causes.

A new lawsuit by leaders in the beekeeping industry against the Environmental Protection Agency highlights one often-cited worry: that pesticides are playing a role in those losses.

The focus of the lawsuit, filed last week in the United States Court of Appeals for the Ninth Circuit in San Francisco, is the E.P.A.'s reauthorization of the use of an insecticide that has previously harmed honeybee colonies.

That chemical, sulfoxaflor, is absorbed into plants, where it can be ingested by pollinating bees. When the bees return to the hive, they can transfer the chemical to the colony. This affects the bees' ability to breed and survive according to studies cited by Earthjustice, whose lawyer Gregory C. Loarie is representing the petitioners.

“Honeybees and other pollinators are dying in droves because of insecticides like sulfoxaflor,” Mr. Loarie said in a statement accompanying the lawsuit. “This is illegal and an affront to our food system, economy and environment.”

The lawsuit names the E.P.A. and its administrator, Andrew Wheeler, as the defendants. It was filed by the Pollinator Stewardship Council; the American Beekeeping Federation; and Jeff Anderson, a beekeeper.

The petitioners are asking the court to review the environmental agency’s decision in July to allow the use of sulfoxaflor on crops, the latest twist in a series of challenges and approvals surrounding its use, according to a summary of those actions on the E.P.A.’s website.

The first applications for the use of sulfoxaflor came to the agency in 2010 from the agriculture chemical company Dow AgroSciences, now called Corteva Agriscience, to register three products containing the chemical. After a period of public comment, the E.P.A. approved its use in 2013.

But the Pollinator Stewardship Council, an advocacy organization that documents the effects of pesticides on pollinating insects, and others in the industry petitioned for a review of that decision. In 2015, the Court of Appeals for the Ninth Circuit overturned it, saying the agency had not provided “substantial evidence” of the chemical’s effects on bees, and ordered further studies.

After collecting more data, the E.P.A. in 2016 again approved registrations for the use of sulfoxaflor, but not on blooming crops that attracted bees and other pollinators. On July 12 of this year, however, the agency announced it had removed the restrictions and approved other uses for the insecticide, calling it “an effective tool to control challenging pests with fewer environmental impacts.”

The decision “shows the agency’s commitment to making decisions that are based on sound science,” Alexandra Dapolito Dunn, the assistant administrator for the E.P.A.’s office of chemical safety and pollution prevention, said in the announcement.

The Trump administration has been rolling back environmental regulations it sees as burdensome to the fossil fuel industry and other big businesses. In some cases, agencies have skipped key steps in the process, like notifying the public and asking for comment.

Mr. Loarie, the lawyer for the beekeepers, said the suit aimed to set aside the E.P.A.’s decision on sulfoxaflor because it was “contrary to federal law and unsupported by substantial evidence.”

He said in a telephone interview on Wednesday that the agency’s July decision to approve use of the insecticide was “out of the blue” and that it had not solicited public comments or feedback from the beekeeping industry, as it had done in 2013, in light of the industry’s history of legal objections.

“To cut them out of the process is definitely something we have not seen before,” Mr. Loarie said.

An E.P.A. spokesman said that the agency does not comment on pending litigation. He said the agency had sought public comments in previous stages of registering the pesticide, receiving “considerable feedback on sulfoxaflor from stakeholders.”

Corteva said in a statement on Wednesday that it was “pleased that the U.S. E.P.A. has restored and expanded” the use of one of its insecticides that has sulfoxaflor as its active ingredient.

Corteva gathered “a considerable volume” of new data, including laboratory tests, colony feeding studies and data on pollen and nectar residue, and submitted it to the E.P.A., the company’s statement said.

The honeybee has been the dominant pollinator for decades, but beekeepers in the United States lost an estimated 40 percent of their managed honeybee colonies from April 2018 to April 2019, according to the latest survey from the Bee Informed Partnership, a nonprofit that advises beekeepers.

Scientists have pointed to many potential reasons for the bee colony collapses. Some say the fault lies with pathogens and pesticides like neonicotinoids, which chemically resemble nicotine and include sulfoxaflor.

Other countries have taken action over neonicotinoids. The European Union in 2013 ordered a two-year ban on their use. France has imposed a similar ban.

**The Hill**
**"Beekeepers sue EPA over controversial pesticide authorization"**
https://thehill.com/policy/energy-environment/461124-beekeepers-sue-epa-over-controversial-pesticide-authorization
**John Bowden**

An environmental group representing leaders in the beekeeping industry has filed a lawsuit against the Trump administration's rollback of pesticide restrictions, citing major risks to honeybee hives.

The lawsuit, filed last week by EarthJustice and first reported by The New York Times, accuses the Environmental Protection Agency (EPA) of reauthorizing the use of the pesticide sulfoxaflor against the concerns of beekeepers who warn that the chemical can seriously harm or even destroy entire beehives.

“Honeybees and other pollinators are dying in droves because of insecticides like sulfoxaflor, yet the Trump administration removes restrictions just to please the chemical industry,” Greg Loarie, an attorney for EarthJustice, said in a statement last week.

"This is illegal and an affront to our food system, economy, and environment," he continued.

When it comes into contact with bees, sulfoxaflor can be toxic in some doses while also carrying the possibility of transferring to the entire hive, weakening the bees and lowering the possibility of breeding as well as the hive's survival chances over winter, according to EarthJustice.

Michele Colopy of Pollinator Stewardship Council, one of the groups represented by EarthJustice in the lawsuit, accused the EPA in a statement of relying solely on industry-funded studies to justify the chemical's use.

“It is inappropriate for EPA to solely rely on industry studies to justify bringing sulfoxaflor back into our farm fields,” she said. “Die-offs of tens of thousands of bee colonies continue to occur and sulfoxaflor plays a huge role in this problem. EPA is harming not just the beekeepers, their livelihood, and bees, but the nation’s food system.”

**A spokesperson for the EPA did not immediately return a request for comment from The Hill on the lawsuit Thursday.**

**Politics**
https://news.bloombergenvironment.com/environment-and-energy/senate-panel-oks-4-billion-hike-in-fiscal-2020-energy-spending
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**Bloomberg Environment**
**"Senate Panel OKs $4 Billion Hike in Fiscal 2020 Energy Spending"**
https://news.bloombergenvironment.com/environment-and-energy/senate-panel-oks-4-billion-hike-in-fiscal-2020-energy-spending
**Dean Scott**

The Senate Appropriations Committee Sept. 12 unanimously approved a $48.9 billion fiscal 2020 energy and water development spending bill, which backers hope can get Senate passage by getting attached to the popular defense spending measure.

The panel's 31-0 vote means that the bill, covering the Energy Department as well as water project funding, has at least a chance of being in the first and perhaps only group of fiscal 2020 measures to be considered on the Senate floor before Sept. 30, when current year funding is to expire.

With just weeks to go before that deadline, Congress will likely have to ready a short-term spending bill to cover spending by multiple departments and agencies.

The total for energy and water funding would be a $4.23 billion increase over the current enacted level, and $10.8 billion more than President Donald Trump requested for fiscal 2020, which runs Oct. 1 to Sept. 30, 2020.

Funding Bumps

The fiscal 2020 energy and water bill that was approved by the Senate spending panel is $2.5 billion more than the House-passed companion bill, which would provide $46.4 billion total.

The bill approved by the Senate committee would provide a $630 million increase over current year funding for the Energy Department's Office of Science, for a total of $7.2 billion. The office researches high-performance computing systems and next-generation clean energy technologies.

Total fiscal 2020 spending for DOE fossil energy research would rise to $800 million under the Senate bill, a $60 million increase over current levels and $238 million more than the president's request.

Nuclear energy research spending would climb to $1.5 billion, a $192 million increase over 2019 spending and $694 million above the president's request.

The same day, the committee voted 16-15 along party lines to set total spending for each of the 12 fiscal 2020 appropriations bills, known as 302(b) allocations. The panel included a $35.8 billion allocation for the chamber's Interior-EPA spending measure.

**Bloomberg Environment**
**"Trump Wants High Court to Prevent District Courts' Injunctions"**
https://news.bloombergenvironment.com/environment-and-energy/trump-wants-high-court-to-prevent-district-courts-injunctions
**Adrianne Appel**

The Trump administration is looking for a vehicle to challenge in the Supreme Court what it views as overreach by federal district courts in issuing nationwide injunctions against environmental rules.

In past years, district courts issued injunctions on rules only as they applied in the particular geographic area or situation in the challenge to the rule.

But more recently, federal judges have been issuing nationwide injunctions on a rule when a challenge is brought to their court, said Eric Grant, deputy assistant attorney general of the Environment and Natural Resources Division of the U.S. Justice Department.

"District courts are not allowing our [agencies'] regulations go into effect," Grant said.

Troubled by Examples

The U.S. District Court for the District of South Carolina issued a nationwide injunction in August 2018 against a Trump-era regulation that would have delayed the 2015 Clean Water Rule from taking effect until Feb. 6, 2020.

That ruling had the effect of reinstating the Obama-era regulation that attempted to clarify the reach of the Clean Water Act over tributaries and streams in 26 states. The Trump administration completed its repeal of that Obama-era Waters of the U.S. rule on Sept. 12.

Outside of the environmental sphere, nationwide injunctions also have been used to put the brakes on former President Barack Obama's immigration policies and President Donald Trump's travel ban, sanctuary cities policy, and border wall construction.

Former U.S. Attorney General Jeff Sessions also had questioned the practice, and former House Judiciary Committee Chairman Bob Goodlatte (R-Va.) introduced a bill a year ago to curtail it before retiring from Congress in January.

When the administration challenges the injunctions, it doesn't matter "how many districts we prevail in," Grant said. If one federal court issues a nationwide injunction "it knocks us out," Grant said. "We think that's wrong."

The administration is looking for opportunities to appeal those injunctions and to bring the issue of nationwide injunctions to the Supreme Court in order to put a stop to it, Grant said.

**Recycling**
https://www.wsj.com/articles/states-look-for-new-ways-to-recycle-your-plastic-and-paper-11567935001?mod=searchresults&page=1&pos=1

**Wall Street Journal**
**"States Look for New Ways to Recycle Your Plastic and Paper"**
https://www.wsj.com/articles/states-look-for-new-ways-to-recycle-your-plastic-and-paper-11567935001?mod=searchresults&page=1&pos=1
**Jennifer Calfas**

U.S. states are fighting to keep recycling viable.

Two years ago, China turned the American recycling industry on its head when it stopped accepting millions of tons of its scrap materials. Since then, state lawmakers and departments have been forced to re-examine a system long dependent on sending plastic bottles, cardboard boxes and paper across the ocean.

"You need to have a market and that's what we lost with China," said Anne Germain,vice president of technical and regulatory affairs for the National Waste & Recycling Association, an industry trade group. Up until now, she said, there has been no incentive for anyone to strengthen domestic markets.

Now, states are looking to open up new markets for their recycling products, improve processing infrastructure and create public awareness campaigns to reduce contamination as they search for a more comprehensive—and more domestic—approach.

At least 10 states have passed or enacted legislation this year concerning recycling management. That is on top of another 200 bills introduced this year aimed at reducing single-use plastics.

On the West Coast, where China's policy shift hit particularly hard, officials from different states started meeting once a month to swap ideas and brainstorm strategies.

In California, the stakes are high. The state's largest recycling center shut down earlier this month. And about two-thirds of California's recyclables exported abroad went to China before the restrictions took place, according to CalRecycle, a part of the state's Environmental Protection Agency that oversees waste management.

"With the loss of international markets, we're really being forced to look at our own waste now," said CalRecycle spokesman Lance Klug. "We're asking some tough questions that we probably should've been asking for a long time."

State lawmakers are trying to push through proposals during the last weeks of the legislative session. Two sweeping, twin bills in the state Senate and Assembly aim to reduce, reuse or recycle 75% of single-use plastics in the state by 2030, create end markets and implement more uniform recycling policies across cities, among other changes. Another bill would raise the minimum percentage of recycled plastic required in water bottles.

Opponents of the legislation worry about the costs, infrastructure and potential impact on consumers.

In 2017, the U.S. exported about 14.5 million metric tons of scrap recyclables to China, according to the Institute of Scrap Recycling Industries, an industry trade group. That dropped to around 9.4 million metric tons in 2018. Since China implemented its new policy at the start of 2018, U.S. states and cities have felt the brunt of falling prices on certain recyclables. The average price for mixed paper in the U.S., for example, dropped from $67 in August 2017 to negative $2 in August 2019.

Searching for temporary stopgaps, municipalities have sent some recyclables to landfills and stopped accepting certain kinds of plastic or incinerated items.

"The import restrictions recently imposed by China and other countries are not the cause of the challenges facing the U.S. recycling system today; rather, they have brought to light pre-existing issues related to how we manage our recycled materials in the U.S.," said a spokeswoman for the U.S. Environmental Protection Agency.

In Washington state, officials are in the process of hiring a director for a new Recycling Development Center. Formed under legislation passed this year, the center was designed to strengthen recycling markets and improve processing in coordination with the state's Ecology and Commerce departments.

"We're very good at collecting materials but not very good at using those materials," said Alli Kingfisher, the statewide recycling coordinator at Washington's Department of Ecology. Washington previously exported more than 60% of its recyclables to China, she said.

Neighboring Oregon's recycling processing plants have geared up with new equipment and new hires, said Peter Spendelow, natural-resource specialist at the state Department of Environmental Quality. The state pulled together a recycling steering committee focused on improving infrastructure and creating legal frameworks to tackle the issue.

"Everything's on the table," Mr. Spendelow said.

Across the country, Maine could soon require package producers to support recycling programs and cover at least 80% of the cost of packaging materials sold in the state that aren't easily recyclable. Officials in New Jersey and Massachusetts have focused their efforts on ensuring unwanted materials—like plastic bags, hoses or cookware—stay out of recycling bins.

That is a focus for industry groups, too, as less contamination in recycling systems can make the material more clean and valuable. But it requires significant investment in public-awareness efforts.

Awareness campaigns in Massachusetts have helped decrease noncompliant recycling by anywhere from 30% to 80%, saidGreg Cooper,director of hazardous and solid waste at the state's Department of Environmental Protection. Massachusetts has provided close to $1 million in grants to 28 communities since 2017 to improve local recycling programs, and last year launched a statewide education initiative.

Creating a new market, however, "is not going to happen overnight," Mr. Cooper said. "We're doing what we can do, right now: cleaning up the best we can."

**RFS**
**https://www.realclearenergy.org/articles/2019/09/10/epa_is_right_to_grant_biofuel_waivers.html**
**https://news.bloombergenvironment.com/environment-and-energy/trump-meets-with-oil-refining-executives-amid-talks-on-biofuel-1**

**Real Clear Energy**
**"EPA is Right to Grant Biofuel Waivers"**
**https://www.realclearenergy.org/articles/2019/09/10/epa_is_right_to_grant_biofuel_waivers.html**
**Merrill Matthews**

The Environmental Protection Agency recently exempted dozens of small oil refineries from a federal mandate that requires them to blend corn-based ethanol into their gasoline. The move would decrease demand for corn and therefore enraged corn farmers. Now, President Trump is reportedly looking at rescinding some of the exemptions, or making other concessions, to appease the corn lobby.

That'd be a mistake. Blending corn-based ethanol into our gasoline no longer improves national security, and environmentalists increasingly agree it's not environmentally friendly. Besides, President Trump already took steps to placate the corn lobby last May. The Energy Policy Act of 2005 phased out ethanol subsidies but established a Renewable Fuel Standard, which requires refiners to blend a specific amount of ethanol into gasoline and diesel fuel. A 2007 law increased the amount of ethanol that must be blended in each year.

While about 98 percent of gasoline sold in the United States includes some ethanol, most of it is capped at about 10 percent, or E10. But the ethanol industry wants that blend level bumped to 15 percent.

Gas containing 15 percent ethanol has been available to consumers since about 2005, but the EPA traditionally banned it during summer months because of concerns it increases smog levels. In addition to harming air quality, E15 can harm older car engines and boat motors.

Nevertheless, on May 31, EPA Administrator Andrew Wheeler announced that the agency "would remove the key regulatory barrier" keeping E15 from being sold year-round. The ethanol industry cheered. Growth Energy, a leading ethanol lobbyist, expects the EPA's recent E15 ruling to increase ethanol demand by more than a billion gallons over the next five years.

But the elation didn't last long. The EPA recently announced it would grant 31 out of 40 ethanol-blending exemption requests from small refineries. Small refineries -- which produce less than 75,000 barrels of oil a day -- typically don't blend ethanol into gasoline themselves. Instead, they buy a type of credit, referred to as renewable identification numbers, from large refineries that do.

The RIN market has become opaque and lucrative, with hundreds of millions of dollars changing hands. The waivers the EPA just granted allow these small refiners to forego purchasing the credits. Given that the vast majority of ethanol is made from corn, farmers were livid. As Iowa Senator Chuck Grassley put it, "They screwed us . . . when they issued 31 waivers." Sen. Grassley claims there were only 10 waivers granted during Obama's eight years in office.

But the EPA did the right thing. Ethanol once offered the United States a way to reduce its dependence on foreign oil. But today, America leads the world in oil and natural gas production. We've already beat out competitors like Russia and Saudi Arabia. And just last year, the United States became a net exporter of oil for the first time in 75 years. In other words, the need for a gasoline substitute has largely vanished. But that's not all. Ethanol has become the epitome of the Washington "swamp," with various interest groups vying for political influence and concessions. Some level of ethanol would likely still be blended into gasoline even without the Renewable Fuel Standard mandate because it raises octane levels. But that's something consumers and manufacturers, not politicians, should decide.

**Bloomberg Environment**
**"Trump Meets With Oil Refining Executives Amid Talks on Biofuel"**
https://news.bloombergenvironment.com/environment-and-energy/trump-meets-with-oil-refining-executives-amid-talks-on-biofuel-1
**Jennifer L. Dlouhy & Jennifer Jacobs**

President Donald Trump met Wednesday with the heads of two of the nation's largest refiners, as he seeks a deal that would boost corn-based ethanol and soy-based biodiesel without alienating oil companies required to use the products.

Trump met with Marathon Petroleum Corp. chief executive Gary Heminger; Valero Energy Corp. executive Joe Gorder; and Harold Hamm, the founder of Continental Resources Inc., according to people familiar with the matter who asked not to be named describing private discussions.

Although Hamm's Continental is an oil producer without direct involvement in U.S. biofuel mandates, the president has long tapped the billionaire oilman's energy expertise.

Representatives for Continental and Valero did not immediately respond to requests for comment.

Marathon Petroleum spokesman Jamal T. Kheiry confirmed the meeting.

"Marathon Petroleum always appreciates the opportunity to share our thoughts with elected officials on policies that can impact our business and consumers who rely on our products," Kheiry said by email.

**Water**
https://www.washingtonpost.com/climate-environment/administration-finalizes-repeal-of-2015-water-rule-trump-called-destructive-and-horrible/2019/09/11/fddfa49a-d4aa-11e9-9343-40db57cf6abd_story.html
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**Washington Post**
**"Administration finalizes repeal of 2015 water rule Trump called 'destructive and horrible'"**
https://www.washingtonpost.com/climate-environment/administration-finalizes-repeal-of-2015-water-rule-trump-called-destructive-and-horrible/2019/09/11/fddfa49a-d4aa-11e9-9343-40db57cf6abd_story.html
**Juliet Eilperin & Brady Dennis**

For years, the fight over how much power the federal government should have to regulate the wetlands and tributaries that feed into the nation's largest rivers has played out across the country.

In the halls of Washington and on sprawling farms and ranches, in courtrooms and corporate boardrooms, a legal tug of war has unfolded over a 2015 rule that gave the Environmental Protection Agency much broader authority over the nation's waterways. Critics say the Obama rule gave the federal government far too much power; supporters countered it would prevent the loss of vast swaths of wetlands. Court rulings have temporarily blocked the regulation in 28 states, while keeping it in effect in 22 others.

On Thursday, the Trump administration plans to scrap the Obama-era definition of what qualifies as "waters of the United States" under the Clean Water Act, returning the country to standards put in place in 1986.

"What we have today is a patchwork across the country," EPA Administrator Andrew Wheeler said in an interview. "We need to have a uniform regulatory approach."

Wheeler, who said the administration will finalize a new definition for which water bodies deserve federal protection within a matter of months, said the agency is seeking to end any lingering uncertainty and return more oversight to individual states.

"We want to make sure that we have a definition that once and for all will be the law of the land in all 50 states," Wheeler said.

But critics say the rollback will speed the conversion of wetlands and headwaters, which provide critical habitat for wildlife and support the nation's drinking water supply. Americans drained about half of the 220 million acres of

wetlands in the contiguous United States between the 1780s and 1980s, most of it to expand farmland. That rate began to slow after George H.W. Bush took office, pledging to stem the tide of wetlands loss.

"The administration wants to go back to an era where we are destroying wetlands heedlessly," Robert Irvin, president of American Rivers, said of President Trump's latest deregulatory effort.

The 2015 rule gave the federal government authority to oversee a wide array of lakes, streams, wetlands, storm-water controls and ditches that feed into larger waterways that are clearly protected under the 1972 Clean Water Act.

Swimmers, fishermen and picnickers are seen at Sandy Point State Park in Annapolis on July 18, 2016. The Trump administration plans to scrap a 2015 rule governing federal authority over lakes and other bodies of water. (Sarah L. Voisin/The Washington Post)

Denise Stranko, federal legislative and policy manager for the Chesapeake Bay Foundation, noted that all but one of the six states in the bay's watershed, along with the District of Columbia, operate under the Obama-era standard. She added that once the administration finalizes its substitute proposal, tens of thousands of acres that connect underground or through ditches to nearby waterways will lose protection.

Targeting the Obama-era regulation ranked among Trump's top priorities when he took office. In February 2017, he issued an executive order directing the EPA to review the regulation in an effort to pave the way for what Trump called "the elimination of this very destructive and horrible rule."

The Clean Water Act makes it unlawful to pollute a "water of the United States" without a permit, but what constitutes such water has been the subject of lengthy litigation.

In a 2006 decision, Rapanos v. United States, the Supreme Court's four most conservative justices at the time offered a constrained view that only "navigable waters" met this test. But Justice Anthony M. Kennedy, who refused to join either the conservatives or the liberals, said that the government could intervene when there was a "significant nexus" between large water bodies and smaller ones.

Trump's executive order said federal officials should rely on the opinion of the late Justice Antonin Scalia, who argued that the law should apply only to "navigable waters."

Wheeler is slated to announce the final repeal of the 2015 rule at the National Association of Manufacturers, whose members had pushed to scale it back. "America is now one step closer to smart and balanced regulation that protects our nation's precious water resources," the group's president, Jay Timmons, said in a statement.

[EPA reverses federal limits on methane, a potent greenhouse gas]

Thursday's move is part of a broader effort by the administration to roll back regulations affecting the private sector by the end of Trump's first term. Among the dozens already reversed: easing rules on everything from curbing methane emissions from drilling operations to holding oil and gas companies responsible for killing birds that get ensnared in their rigs' waste pits.

"We will finalize all of our top priorities," Wheeler said.

Several of the administration's early wins came through the Congressional Review Act, which allows lawmakers to nullify any rule within 60 days of enactment. The Republican-controlled Congress in 2017 was able to overturn several of President Barack Obama's last environmental acts that way, sending the bills to Trump for his signature.

But reversing older regulations, such as the Clean Water Rule, has proved more difficult. Wheeler said it was taking longer than first anticipated to finalize the administration's new standards because staffers were conducting economic and scientific research to bolster the case for shrinking the federal government's authority over wetlands and streams.

"I'm not in a rush to meet artificial deadlines," he said. "I want to make sure that our regulations are grounded, that they have all the supporting information they need to be upheld by the courts."

Irvin said his group was prepared to take the EPA to court over its latest rollback.

"Clearly the administration is intent on rolling back as many protections as it can before January of 2021," he said. "Like any rushed efforts, they are likely to make mistakes that will be challenged and overturned in court."

Supporters of the administration, however, are eager for the change.

On a recent evening in Hugo, Minn., Fran Miron looked out over the 800-acre farm that his family has maintained for four generations and explained why he welcomes the Trump administration's latest rollback. He said the Obama rule led to widespread confusion, as well as worries about increasing costs and red tape.

"In my opinion, and I think it's shared by many, this was really just a power grab," said Miron, 65, whose family milks 120 cows and grows corn, soybeans and alfalfa.

A former mayor of Hugo, Miron said he believes that the federal government doesn't always know what's best for a particular place.

"The best decisions are made locally because the local people understand the nature of the issues," he said. "They understand the nuances of the land and our water."

Miron, shown Sept. 5 on his farm, said he believes a 2015 rule that gave the Environmental Protection Agency much broader authority over the nation's waterways "was really just a power grab." (Salwan Georges/The Washington Post)

**New York Times**
**"Trump Administration to Finalize Rollback of Clean Water Protections"**
https://www.nytimes.com/2019/09/12/climate/trump-administration-to-finalize-rollback-of-clean-water-protections.html?action=click&module=Top%20Stories&pgtype=Homepage
**Coral Davenport**

WASHINGTON — The Trump administration on Thursday is expected to complete the legal repeal of a major Obama-era clean water regulation, which had placed limits on polluting chemicals that could be used near streams, wetlands and water bodies.

The rollback of the 2015 measure, known as the Waters of the United States rule, has been widely expected since the early days of the Trump administration, when President Trump signed an executive order directing federal agencies to begin the work of repealing and replacing it.

Weakening the Obama-era water rule had been a central campaign pledge for Mr. Trump, who characterized it as a federal land-grab that impinged on the rights of farmers, rural landowners and real estate developers to use their property as they see fit.

Environmentalists say Mr. Trump's push to loosen rules on clean water regulations represents an assault on protecting the nation's streams and wetlands at a moment when Mr. Trump has repeatedly declared his commitment to "crystal-clean water."

The repeal of the water rule, which is scheduled to be announced at the headquarters of the National Association of Manufacturers, will take effect in a matter of weeks.

The Environmental Protection Agency and the Army Corps of Engineers, which had worked together to write the original Obama rule, are expected to issue a new, looser replacement rule by the end of this year.

The clean water rollback is the latest in a series of actions by the Trump administration to weaken or undo major environmental rules, including proposals to weaken regulations on planet-warming emissions from cars, power plants and oil and gas drilling rigs, a series of moves designed to push new drilling in the vast Arctic National Wildlife Refuge, and efforts to weaken protections under the Endangered Species Act.

Environmentalists assailed the move.

"With many of our cities and towns living with unsafe drinking water, now is not the time to cut back on clean water enforcement," said Laura Rubin, director of the Healing Our Waters-Great Lakes Coalition. "We need more, not less, protection for clean water."

But farming groups, a key political constituency for Mr. Trump, praised the repeal of a regulation that they said had severely restricted how farmers could use their land.

"The rule that was developed in 2015 was a significant overreach," said Don Parrish, director of regulatory relations with the American Farm Bureau Federation, which has lobbied for the repeal and replacement of the rule. "It overstepped the limit of protecting clean water and tried to regulate land use. It created liabilities that can end up putting farmers in jail." He was referring to actions like using pesticides, he said.

The Obama rule, developed under the authority of the 1972 Clean Water Act, was designed to limit pollution in about 60 percent of the nation's bodies of water, protecting sources of drinking water for about a third of the United States. It extended existing federal authority to limit pollution in large bodies of water, like the Chesapeake Bay and Puget Sound, to smaller bodies that drain into them, such as tributaries, streams and wetlands.

Under the rule, farmers using land near streams and wetlands were restricted from doing certain kinds of plowing and planting certain crops and would have been required E.P.A. permits in order to use chemical pesticides and fertilizers that could have run off into those water bodies.

**CNN**
**"Trump EPA set to officially roll back Obama clean water regulation"**
**https://www.google.com/amp/s/amp.cnn.com/cnn/2019/09/11/politics/epa-water-wotus/index.html**
**Rene Marsh**

Washington(CNN) The Environmental Protection Agency is set Thursday to announce the repeal of the Obama-era Waters of the United States rule that extended federal authority and protections to streams and wetlands, according to a source familiar with the details of the announcement.

The announcement is scheduled to take place at the National Association of Manufacturers, a trade group in Washington, DC, that has lobbied against the Obama rule and whose legal arm previously sued to block it.

The 2015 regulation, commonly known as WOTUS, defined what bodies of water are protected under the federal Clean Water Act but was a favorite punching bag of Republicans, who ridicule it as government overreach. Democrats defended it as necessary to ensure waterways remained pollution-free.

Thursday's repeal of the regulation is likely to draw intense litigation from the environmental community. Those groups have argued the Trump EPA's changes to the rule protects fewer small waterways and that could result in more pollution and put people at risk.

A source who's been invited to the announcement tells CNN that EPA administrator Andrew Wheeler is expected to sign the finalized rule repealing the regulation.

"It's the first of two steps. First the regulation has to be repealed then the EPA will move to replace it with a new regulation," the source said. Wheeler unveiled a proposed replacement regulation last December.

The EPA announced Wednesday that Wheeler will "make a major water policy announcement" but did not specify what the announcement would be. EPA and the Army Corps of Engineers did not immediately respond to CNN's request for comment.

President Donald Trump has repeatedly called clean water a priority for his administration. "We want crystal clean water and that's what we're doing and that's what we're working on so hard," he said in an environmental speech earlier this summer.

But the Obama-era rule has been under attack from Trump and conservatives for years.

Several states challenged the Obama-era rule, and a federal judge in Georgia ruled in favor of their challenge last month.

EPA has said in the past it seeks to repeal and replace WOTUS for economic and regulatory certainty reasons.

In December Wheeler said the change "will result in significant cost savings" while protecting the nation's waterways and reducing "barriers to important economic and environmental projects."

The National Association of Manufacturers has lobbied the EPA, other parts of the administration, and Congress over the WOTUS rule, according to lobbying disclosures it filed. The group has spent $4.2 million on lobbying so far this year and $9.5 million last year, according to Open Secrets, which tracks money in politics.

Following the December announcement, the National Association of Manufacturers issued a statement calling the Obama-era rule "overreaching and unfair," and pointed out its legal arm challenged the rule in court.

The group did not respond to a request for comment on Wednesday.

The proposed replacement would divide US waters into six categories: traditional navigable waters, tributaries to those navigable waters, certain ditches -- including those used for navigation or affected by the tide, certain lakes and ponds, impoundments and wetlands that are adjacent to water covered by the rule.

It would exclude groundwater; ditches, including roadside and farm ditches; prior converted cropland; stormwater control features and wastewater and waste treatment systems.

*CNN's Greg Wallace contributed to this report.*

**CBS News**
**"EPA to announce repeal of Obama-era clean water regulation"**
https://www.cbsnews.com/news/epa-to-announce-repeal-of-obama-era-clean-water-regulation/
**Arden Farhi**

The Environmental Protection Agency is expected to announce Thursday that it has finalized a repeal of the Obama-era clean water rule that spells out protections for large and small bodies of water, according to two congressional aides familiar with the plans.

The EPA will then write a new rule to replace the Waters of the United States (WOTUS) regulation, which was established in 2015. The Trump administration rule is expected to cover fewer waterways than the current one and weaken existing protections.

Soon after he was inaugurated, President Trump signed an executive order directing the EPA and the Army to "review and rescind or revise" the regulation. The order said that it's in the nation's interest to keep waterways free of pollution, while still promoting economic growth and cutting regulatory uncertainty.

Many businesses have opposed the WOTUS rule, arguing that it was overly broad. The National Federation of Independent Business sued the Obama administration over the rule, complaining that it gave the federal government "jurisdiction over seasonal streams, ponds, ditches, and even depressions fields that are dry through most of the year." The federation also took issue with the fact that business owners could be fined $50,000 per day for violating the rule.

In December 2018, EPA Administrator Andrew Wheeler unveiled the Trump administration's revision of the rule, touting it as one that would provide states and landowners with greater clarity and "certainty" about protected bodies of water.

"For the first time, we are clearly defining the difference between federally protected waterways and state protected waterways," Wheeler said in a press release at the time. "Our simpler and clearer definition would help landowners understand whether a project on their property will require a federal permit or not, without spending thousands of dollars on engineering and legal professionals."

The 2018 release said that the following bodies of water would be federally regulated:
•Traditional navigable waters and tributaries to those waters;
•"Certain" ditches;
•"Certain" lakes and ponds;
•Impoundments of jurisdictional waters; and
•Wetlands adjacent to jurisdictional waters.

The EPA rule also lays out what are not "waters of the United States," including the following:
•Features that only contain water during or in response to rainfall;
•Groundwater;
•"Many" ditches, including most roadside or farm ditches;
•Prior converted cropland;
•Stormwater control features; and
•And waste treatment systems.

Environmentalists fear the new rule will lead to more pollution, especially in smaller bodies of water that will no longer have protected status.

Mr. Trump often complains that the WOTUS rule is too onerous for land owners and companies. His administration argues that the White House is fulfilling its environmental goals "in a manner that also encourages economic growth."

The new rule, which reverts standards back to the 1986 guidelines under the Clean Water Act, is likely to face a spate of legal challenges.

**The Hill**
**"Trump administration to repeal waterway protections"**
https://thehill.com/policy/energy-environment/461064-trump-administration-to-repeal-waterway-protections
**Miranda Green**

The Environmental Protection Agency (EPA) on Thursday will announce final plans to redefine and thus shrink the waterways that must be protected under the law, a move likely to be swiftly challenged legally by environmentalists.

The final plans to repeal the 2015 Obama-era Waters of the United States (WOTUS) rule would shrink the federal government's capacity to regulate pollutants in wetlands and tributaries that feed into large rivers. EPA Secretary

Andrew Wheeler told the Washington Post that the plans will entirely scrap the prior definition of the rule, relegating waterway protections back to 1986 standards.

"What we have today is a patchwork across the country," Wheeler told The Post. "We need to have a uniform regulatory approach."

Wheeler said the agency will announce a new definition of which water bodies should remain federally protected in upcoming months.

The Obama rule was initially intended to clarify that small waterways like ponds and headwaters can be protected by the EPA. But agriculture, developers and other industries complained that it was too far-reaching and would subject huge swaths of land to federal oversight.

Court rulings in 28 states have kept WOTUS from being fully implemented across the U.S.

Trump made promises to dismantle the rule upon first coming into office. A February 2017 executive order directed the EPA to begin actions towards "the elimination of this very destructive and horrible rule."

Many critics expect Wednesday's repeal is just the first step towards the administration's move to entirely replace the rule.

**Bloomberg Environment**
**"Obama Waters Rule Will Be Kaput After Yearslong Repeal Effort"**
https://news.bloombergenvironment.com/environment-and-energy/obama-waters-rule-will-be-kaput-after-yearslong-repeal-effort
**David Schultz & Adrianne Appel**

The Trump administration is set to complete its long-in-the-works repeal of the Obama-era Waters of the United States rule.

The administration plans to announce the first step in its repeal of the rule in the afternoon of Sept. 12, Matthew Leopold, general counsel for the Environmental Protection Agency, said the same day at a conference in Boston.

The rule, known as WOTUS, defines which waterways are protected under the federal Clean Water Act. The Obama Administration updated the WOTUS rule in 2015 and allowed it to be more broadly applied, to smaller streams.

Today, 22 states follow the 2015 update to the water rule, 27 states still follow the original 1986 rule, and New Mexico's interpretation of WOTUS is "in flux," Leopold said.

Reinterpreting Rule

A repeal of the WOTUS is necessary for a number of reasons, including to bring all states under one rule, Leopold said.

"We're within the limits of what Congress delegated to us," when it passed the Clean Water Act in 1972, Leopold said. "We're happy to be filing it."

The changes will take effect in 60 days, Leopold said.

Many business sectors, especially those in the agriculture industry, opposed the Obama administration's WOTUS rule. They feared its broad definition of a water body would lead to federal oversight of small creeks and drainage ditches that were previously unregulated.

Some filed lawsuits that eventually led to judges overturning the waters rule in more than two dozen states. The Trump administration's latest action effectively overturns the rule nationwide.

Leopold said the administration expected lawsuits to be filed opposing the rule change.

"We will defend [the repeal] wherever properly challenged," Jeffrey Bossert Clark, assistant attorney general at the U.S. Justice Department for Environment and Natural Resources, said at the same American Bar Association meeting in Boston.

Exemptions on Hold?

Repealing and replacing the WOTUS rule was one of the promises that President Donald Trump made during his 2016 campaign. Just weeks after taking office, he ordered the Environmental Protection Agency and the U.S. Army Corps of Engineers to do just that under a 2017 executive order.

But more than two years after that order, the Trump administration has achieved only half its campaign promise.

Although the WOTUS rule is now repealed, the administration isn't expected to finalize its replacement until December (RIN:2040-AF75). A draft version of this WOTUS replacement would exempt many isolated wetlands and ephemeral streams from federal regulation.

**The Wall Street Journal**
**"EPA to Roll Back Obama-Era Regulations on Clean Water"**
https://www.wsj.com/articles/epa-to-roll-back-obama-era-regulations-on-clean-water-11568300216
**Tim Puko**

WASHINGTON—President Donald Trump 's administration is announcing plans to undo an Obama-era policy that expanded federal oversight of the country's waterways, while leaving further changes to clean-water rules up to a later overhaul.

The decision, expected to be announced by the Environmental Protection Agency Thursday afternoon, is the latest lurch toward new clean-water regulations after almost two decades of uncertainty about federal authority over the country's bays, rivers and streams, especially smaller seasonal tributaries and even ditches that flow into those larger waterways.

The Obama administration had expanded federal oversight upstream, it said, to better protect water quality from industrial runoff and pollution. The Trump administration has repeatedly promised a rollback it says would simplify rules and correct federal overreach.

The rule to be finalized Thursday would rescind the policy issued by the Obama administration in 2015.

The biggest immediate impact would likely be a reset of what has become divided rules for different parts of the country, after several court fights over the 2015 rule produced varying judicial decisions nationwide. However, the new Trump administration rule is likely to spark its own series court fights, too.

The Trump administration has also promised its own redefinition of federal waterways, intending to help farmers and other businesses who have complained the Obama-era changes made it too confusing and costly to determine when they might encroach on federal authority.

Mr. Trump has long promised to roll back environmental regulations he considers too restrictive. But just 14 months remain before Mr. Trump stands for reelection, raising the urgency for the administration to start finalizing and defending its top priorities for deregulation.

In recent weeks the administration has been strongly considering isolating a challenge to California authority from the rest of its new vehicle-efficiency rules. In June, EPA finalized climate rules for power plants without revising its standards for certain reviews of those plants—changes it once considered a linchpin of the policy but then promised would have to come later.

Conflict over federal waters traces back to two Supreme Court rulings in 2001 and 2006, that called into question whether and to what extent 60% of U.S. waterways, especially streams and wetlands, should fall under federal jurisdiction. The Obama revisions gave the federal government oversight of some ditches and shallow wetlands that could carry pollution downstream, which the Obama administration estimated would improve drinking water for more than 100 million Americans.

That rule, issued jointly by the Environmental Protection Agency and the U.S. Army Corps of Engineers, put about 3% more waterways throughout the U.S. under new federal jurisdiction. It required federal permits to pollute those waters and could restrict access altogether. Major waterways, such as most rivers and lakes, were already under protection of the Clean Water Act and still will be.

But since that rule's introduction, farmers, property developers, chemical manufacturers and oil-and -gas producers have voiced opposition to it, with many saying it intruded on property-owners' rights and impeded economic growth.

Mr. Trump agreed with that view and signed an executive order directing the EPA to consider a much narrower interpretation of "navigable waters" as outlined in a 2006 Supreme Court opinion by Justice Antonin Scalia.

"The old water rule, which sought to regulate dry land, was confusing and counterproductive," said Jay Timmons, leader of the National Association of Manufacturers, which has been a major participant in industry's legal challenges.

Companies apply for permits under the Clean Water Act when doing a host of industrial activities such as building roads and bridges and discharging of waste material like sewage. The U.S. Army Corps of Engineers, which issues Clean Water Act permits along with the EPA, says it approves tens of thousands of such permits a year.

**ABC News**
**"Trump EPA set to announce repeal of Obama-era rule protecting rivers and wetlands"**
https://abcnews.go.com/Politics/trump-epa-set-announce-repeal-obama-era-rule/story?id=65561924
**Stephanie Ebbs**

The Environmental Protection Agency on Thursday is expected to announce the official repeal of the Obama-era Waters of the United States rule intended to protect bodies of water such as rivers and wetlands from pollution, returning the country to water standards from 1986.

Repealing the Waters of the United States rule – or WOTUS - would fulfill a campaign promise from President Donald Trump made to farmers, developers, and manufacturers who complained the rule was too onerous and expensive to comply with, and duplicated state and local rules.

Former EPA chief Scott Pruitt often said a dry creek bed could have been regulated as a "water of the United States" under the Obama-era definition.

Farmers say the rule imposed too much bureaucracy on their operations as it intended to limit releases of chemicals and animal waste that can flow downstream and contribute to pollution or algae blooms and Trump's promise to repeal it has been a big applause line at the president's campaign rallies.

The rule has come under legal scrutiny and is currently effective in some states. Under the change, areas that are only wet after it rains -- such as seasonal streams -- would no longer be federally regulated by EPA, mostly in the west and southwest areas of the country, though it's unclear how much impact the change will have.

Experts and environmental groups have raised concerns that the repeal could threaten wetlands in coastal areas like South Carolina that provide protection from flooding and provide habitat for wildlife, and could result in chemicals or waste from agriculture or manufacturing flowing from dry creek beds into major waterways during rain.

Jon Devine, the director of federal water policy at the Natural Resources Defense Council (NRDC) released a statement opposing the Trump administration's decision.

"The Clean Water Rule represented solid science and smart public policy. Where it has been enforced, it has protected important waterways and wetlands, providing certainty to all stakeholders" he wrote.

"The Trump administration's wild-eyed attempts to reward polluters, however, knows no bounds, so it is repealing these important protections without regard for the law or sound science. This unsubstantiated action is illegal and will certainly be challenged in court."

The EPA still has to propose a new definition for what bodies of water will be federally regulated that will replace the WOTUS rule.

**Bloomberg Environment**
**"EPA Discretion to Leave Water Program Power With States Upheld"**
https://news.bloombergenvironment.com/environment-and-energy/epa-discretion-to-leave-water-program-power-with-states-upheld
**Porter Wells**

The EPA won't be forced to strip Alabama of its control over the state's pollutant discharge program because that would be an unnecessary and "drastic remedy," the Eleventh Circuit said Sept. 12 in an issue of first impression for the court.

The Clean Water Act places the U.S. Environmental Protection Agency in a supervisory position over the states, which hold primary responsibility for administration and enforcement of environmental issues like the national pollutant discharge elimination system permit program.

The EPA may withdraw a state's authority if they aren't in compliance with the law, but withdrawal is a "drastic remedy" not called for under these circumstances, the U.S. Court of Appeals for the Eleventh Circuit said in its opinion.

Whether or not the agency could be forced to commence withdrawal proceedings under the CWA was an issue the federal appeals court hadn't had to grapple with before, it said.

The statutory language uses the non-discretionary command "shall" when outlining the withdrawal actions the EPA Administrator must take once he has determined a state isn't compliant with the CWA, the court said. But the statute also allows the Administrator space to make the judgment call of whether a state's program isn't meeting the federal law's minimum requirements, it said.

The EPA's discretion isn't unlimited, but the alleged violations the environmental groups found in Alabama's NPDES permit program weren't so clear cut that they compel the conclusion that the federal agency behaved arbitrarily and capriciously in declining to initiate withdrawal procedures, the court said.

The groups took issue with the form of Alabama's discharge notices, how the state manages conflicts of interest, the biannual inspection program, and the position that the state permitting department can't sue other state agencies for violations. Those arguments failed because controlling law has ambiguous wording such that the EPA's conclusion that there wasn't a flagrant violation of the law that would require it to withdraw Alabama's CWA authority was reasonable, the court said.

The Eleventh Circuit affirmed the EPA's decision to deny the environmental group's petition for withdrawal of Alabama's authorization to carry out the NPDES program in the state.

The dispute over Alabama's permit program first came before the Eleventh Circuit in 2017, but the appeals court ruled then that the agency action wasn't yet ready for judicial review.

The opinion was written by District Judge Darrin P. Gayles, sitting by designation. He normally sits at the U.S. District Court for the Southern District of Florida.

Circuit Judges Ed E. Carnes and Elizabeth L. Branch joined the opinion.

The Law Offices of David A. Ludder PLLC in Tallahassee, Fla., represented the Riverkeeper. The Justice Department represented the government.

The case is Cahaba Riverkeeper v. EPA, 11th Cir., No. 17-11972, 9/12/19.

**GreenWire**
**"Trump admin tees up repeal of Obama-era WOTUS rule"**
https://www.eenews.net/greenwire/2019/09/12/stories/1061114733
**Ariel Wittenberg**

The Trump administration today is set to finalize its efforts to repeal a 2015 regulation clarifying which wetlands and waterways are protected under the Clean Water Act.

EPA Administrator Andrew Wheeler and Assistant Secretary of the Army for Civil Works R.D. James will unveil the new rule at the National Association of Manufacturers this afternoon.

The Obama-era Clean Water Rule was decried by members of the energy, agriculture and development industries for expanding the definition of "waters of the United States," or WOTUS, though environmentalists celebrated it as a science-based regulation clarifying when wetlands and streams are federally regulated.

The 2015 rule is currently blocked in 27 states and in effect in 22 others — its status in New Mexico is unclear. The Trump administration's repeal brings all 50 states back under regulations that have been in place since the 1980s, as interpreted by guidance written by the George W. Bush administration in 2008.

Administration officials have heralded the repeal as a response to that legal patchwork, with EPA General Counsel Matthew Leopold telling the American Bar Association's Section of Environment, Energy and Resources meeting today that the rulemaking "is, in part, our way to respond to those remands."

"We're glad that the country will be back under one regulatory regime," he said.

But the administration for two years has been planning the repeal as a first step toward writing a new definition of WOTUS, which would further roll back Clean Water Act protections under those 1986 regulations. In February 2017, President Trump signed an executive order directing EPA and the Army Corps to align Clean Water Act regulation with the views expressed by the late Supreme Court Justice Antonin Scalia in a 2006 case. The famously messy Rapanos v. United States ended in a 5-4 Supreme Court decision.

Scalia argued that the Clean Water Act applied only to waterways with "relatively permanent" surface water connections to navigable waters. By contrast, both the Bush and Obama administrations based their WOTUS definitions on an opinion expressed by Justice Anthony Kennedy in the same case stating that the Clean Water Act applies to waters with a "significant nexus" to navigable waters. That nexus could include chemical, biological or hydrologic connections.

As proposed, the Trump administration's new WOTUS definition would eliminate protections for streams that flow only after rainfall or snowmelt and wetlands without surface water connections to larger waterways.

Environmental groups and state attorneys general are likely to challenge the repeal in the coming weeks.

Today, they were quick to highlight that the current repeal is just the first step in a broader process to roll back clean water protections.

"The EPA is abdicating its mission to protect our environment and our health," said Bart Johnsen-Harris, clean water advocate for Environment America. "This is the latest in a series of egregious, reckless and damaging rollbacks from the EPA. Today's repeal paves the way for an even more harmful replacement rule in the coming months, which would exacerbate this tragic situation by opening even more waterways to pollution."

But conservative groups are already heralding the repeal as bringing the federal government back in line following what they called a huge overreach.

"By repealing this rule, the Trump administration has rightfully put an end to this definition of 'waters of the United States' that made the EPA and Corps more similar to local zoning boards than federal regulators," said Heritage Foundation Senior Research Fellow Daren Bakst.

**Fox News**
**"EPA to announce rule revising controversial water regulation from Obama era"**
https://www.foxnews.com/politics/epa-clean-water-rule-revised
**Sam Dorman**

The Environmental Protection Agency is expected to announce a revised version of the Obama-era "clean water rule" in a move that the Trump administration is touting as a way to encourage economic development.

Two EPA officials told the Associated Press that the agency would announce the plan on Thursday after years of controversy surrounding the regulation. Conservatives have criticized the rule for its expansive definition of "navigable waters" subject to regulation by the federal government.

The rule has been a target since the beginning of President Trump's first term. In 2017, he signed an executive order directing the agency to reconsider the rule and abide by Supreme Court Justice Antonin Scalia's plurality opinion in a case on the issue.

That ruling, in Rapanos vs. United States, restricted the federal government's regulatory authority to bodies of water with a somewhat permanent flow. According to the National Federation of Independent Businesses, the Obama-era rule gave the EPA authority over bodies of "seasonal streams, ponds, ditches, and even depressions fields that are dry through most of the year."

TRUMP ADMINISTRATION PREPARES MAJOR ROLLBACK OF OBAMA-ERA WATER RULES

Daren Bakst, a senior research fellow at the Heritage Foundation, similarly described the rule as a "power grab" in a statement provided to Fox News on Thursday.

“In an unprecedented power grab, this rule handed federal bureaucrats authority to regulate almost any water imaginable—creating unnecessary regulatory obstacles for everyone from farmers plowing their land to local governments building ditches for public safety to families building their homes," Bakst argued.

While it's unclear exactly what the new rule will say, environmental groups have panned the idea as a threat to the nation's waterways. When the EPA announced in December that it would publish the new rule, House Speaker Nancy Pelosi, D-Calif., warned that it would pollute drinking water.

“The President’s Dirty Water Rule will pollute and poison the clean drinking water of tens of millions of families and communities. Yet again, this Administration has sold out our children to further enrich its big corporate polluter friends,” she said.

The Natural Resources Defense Fund has threatened a lawsuit over the issue.

EPA MOVES TO NIX OBAMA'S 'WATERS OF THE US' REGULATION

"The Clean Water Rule represented solid science and smart public policy," the environmental group said in a statement. "Where it has been enforced, it has protected important waterways and wetlands, providing certainty to all stakeholders."

Acting EPA administrator Andrew Wheeler, who is expected to announce the revised rule, argued in December that the agency's revised definition restored power to states and provided greater clarity for landowners.

"It would end years of uncertainty over where federal jurisdiction begins and ends. For the first time, we are clearly delineating the difference between federally protected wetlands and state-protected wetlands," he said.

He added that the clearer definition would help landowners avoid thousands of dollars in compliance costs.

The Associated Press and Fox News' Gregg Re contributed to this report.

**NPR**
**"EPA Makes Rollback Of Clean Water Rules Official, Repealing 2015 Protections"**
https://www.npr.org/2019/09/12/760203456/epa-makes-rollback-of-clean-water-rules-official-repealing-2015-protections
**Bill Chappell**

The Trump administration is changing the definition of what qualifies as "waters of the United States," tossing out an Obama-era regulation that had enhanced protections for wetlands and smaller waterways.

The rollback will allow the Trump administration to create its own definition of which waters deserve federal protection. A new rule is expected to be finalized this winter.

The change ends an "egregious power grab," Environmental Protection Agency Administrator Andrew Wheeler says. He added that the 2015 rule had provoked 31 states to file complaints and petitions for legal review.

"We're delivering on the president's regulatory reform agenda," Wheeler says.

Wheeler unveiled the shift in U.S. water policy Thursday during an event at the National Association of Manufacturers' headquarters in Washington, D.C.

Wheeler spoke alongside Assistant Secretary of the Army for Civil Works R.D. James — who joined Wheeler in signing the repeal of the 2015 rule.

"The repeal has been anticipated for a long time," NPR's Nathan Rott reports. He adds, "Developers, mining companies and farmers painted the regulation as a massive federal overreach. Environmental groups and the Obama administration argued wider protections are needed to protect the nation's complicated water systems from pollution."

In response to the EPA's action, Jon Devine, director of federal water policy at the Natural Resources Defense Council issued a statement saying, "This unsubstantiated action is illegal and will certainly be challenged in court."

President Trump first ordered a review of the Waters of the United States rule in February of 2017, when he said that while it is "in the national interest to ensure that the Nation's navigable waters are kept free from pollution," the policy must also promote economic growth and minimize regulatory uncertainty — and not overstep states' authority.

As NPR reported when the process was resumed late last year, "Under EPA's proposal, the only wetlands that will be federally protected are those that are adjacent to a major body of water, or ones that are connected to a major waterway by surface water."

When it was published in the Federal Register earlier this year, the EPA's proposal to revise the definition of waters of the United States (which is often referred to as WOTUS) drew 11,346 comments.

The Trump administration has repealed a number of environmental regulations from the previous administration — in many cases, triggering lawsuits from conservation and environmental organizations.

**Washington Examiner**
**"EPA eliminates Obama clean water rule"**
https://www.washingtonexaminer.com/policy/energy/epa-eliminates-obama-clean-water-rule
**Abby Smith**

The Trump administration has formally repealed an Obama administration rule defining what water bodies are covered under federal protections.

The Environmental Protection Agency and Army Corps of Engineer regulation delivers on a "key promise of the president," Environmental Protection Agency Administrator Andrew Wheeler said at a Thursday event at the National Association of Manufacturers headquarters in downtown Washington.

Wheeler said the Obama administration's rule had greatly expanded Washington's reach over private lands.

"Their definition was so far reaching they needed to clarify in regulatory text that puddles were excluded," he added.

The EPA's rule eliminates the 2015 Obama regulation, known as Waters of the U.S., or WOTUS. The rollback will remove the Obama-era protections for the nearly two dozen states, the District of Columbia, and the U.S. territories that still follow the 2015 rule. The WOTUS rule had been on legal hold in the rest of the states in the country.

The rollback is a victory for Republicans, industry groups like the National Association of Manufacturers, and farming groups like the American Farm Bureau, who staunchly opposed the Obama EPA's rule as overregulation.

"On paper, I could see where a bureaucrat could cook it up," Republican Senator Mike Braun of Indiana told the Washington Examiner, talking about federal and state regulators implementing the 2015 rule.

"In practice, it was completely overshadowing all the efforts that have been made through no-till farming and conservation practices" that farmers already were doing, Braun said. Braun has introduced a bill with Republican Senator Joni Ernst of Iowa to codify the Trump EPA's move into law.

Environmentalists and former EPA officials, however, say the Trump administration's moves will undercut water quality safeguards that keep Americans' tap water clean and protect habitats.

The EPA's next step is to finish a second regulation that will set the Trump administration's own definition of waters covered under the Clean Water Act protections. The agency's proposal would limit the types of waters covered, including excluding all ephemeral streams and many wetlands.

Wheeler said that rule will be finalized in the winter.

For years, the Obama EPA rule "has been used by government agencies to punish farmers and private land owners with out-of-control fines and imprisonment for simply working to protect or better their property," acting White House Office of Management and Budget director Russ Vought said in a statement.

But for states that want to protect their streams and wetlands, regulators will now be subject to ambiguous guidance, stemming back to a 2006 Supreme Court case, Betsy Southerland, former director of the science and technology office in the EPA's Office of Water from 1984 to 2017, told the Washington Examiner.

And those states won't have the resources to head off land developers, oil and gas pipeline developers, and miners from filling in streams or dredging wetlands, she said.

"Once these headwater streams and wetlands are destroyed, they're gone forever," Southerland added.

**PoliticoPro**
**"Wheeler calls WOTUS 'egregious power grab' as he repeals it"**
https://subscriber.politicopro.com/article/2019/09/wheeler-calls-wotus-egregious-power-grab-as-he-repeals-it-3823984
**Kelsey Tamborrino**

EPA Administrator Andrew Wheeler called the Obama administration's Waters of the U.S. rule "an egregious power grab" as he signed off on its formal repeal this afternoon.

"Today's final rule puts an end to an egregious power grab, eliminates an ongoing patchwork of Clean Water Act regulations, and restores a long-standing and familiar regulatory framework while we consider public comments on our proposed revised definition of Waters of the United States," he said during an event at the Washington, D.C., headquarters of the National Association of Manufacturers, an arch critic of the Obama-era rule.

Wheeler said the repeal was further proof that the Trump administration is delivering on its deregulatory agenda, with EPA leading the federal agencies in rollbacks. EPA released a hefty economic analysis along with the final rule to repeal the Obama-era regulation.

The repeal is expected to be quickly challenged in court by environmental groups and blue states, once it officially runs in the Federal Register.

It overturns the 2015 water rule and puts back in place regulations from the 1980s that defined which streams and wetlands are covered by the Clean Water Act. The Trump administration is working to finalize a second rule by the end of the year that would create a new definition of covered waterways that would significantly shrink the number of streams and wetlands that fall under federal law.

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Message

**From:** Woods, Andrea [Woods.Andrea@epa.gov]
**Sent:** 10/11/2019 9:57:20 PM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Scott, Corey [scott.corey@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]
**CC:** Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]
**Subject:** Updated LCR Clips
**Attachments:** 10.10.19 LCR Clips.docx

Sir,

Please see updated clips from yesterday's announcement on LCR:

**10.10.19: LCR Announcement Clips**

**ABC News: Driven by Flint water crisis, EPA issues new rule to tackle lead in drinking water**
Partially inspired by the Flint, Michigan, water crisis, the Environmental Protection Agency announced a new rule to reduce exposure to lead from drinking water around the country on Thursday. "The action that we're taking tomorrow is targeting probably the largest source of lead in people's lives today -- and particularly children -- and that's in the drinking water system," EPA chief Andrew Wheeler told ABC News in an exclusive interview Wednesday.

**Associated Press: EPA proposes upping lead testing at schools in rule overhaul**
The Environmental Protection Agency is proposing a major overhaul of rules on lead contamination in drinking water, including tightening testing requirements at the nation's schools and day care centers. But critics say another change would give utilities decades more to fully replace lead pipes in water systems with high lead. EPA Administrator Andrew Wheeler on Thursday announced the proposed changes to controls on lead contamination in drinking water systems.

**Associated Press: EPA proposes rewrite of rules on lead contamination in water**
The Trump administration on Thursday proposed a rewrite of rules for dealing with lead pipes contaminating drinking water, but critics say the changes appear to give water systems decades more time to replace pipes leaching dangerous amounts of toxic lead. Contrary to regulatory rollbacks in many other environmental areas, the administration has called dealing with lead contamination in drinking water a priority. Communities and families in Flint, Michigan, Newark, New Jersey, and elsewhere have had to grapple with high levels of lead in tap water and with regulatory failures dealing with the health threat.

**Axios: EPA plans overhaul on testing water for lead contamination**
The EPA plans on issuing a proposal that would change how communities test their drinking water for lead and force quicker action when water is contaminated, the Washington Post reports. **Why it matters:** This proposal is the first update to the EPA's lead and copper rule in nearly three decades and would — theoretically — prevent another situation like the one that took place in Flint, Michigan, from arising.

**Bloomberg Environment: EPA Lead Proposal Wouldn't Mandate Full Pipe Replacement (1)**
The EPA's long-awaited proposal to overhaul how it regulates lead in drinking water won't force water utilities to replace all of their lead pipes—a disappointment for environmental and other activist groups who have been waiting for decades for this overhaul. The proposal would ratchet up current rules on lead pipe replacement rather than require a full ban on the use of these pipes.

**CNN: EPA proposes lead pipe rule changes after 20 years, but some advocates say it doesn't go far enough**
The Environmental Protection Agency is proposing its first major revision in two decades of federal regulations on lead in drinking water, after scandals in Flint, Michigan, and other cities, eroded public confidence that tap water is safe to drink. The proposed lead and copper rule would change the requirements that local water systems must meet for testing and, if lead content is above allowable levels, the procedures to replace lead service lines from their networks.

**Detroit News: EPA proposes long-awaited rule changes for lead in drinking water**
Federal regulators are proposing to extend by 20 years the time that water utilities have to replace lead service lines when drinking water exceeds the federal threshold — a move that critics said disregards lessons learned in Flint. In a draft rule published Thursday, the U.S. Environmental Protection Agency also didn't move to lower the longstanding 15 parts per billion lead threshold, which public health advocates have charged to be too high and unsafe for human health. Any level of lead is considered unsafe, but the federal threshold ensures communities take action when it is exceeded.

**E&E News: EPA to unveil first lead standards revamp in decades**
EPA will reveal its plan to overhaul the nation's lead in drinking water standards — the first update to regulations that have been in place since the early 1990s. The agency has been working to revamp the Lead and Copper Rule since 2005 but began a major push to update the regulations following the drinking water crisis in Flint, Mich.

**Green Bay Press-Gazette: In Green Bay, EPA administrator unveils new rules to curb lead in U.S. water systems**
Local water systems nationwide would be required to maintain an inventory of lead service lines and test water in schools under a proposed initiative announced by federal officials Thursday. U.S. Environmental Protection Agency Administrator Andrew Wheeler unveiled the new rules in Green Bay, calling it the first major overhaul of the national Lead and Copper Rule since 1991. Wheeler said the proposal would improve transparency, better protect at-risk communities and ensure water systems act sooner to curb lead levels.

**The Hill: EPA to overhaul rule on testing for lead contamination**
The Environmental Protection Agency (EPA) is set to propose an overhaul to a decades-old rule on testing for lead contamination in drinking water. The agency is touting the new guidelines as a significant step to reduce the presence of lead in the nation's drinking water supply and as evidence of the Trump administration's commitment to ensuring clean water across the U.S. Yet, critics say the changes will actually slow down the process of removing lead pipes from cities' water systems.

**Huffington Post: Lead Pipes Are Safe From The EPA's New Drinking Water Rule**
City water systems face stricter standards under a new regulation from the Environmental Protection Agency, but they still won't have to replace lead pipes.Utilities will have to do a better job of testing for lead in people's drinking water, according to the updated version of the Lead and Copper Rule — the same regulation that failed to stop the water crisis in Flint, Michigan, in 2014.

**Michigan Live: EPA announces changes to lead-in-water rules criticized during Flint water crisis**
The Environmental Protection Agency is proposing changes to the lead and copper rule, a three decade old rule that creates a national standard for controlling lead levels in drinking water. Established in 1991, the rule intends to reduce exposure to lead and copper through drinking water whether from corrosion control measures for lead service lines or transparency and public education, according to the EPA's website.

**New York Times: New E.P.A. Lead Standards Would Slow Replacement of Dangerous Pipes**

The Trump administration on Thursday proposed new regulations on lead and copper in drinking water, updating a nearly 30-year-old rule that may have contributed to the lead-tainted water crisis in Flint, Mich., that began in 2015. The draft plan, announced by the Environmental Protection Agency administrator, Andrew Wheeler, at a news conference in Green Bay, Wis., includes some provisions designed to strengthen oversight of lead in drinking water. But it skips a pricey safety proposal advocated by public health groups and water utilities: the immediate replacement of six million lead pipes that connect homes to main water pipes. The proposed new rule would also more than double the amount of time allotted to replace lead pipes in water systems that contain high levels of lead.

**Politico Pro: EPA seeks tighter monitoring of lead contamination, but eases replacement plan**
The Trump administration proposed tightening monitoring requirements for lead contamination in drinking water on Thursday, but extended the time that utilities have to replace corrosive lead service lines and rejected calls for wholesale replacement of the lead pipes across the country. The move, the first major overhaul of the regulation on lead in drinking water in nearly three decades, represents one of the most significant actions taken by the Trump EPA to proactively address environmental concerns, rather than roll back Obama-era regulations. President Donald Trump, former EPA Administrator Scott Pruitt and current Administrator Andrew Wheeler have named water infrastructure and reducing exposure to lead — which is a potent neurotoxin — as top priorities for the agency.
**Reuters: Trump EPA proposes overhaul of lead in drinking water rule, critics call plan weak**
The Trump administration on Thursday proposed retooling a 1991 rule on lead and cooper contamination in drinking water, but critics said the change slows by 20 years the timeline for removing aging lead service lines that could expose children to a toxin known to harm developing brains.

**U.S. News & World Report: EPA Updates Rule to Curb Lead in Drinking Water**
Protection Agency on Thursday is expected to update regulations for lead and copper in drinking water, demanding faster notification times when contamination is found but stopping short of requiring all lead pipes to be replaced. "Today, the Trump Administration is delivering on its commitment to ensure all Americans have access to clean drinking water by proposing the first major overhaul of the Lead and Copper Rule in over two decades," EPA Administrator Andrew Wheeler said in a statement to The Hill.

**The Wall Street Journal: EPA Imposes Tougher Reporting Rules for Lead in Water**
The Environmental Protection Agency said Thursday it will impose tougher requirements on water utilities to better alert the public to threats of lead contamination in water supplies. But the rule changes, the first affecting lead level in water in nearly 30 years, would also give utilities more time to replace lead pipes in their systems—drawing opposition from environmental groups.

**The Washington Examiner: Daily on Energy: EPA looks to lead on lead**
**EPA LOOKS TO LEAD ON LEAD:** The Environmental Protection Agency wants to avoid another Flint, and it's pointing to its new lead and copper rule as a major step to attack the root of the problem. EPA Administrator **Andrew Wheeler** is unveiling the proposal during an event in Green Bay, Wisconsin, this afternoon. The proposal could be a major step in reducing lead in drinking water across the country, especially if it prompts greater replacement of lead service lines. The EPA's rule would be the first major overhaul of federal protections for lead in drinking water in two decades, and it is part of the Trump administration's broader strategy to address lead poisoning launched last year.

**The Washington Examiner: Rebuffing environmentalists, EPA administrator says new lead proposal will drive more pipe replacements, not fewer**
The Environmental Protection Agency says its new lead and copper proposal will increase the number of lead service lines being replaced across the country, rather than decrease them as environmentalists have warned. "We believe we're on the right path to get the lead service lines replaced at at much faster rate," EPA Administrator Andrew Wheeler said during remarks at an event in Green Bay, Wisconsin, announcing the agency's new proposed rule. He was responding to criticism from environmental groups that the proposal would

prompt water utilities that exceed the agency's limit on lead levels in drinking water replace lead service lines at a slower pace than the prior rule.

**The Washington Post: For the first time in decades, EPA is overhauling how communities must test for lead in water**
The Environmental Protection Agency on Thursday plans to issue a long-awaited proposal aimed at improving how communities around the nation test for lead in drinking water and forcing quicker action when problems arise. The overhaul comes nearly three decades after the federal government last updated its lead and copper rule — a regulation that has been criticized as complicated, poorly enforced and not tough enough when it comes to protecting Americans from a toxic metal that scientists say is unsafe at any level.

**Wisconsin Public Radio: EPA Wants To Change The Way It Fights Lead In Drinking Water**
The U.S. Environmental Protection Agency will try to reduce lead levels in drinking water nationwide with the first major overhaul of its lead and copper rule since 1991. The lead and copper rule is a regulation designed to keep people safe from harmful drinking water contaminants. Standing on a riverfront deck in Green Bay on Thursday, EPA Administrator Andrew Wheeler detailed the proposed changes to the rule, which would require water systems to create an inventory of all their lead service lines and make that information available to the public.

**WBAY (ABC-Green Bay): Green Bay's success inspires EPA in nationwide clean drinking water effort**
Environmental Protection Agency Administrator Andrew Wheeler chose Green Bay as the city to announce the first major overhaul of the Lead and Copper Rule since 1991. With the Fox River in the background, Wheeler announced a multi-level "proactive and holistic approach" to address lead in drinking water across the country. The federal government says Green Bay was chosen for its innovative approach to combating lead in drinking water. "Our job is to replicate what Green Bay has done," said U.S. EPA Assistant Administrator for Water Dave Ross.

ABC News
https://abcnews.go.com/Politics/inspired-flint-water-crisis-epa-issues-rule-tackle/story?id=66161310

**Driven by Flint water crisis, EPA issues new rule to tackle lead in drinking water**

By Stephanie Ebbs
October 10, 2019

Partially inspired by the Flint, Michigan, water crisis, the Environmental Protection Agency announced a new rule to reduce exposure to lead from drinking water around the country on Thursday.

"The action that we're taking tomorrow is targeting probably the largest source of lead in people's lives today -- and particularly children -- and that's in the drinking water system," EPA chief Andrew Wheeler told ABC News in an exclusive interview Wednesday.

Wheeler said the new rule will help remove the most corrosive pipes with the highest risk of releasing lead first.

According to the Centers for Disease Control and Prevention, there's no safe level of lead in children's blood and says that amounts as low as 5 parts per billion require medical intervention. Exposure to lead can cause developmental delays and learning difficulties in children, as well as symptoms including weight loss, irritability or even seizures.

Lead exposure has drastically decreased since rules were put in place such as banning lead pipes in 1986, but an estimated 6.5 to 10 million homes still use lead water lines and millions of buildings, including schools, also have older infrastructure that could include lead pipes, according to EPA.

Lead pipes that carry water from local treatment facilities to residents' homes and other buildings can be treated to prevent exposure to lead. But in some cases water, like in Flint, improperly treated water can corrode the pipes and lead can leach into drinking water. Experts and groups like the American Waterworks Association have said that given the high risks from lead exposure, cities and states should take steps to completely remove lead pipes to eliminate the risk of exposure completely and that only partially removing lead service lines actually risks releasing more lead.

This is the first overhaul of the Lead and Copper Rule in more than 20 years, according to the EPA, and would require drinking water systems around the country to be more proactive in identifying lead water lines in the city, replacing those service lines and treating water to prevent residents from being exposed.

When he first came into office, Wheeler said he was concerned a requirement to remove lead service lines could take 20 to 30 years and that poorer communities would lag behind affluent communities that might be able to replace their lines immediately.

"What we're doing is requiring water systems to update their publicly available inventory of where the lead service lines are and we're requiring the water systems to find and fix the sources of lead, particularly when a sample in a home exceeds the 15 parts per billion," he said.

The rule also requires that schools and day care facilities be tested after the agency's internal watchdog found that less than half of school districts check drinking water for lead.

The new rule would also require all water systems to use the same procedures to test tap water for lead and notify customers within 24 hours if the level exceeds 15 parts per billion.

"On the campaign trail President Trump said he wants to make sure that there were no more Flint, Michigans, and that has been a guiding principal that he directed us to," Wheeler told ABC News. "One of the reasons why we're requiring notification if lead is found in the water within 24 hours -- he was very disturbed with what

happened in Flint. It was a failure of communication by both the local, state and the EPA during the Flint crisis. So this was a huge priority for him -- it's been a huge priority for us at the agency."

Cities still have to replace the portion of a lead service line managed by the water system if a customer decides to replace the portion on their private property, under the new rule. Cities will also have to implement a plan to replace at least 3% of lead service lines every year if the water tests above 15 parts per billion of lead. Systems with more than 10 ppb -- but less than 15 -- will have to work with the state to set an annual goal to replace those service lines.

Under the current rule, systems that tested above 15 ppb were required to replace 7% of lead service lines each year, but an EPA official said they didn't think that was happening because partial replacements or new test results could count as part of that benchmark.

"We encourage all lines to be replaced and we say that there is no safe level for lead, but you have to prioritize the cleanup and we have to make sure that with 15 parts per billion or above that those are cleaned up and immediately replaced and we lowered the trigger to 10 parts per billion. Ultimately our goal is to replace all the lead service lines around the country," Wheeler said.

Erik Olson, senior director of health at the Natural Resources Defense Council, said the 3% requirement is still a huge change from 7% and could take much longer for all lead service lines to be replaced.

"We thought they should do full replacement within 10 years. The problem is -- if you wait 33 years -- that at least one generation and maybe two of kids that are going to be exposed to lead," he said.

Olson said he's also concerned that piecemeal replacements of lead service lines are inefficient and that the best approach is to go into an area or neighborhood and replace all the lines at once regardless of if homeowners have taken the same step.

Wheeler acknowledged that the customer-driven approach could mean partial service line replacements in some areas, which EPA itself says can increase short-term lead exposure, but would still be beneficial.

"This is to make sure that when homeowners replace the lead pipes that they have, in the past if they replaced it there's no guarantee they would get lead-free water because the service line going up to their house may have been corroding lead. So this is to make sure that if a homeowner is going to take on the additional financial burden of replacing their line early that they will be guaranteed lead-free drinking water by requiring the water service provider to replace their side of the pipes as well," he said.
But that will be an expensive undertaking.

A 2016 EPA document found it could cost from $2,500 to $8,000 to replace a single line, estimating it would cost between $16 billion to $80 billion to immediately replace all the lead lines in the country.

EPA provides billions of dollars in grants to improve drinking water infrastructure every year but cost will still likely be a concern for homeowners with lead service lines or smaller communities.

An EPA official said they expect the new rule to cost water systems and states $131 million to $270 million a year.

Wheeler acknowledged the process won't be cheap but said the agency believes the benefit of reducing lead exposure outweighs the cost.

The new Lead and Copper Rule will be posted to the Federal Register on Thursday and will be open for 60 days of public comment before it moves forward.

Associated Press
https://ktar.com/story/2786335/epa-proposes-upping-lead-testing-at-schools-in-rule-overhaul/

**EPA proposes upping lead testing at schools in rule overhaul**

October 10, 2019

The Environmental Protection Agency is proposing a major overhaul of rules on lead contamination in drinking water, including tightening testing requirements at the nation's schools and day care centers.

But critics say another change would give utilities decades more to fully replace lead pipes in water systems with high lead.

EPA Administrator Andrew Wheeler on Thursday announced the proposed changes to controls on lead contamination in drinking water systems.

The EPA called it the biggest rule overhaul since the 1990s for lead water pipes, which can leach toxins into water and poison children. The changes would follow lead crises in Flint, Michigan; Newark, New Jersey; and elsewhere.

Proposals include requiring water suppliers to test for lead at schools and day care centers.

Associated Press
https://www.dailyherald.com/article/20191010/news/310109861/

**EPA proposes rewrite of rules on lead contamination in water**

By Ellen Knickmeyer
October 10, 2019

The Trump administration on Thursday proposed a rewrite of rules for dealing with lead pipes contaminating drinking water, but critics say the changes appear to give water systems decades more time to replace pipes leaching dangerous amounts of toxic lead.

Contrary to regulatory rollbacks in many other environmental areas, the administration has called dealing with lead contamination in drinking water a priority. Communities and families in Flint, Michigan, Newark, New Jersey, and elsewhere have had to grapple with high levels of lead in tap water and with regulatory failures dealing with the health threat.

Lead in drinking water has been linked to developmental delays in children and can damage the brain, red blood cells and kidneys. It is most often caused by lead service lines - pipes connecting a home to a water main - or lead fixtures in a home or school.

At a news conference in Green Bay, Wisconsin, Environmental Protection Agency Administrator Andrew Wheeler announced changes that include requiring water systems to test lead levels in water at schools and child care facilities.

But Wheeler disappointed conservation groups by declining to lower the level of lead contamination in drinking water systems that triggers cleanup action. And another change lowered the amount of lead pipe that water systems have to replace each year once the threshold is hit, cutting it from 7% a year to 3% a year.

That, according to Eric Olson at the Natural Resources Defense Council conservation group, would give water utilities about 20 more years to fully replace all the lead pipes in a contaminated system.

Wheeler said a series of other, smaller changes in the new proposals would offset that. Overall, he argued, the rule changes, if the White House ultimately adopts them, would mean leaking old lead pipes are "replaced at a much faster rate than ever before."

Betsy Southerland, a senior EPA water official under the Obama administration, said the new proposals largely miss the opportunity to boost the urgency of the country's rules, issued in 1991, for cleaning up lead in water systems. Asked her overall impression, she said, "I would say disappointing."

Axios
https://www.axios.com/epa-water-lead-contamination-regulations-9040aa46-bcc0-4b0c-8b79-b61dba08a61a.html

**EPA plans overhaul on testing water for lead contamination**

By Michael Sykes
October 10, 2019

The EPA plans on issuing a proposal that would change how communities test their drinking water for lead and force quicker action when water is contaminated, the Washington Post reports.

**Why it matters:** This proposal is the first update to the EPA's lead and copper rule in nearly three decades and would — theoretically — prevent another situation like the one that took place in Flint, Michigan, from arising.

**Between the lines**, via Axios' Amy Harder: This is one of the few areas where the EPA is seeking to add, instead of repeal, regulations. The agency has largely focused on rolling back rules on climate change, but this is more focused on traditional environmental protection, a core part of EPA's mission.

**Yes, but**: "[W]hile Thursday's sprawling proposal seeks significant changes to the status quo, some environmental advocates said the agency's overhaul does not appear to take the most important step: requiring the steady removal of the estimated 6 million or more lead service lines that remain underground throughout the nation," per the Post.

Bloomberg Environment

**EPA Lead Proposal Wouldn't Mandate Full Pipe Replacement (1)**

https://news.bloombergenvironment.com/environment-and-energy/epa-lead-proposal-wouldnt-mandate-full-pipe-replacement

By David Schultz

October 10, 2019

The EPA's long-awaited proposal to overhaul how it regulates lead in drinking water won't force water utilities to replace all of their lead pipes—a disappointment for environmental and other activist groups who have been waiting for decades for this overhaul.

The proposal would ratchet up current rules on lead pipe replacement rather than require a full ban on the use of these pipes.

Environmental Protection Agency Administrator Andrew Wheeler unveiled the new water regulations at an Oct. 10 event in Green Bay, Wis. This is the first time new nationwide lead regulations are being introduced in nearly 30 years.

"Administration after administration failed to get this done," he said. "The Trump administration made a commitment early on that we would get this done."

However, environmental groups, including the Natural Resources Defense Council, said the proposal doesn't go far enough. Erik D. Olson, the group's senior director for health and food, called it a "huge lost opportunity and a huge disappointment."

No Pipe Mandate

The EPA's proposal (RIN: 2040-AF15) wouldn't force water utilities to rip out all of their lead pipes at once, but it would increase regulatory pressure on them in more subtle ways.

For example, it would require all utilities to conduct an inventory of their lead pipes and then make this information public. It would also force utilities to replace a lead water main when one of their customers decides to replace the lead service line that runs from the main to the customer's house.

However, the proposal largely keeps in place the current regulatory regime that allows utilities to keep their lead pipes in place as long as the pipes don't leach too much lead into the tap water they deliver.

In fact, the proposal would actually relax the rules in this area. The current regulations require utilities that have elevated lead levels in their water to replace 7% of their pipes per year. Under this new proposal, that number would drop to 3%.

However, Wheeler said the proposal would actually accelerate lead pipe replacement nationwide because it would remove the loopholes in the current regulations that allow utilities with lead problems to replace far less than 3% of their pipes annually.

In the Works Nearly a Decade

The proposal has been in the works at the EPA for nearly a decade, long before the water crisis in Flint, Mich., brought the issue of lead contamination to national attention.

Corroding pipes are the primary source of lead in drinking water. Lead is a toxic metal that can cause irreversible neurological damage in children and fetuses.

The agency has struggled to find a way to require utilities to remove the millions of lead pipes still in use across the country without imposing a massive unfunded mandate on the cities and towns that often own these utilities.

The EPA will now solicit comments from the public on this regulatory proposal. It must then compile, analyze, and respond to these comments before finalizing the proposal and giving it the force of law.
The agency expects to finalize this proposal by July.

Wheeler said earlier this month that EPA staff presented him with an updated version of the rule shortly after he was appointed as administrator last year, but he sent this proposal back.

He said he was concerned their proposal wouldn't ensure the most corrosive lead pipes across the country were prioritized for removal first.

CNN
https://www.cnn.com/2019/10/10/politics/epa-lead-water-rules-update/index.html
**EPA proposes lead pipe rule changes after 20 years, but some advocates say it doesn't go far enough**
By Gregory Wallace
October 10, 2019

The Environmental Protection Agency is proposing its first major revision in two decades of federal regulations on lead in drinking water, after scandals in Flint, Michigan, and other cities, eroded public confidence that tap water is safe to drink.

The proposed lead and copper rule would change the requirements that local water systems must meet for testing and, if lead content is above allowable levels, the procedures to replace lead service lines from their networks.

The rules would not change the 15 parts-per-billion limit on lead in water. By comparison, Canada has a threshold of 5 parts per billion.

They would, however, require water authorities to begin developing plans when they are at risk of reaching that threshold, and to notify customers within 24 hours of noncompliant test results. They would also prohibit practices, such as flushing pipes prior to testing, that water systems have used to get around the rules.

EPA Administrator Andrew Wheeler said Thursday that the new rules "would require water systems to act sooner," would "better protect children" and would ban ways that water systems effectively rigged their lead content numbers.

Some advocates for cleaner water said the actions were not strong enough, and they sharply criticized the proposal to lower the number of pipes that must be replaced from noncompliant water systems.

But Mark Edwards, the Virginia Tech professor whose testing blew the whistle in Flint, Washington, DC, and elsewhere, said he believed the proposed rule, if enforced, could rebuild public trust in their water systems and the EPA.

"Too frequently our most vulnerable citizens are spending their precious dollars on bottled water and filters because they don't feel safe," Edwards told CNN.

He said he believes the majority of American cities do not have dangerous levels of lead in their water. But high-profile incidents like Flint caught the public's eye.

"We got here by having a law that wasn't enforced, people being told their water was safe when it wasn't, cheating was rampant and people realized they can't trust their water," he said.
Lead service lines and copper pipes used within homes are the most common sources of the contamination in drinking water, according to the EPA. Lead contamination can cause mental and physical difficulties, particularly in children and pregnant women.

The proposal also would slash the quantity of pipes that noncompliant systems must replace each year from 7% to 3%.

Environmental and health groups called for that number to be increased rather than decreased. Erik Olson of the Natural Resources Defense Council said a more appropriate level would be 10% annually, which would result in all lead pipes being replaced within 10 years.

Mary Grant of the group Food and Water Watch said the agency "is actually going backward" on the standards and called for federal funding for pipe replacement.

"To protect human health, we need to eliminate all lead service lines and require full lead service line replacement," Grant said in a statement.

Despite the decrease, Wheeler said the 3% level is "far more aggressive than what the previous regulation had" because it removed "off-ramps" that allowed water systems to make their water look cleaner and get out of the requirements to replace pipes. For example, they could flush their systems shortly before testing or choose testing sites with the least chance of contamination.

Edwards said that while the "drop from 7 to 3% sounds like a big step backward," it actually would be progress if it is "enforced and people stop cheating."

Wheeler made the announcement in Green Bay, Wisconsin, where the water authority has committed to replacing all the lead pipes in its system by the end of next year.

Green Bay Mayor Eric Genrich, who was previously elected to the state Legislature as a Democrat, spoke after Wheeler at the event and noted that young people had recently gathered at the same site on the city's waterfront to call on the Trump administration to take action against climate change.

He called their message "essential to the livelihood not just of residents of Green Bay or Wisconsinites or to residents of this country, but to human civilization as a whole."

"I'd just encourage you to follow the science, as you have in this instance, and take urgent action to keep us all safe and strong and healthy," Genrich told Wheeler.

Wheeler said the proposal would be open for 60 days of public comment and he anticipates publishing a final rule next summer.

Detroit News
https://www.detroitnews.com/story/news/politics/2019/10/10/epa-proposes-long-awaited-rule-changes-lead-drinking-water/3934237002/

**EPA proposes long-awaited rule changes for lead in drinking water**

By Melissa Nann Burke
October 10, 2019

Federal regulators are proposing to extend by 20 years the time that water utilities have to replace lead service lines when drinking water exceeds the federal threshold — a move that critics said disregards lessons learned in Flint.

In a draft rule published Thursday, the U.S. Environmental Protection Agency also didn't move to lower the longstanding 15 parts per billion lead threshold, which public health advocates have charged to be too high and unsafe for human health. Any level of lead is considered unsafe, but the federal threshold ensures communities take action when it is exceeded.

Other proposed changes would mandate that water systems notify customers within 24 hours when they find excessive lead levels, instead of within 30 days, and would bar utilities from using certain sampling practices to obscure test results, federal officials said.

“By improving protocols for identifying lead, expanding sampling, and strengthening treatment requirements, our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities," EPA Administrator Andrew Wheeler said in a statement.

But environmental advocates objected that the EPA would require water utilities to test only 20% of schools and daycare centers a year, leaving uncertain how often water faucets or fountains within those facilities must be tested.

They also slammed the EPA's decision not to reduce the 15 ppb action level, which EPA officials defended Thursday on a call with reporters.

“The agency is maintaining the existing action level because that is still an appropriate level that is based on the feasibility of what water systems can achieve,” an EPA official said on the call.
Former Republican Gov. Rick Snyder created new lead rules in Michigan in response to the Flint crisis, lowering the state action level for lead from 15 ppb to 12 by 2025. Snyder called the federal lead and copper rule "dumb and dangerous."

The agency does plan to introduce a new 10 ppb “trigger level” that requires utilities to examine corrosion-control measures and consult with state officials about whether to replace lead service lines, but without enforceable deadlines for taking action, experts said.

“We’re establishing a trigger level at 10 parts per billion because we think that’s an appropriate value at which to trigger actions by water systems to both prepare for potential exceedance of the action level, and to take steps to reduce lead exposure at that level," the EPA official said.

"We think it’s an appropriate value, and we’re soliciting public input on that and the actions we propose to have systems take.”

Drinking-water advocates also called the EPA's approach to lead service line replacement "wrong headed," saying it dismissed the hard-won lessons in Flint.

Under the current rule, water systems with lead contamination over 15 ppb must replace lead service lines at a rate of at least 7% per year, giving utilities 13 years to fully replace the lines.
The EPA's new rule would only require replacement of 3% of service lines per year, extending the timeline for replacement to 33 years. Lead was used in plumbing materials until its use was outlawed in 1986.

“A water utility does not need more than three decades to replace its lead service lines," said Dimple Chaudhary, senior attorney with the National Resources Defense Council and lead counsel in a lawsuit over Flint's drinking water. "NRDC’s work in Flint shows that.”

She highlighted the $100 million settlement that the NRDC and its partners reached in 2017 in the wake of the Flint crisis that required the city and state to replace all of Flint’s lead service lines within three years.

Flint is on track to do so by early 2020, with an estimated 1,000 lines to go, Chaudhary said.
“Lead service lines must come out of the ground quickly after lead levels are elevated,” Chaudhary said.

“There is no viable alternative to protect people’s lives in the long term. Communities cannot and should not live off bottled water. Water filters are hard to install and maintain, and chemical treatment can take years to become fully effective and is also not fool-proof.”

EPA officials said the new provisions will work in a "concerted form" that would actually result in more lead service lines getting replaced more quickly.

Officials said those systems with levels of 10 ppb would have more frequent monitoring at more targeted sampling sites, using improved sampling procedures.

Systems with levels above 10 ppb but below 15 would have to set an annual goal for conducting replacements and do outreach to encourage resident participation in lead line replacement programs, EPA said.

Erik Olson, senior strategic director for health and food at the Natural Resources Defense Council, called the change a “major rollback of the lead service line replacement requirements that actually will swallow up the modest improvements that are found elsewhere in the rule.”

He suggested that extending the time that utilities have to replace lead service lines to 33 years would likely constitute "backsliding" in regulations that is explicitly prohibited by a provision of the federal Safe Drinking Water Act.

He and others also raised concerns about whether the EPA would take steps to enforce its new “watered-down” rule, as Chaudhary called it.

U.S. Rep. Dan Kildee, D-Flint Township, panned the rule as "a step backwards and a slap in the face to the children in Flint."

“We know there is no safe level of lead in water and we need to remove all lead service lines in our communities to protect families and children," Kildee said.

"Yet, President Trump’s dangerous rule allows lead lines to remain in communities, even after high levels of lead have been found in drinking water.

"The Flint water crisis should have taught policymakers at all levels of government that we must get serious about removing lead from our water systems. Yet the President’s policies have continuously put special corporate interests ahead of public health," Kildee added.

The federal Lead and Copper Rule has not had a major overhaul since 1991. The most recent revisions were due in 2013 but had been delayed for years.

Several advocates did praise the mandate for water systems to notify customers of excessive lead levels within 24 hours.

Olsen agreed that sampling improvements would help, but said the EPA had previously advised against using these sampling "tricks" in February 2016 guidance document in the wake of the Flint water crisis.

EPA officials also said they were mandating an inventory of lead service lines, though this was also required by the 1991 version of the Lead and Copper Rule, and “a lot of utilities did not do it," Olson said.

Also, in 2018, Congress required all states do an evaluation of the number of lead service lines in their state to qualify for federal funding under the Drinking Water State Revolving Fund that supports water infrastructure.

In Michigan, new rules are requiring local communities to replace all lead lines connecting water mains to houses and other buildings by 2040 in addition to lower the lead threshold to 12 ppb.
Local governments sued, claiming the rule to further restrict the amount of lead allowed in drinking water was an illegal unfunded mandate from the state.

But state Court of Claims Judge Christopher Murray rejected the last legal challenge, saying certain financial protections under the Headlee Amendment aren’t triggered in this case because local governments have chosen to provide water. He said Wednesday there’s no mandate that they’re required to provide the service.

E&E News

**EPA to unveil first lead standards revamp in decades**

https://www.eenews.net/greenwire/2019/10/10/stories/1061243235

By Ariel Wittenberg

October 10, 2019

EPA will reveal its plan to overhaul the nation's lead in drinking water standards — the first update to regulations that have been in place since the early 1990s.

The agency has been working to revamp the Lead and Copper Rule since 2005 but began a major push to update the regulations following the drinking water crisis in Flint, Mich.

The Trump administration has emphasized the importance of combating lead poisoning in children, with former EPA Administrator Scott Pruitt even declaring a "war on lead," though the agency's regulatory efforts on lead paint and lead dust have left public health experts skeptical of that commitment (Greenwire, June 21).

Technical details of the proposal won't be released until this afternoon, but environmental and public health experts — as well as drinking water utility groups — say some elements of the new regulation are worth celebrating, while others may amount to regulatory rollbacks.

The new standards, which will be unveiled at a news conference in Green Bay, Wis., are expected to revamp monitoring requirements to ensure Americans are better informed when their tap water is contaminated — something experts say exacerbated drinking water problems in Flint and Washington, D.C.

"If this is actually enforced, it could be a step forward and maybe people won't be lied to in the future," said Marc Edwards, a Virginia Tech engineering professor credited with discovering the Flint water crisis, which lead experts at EPA missed.

Edwards has been calling for EPA to update such monitoring requirements since 2007, and said both the new requirements and how they will be enforced will be key to whether the new regulation is effective.

"The essence of the rule is that if you have lead in the water, you have to tell people," he said. "If they do what they say, that would be a refreshing change. If they repeat the errors of the past and just say, 'Anything goes; we can't enforce the rule,' then we are no better off than where we started."

EPA is also expected to require mandatory removal of lead pipes over the next 20 years. There are an estimated 6 million to 10 million lead pipes currently in use nationwide.

Public health advocates have long called for stronger requirements for such replacements, as old, leaching lead pipes are the primary source of the neurotoxin in drinking water.

Many have also called on EPA to lower its so-called lead action level of 15 parts per billion. Currently, utilities are required to begin replacing lead pipes if that level is exceeded at more than 10% of taps tested for lead.

The proposed rule from EPA is expected to keep that lead action level in place but create a new, lower "trigger level" of 10 ppb, which, if exceeded, would require utilities to review the chemicals they use to prevent lead pipes from corroding.

Reaction

Tracy Mehan, director of government affairs at the American Water Works Association, said his utility trade group is glad EPA is "setting the stage for further progress in reducing risk exposure to lead in water."

But, he said, he's reserving judgment on the proposal until he has read all of the specifics. "God is in the details," he said.

In particular, Mehan said he will be looking for information about the consequences of violating the "trigger" level.

He's also interested in any new requirements related to replacing lead pipes, and whether or how those extend to the privately owned sections of pipes going under private property and into people's homes.

EPA has signaled that it will require "full" lead service line replacement, which Mehan said raises questions about how those removals would be funded, and whether any emergency accommodations would be made for utilities.

"Private lines are owned by homeowners, so there is a question about what to do if the homeowner won't or can't replace their line," he said. "There also may be some emergency situations where you just have to replace the water main as soon as possible, and we want to see if there is some accommodation for that."

The Natural Resources Defense Council has argued that water utilities should pay to replace even the privately owned portion of lead pipes. Requiring homeowners to foot the bill, NRDC says, results in more replacements in richer, whiter communities while leaving economically disadvantaged communities and communities of color unable to pay for critical improvements.

Another provision in the new rule that is already being slammed by public health advocates is the requirement, first reported by The Washington Post, that 3% of lead service lines be replaced annually in communities where the 15-ppb action level is exceeded.

Current rules require that a minimum of 7% of lead service lines be replaced in those circumstances.

That could be illegal, said Erik Olson, senior strategic director for health and food at NRDC, who noted that the Safe Drinking Water Act prohibits EPA from weakening any drinking water standards.

"EPA is rolling back rules meant to protect people from dangerous lead in drinking water. That's the opposite of what is urgently needed — and it's against the law," he said. "Safe drinking water is a basic human right; by weakening the rule, Wheeler's EPA is giving reprieve to one of the worst toxic scourges known to science."

Green Bay Press-Gazette
https://www.greenbaypressgazette.com/story/news/2019/10/10/lead-u-s-epa-announces-new-rules-improve-water-green-bay/3932710002/

**In Green Bay, EPA administrator unveils new rules to curb lead in U.S. water systems**

By Hailey BeMiller
October 10, 2019

Local water systems nationwide would be required to maintain an inventory of lead service lines and test water in schools under a proposed initiative announced by federal officials Thursday.

U.S. Environmental Protection Agency Administrator Andrew Wheeler unveiled the new rules in Green Bay, calling it the first major overhaul of the national Lead and Copper Rule since 1991. Wheeler said the proposal would improve transparency, better protect at-risk communities and ensure water systems act sooner to curb lead levels.

"President Trump is committed to ensuring that all Americans, regardless of their ZIP code, have access to clean drinking water, and today's action goes a long way toward fulfilling that commitment," Wheeler said on Green Bay's CityDeck, which runs along the Fox River.

Under the proposed rules, water systems would be required to create and maintain a public inventory of lead service lines and repair sources of lead when a sample in a home reaches a certain threshold. Local utilities must also sample drinking water at any school or child care facility they serve.

Water systems would need to notify customers within 24 hours if a sample from their home exceeds 15 parts per billion, which is considered an "action level" by the EPA. The proposal also creates a new "trigger level" of 10 ppb, which must prompt systems to find ways to reduce lead in drinking water.

Wheeler acknowledged that the proposed actions can be expensive and encouraged cities and states to pursue federal funding when necessary.

Some environmental and public health groups balked at the administration's proposal, calling it a "half-baked" measure that fails to protect children. A statement Thursday by the Environmental Working Group took particular issue with the administration's choice to maintain the current action level of 15 ppb.

"Instead of proposing a plan to protect children from the often lifelong damage caused by lead exposure, the Trump EPA is leaving communities to deal with the lead crisis on their own," said Olga Naidenko, the Environmental Working Group's vice president for science investigations. "In the most powerful country in the world, it should not be too much to ask that our children can grow up in a lead-free environment."

The proposal will be open for public comment for 60 days.

Green Bay's efforts to eliminate lead in drinking water made the city a focal point for Wheeler's announcement, officials said. The city's water utility began replacing its 4,400 lead pipes in 1990 and has since cut that number to just over 300.

Dave Ross, assistant administrator for the EPA, credited Green Bay with identifying the problem, then developing and financing a plan that was well-publicized in the community.

"When I took a look across to the country as to who was doing innovative work, Green Bay popped up to the top of the list," he said.

The Hill
https://thehill.com/policy/energy-environment/465230-epa-to-introduce-major-overhaul-of-decades-old-lead-testing-rule

**EPA to overhaul rule on testing for lead contamination**

By Rebecca Beitsch
October 10, 2019

The Environmental Protection Agency (EPA) is set to propose an overhaul to a decades-old rule on testing for lead contamination in drinking water.

The agency is touting the new guidelines as a significant step to reduce the presence of lead in the nation's drinking water supply and as evidence of the Trump administration's commitment to ensuring clean water across the U.S. Yet, critics say the changes will actually slow down the process of removing lead pipes from cities' water systems.

EPA head Andrew Wheeler will roll out the proposed rule, which the agency says is the first "major" overhaul of the Lead and Copper Rule since 1991, during an event in Green Bay, Wis., on Thursday afternoon.

"Today, the Trump Administration is delivering on its commitment to ensure all Americans have access to clean drinking water by proposing the first major overhaul of the Lead and Copper Rule in over two decades," Wheeler said in a statement.

"By improving protocols for identifying lead, expanding sampling, and strengthening treatment requirements, our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities."

Critics, though, are pushing back on the agency's claims, arguing that the changes may actually slow progress on removing lead from water.

The rule does not lower the lead action level as many public health experts had hoped. Those experts say the current level, 15 parts per billion (ppb), is too high to meaningfully reduce the blood lead levels of children who are exposed.

Instead of lowering the lead action level, the rule establishes a new two-tier system for addressing lead contamination. When a city's water hits a new 10 ppb "trigger" level, cities would be required to reevaluate their water treatment and possibly add corrosion control chemicals to city water.

The agency is touting the new trigger level of 10 ppb, saying it would "enable systems to react more quickly should they exceed the 15 ppb action level in the future." Only at 15 ppb must cities begin to replace their water system's pipes.

Under the new proposal, cities would be required to replace 3 percent of lead service lines each year, a number far lower than the current requirement of 7 percent.

Critics worry the EPA is just easing regulations on how quickly cities must replace their pipes.

"It's really just like window dressing to try to make it look like they were being much more stringent when in fact the real action level stayed exactly the same, and they lowered the percent of upgrades to 3 percent from 7 percent. That's very disappointing," said Betsy Southerland, who was director of Office of Science and Technology at the EPA's Office of Water under the Obama administration.

The new EPA rule does not account for lead in pipes in people's homes, leaving it up to individuals to voluntarily replace and pay for any lead pipes in their own homes.

High levels of lead exposure when ingested can be extremely harmful and even cause death. Lead exposure is especially worrisome for children, who can experience cognitive disorders and neurological defects when exposed at certain levels.

The Centers for Disease Control and Prevention says there's no safe level of lead in children's blood. Worries about lead exposure from drinking water gained new attention in 2015 after the water contamination scandal in Flint, Mich.

Wheeler has previously said the Obama administration waited too long to act in Flint, where residents were drinking water with alarming levels of lead.

"Part of the problem with Flint was there was a breakdown in once they got the data, once the city of Flint, the state of Michigan, the Obama EPA – they sat on it," Wheeler told CBS in March. "We're not doing that. As soon as we get information that there's a problem, we're stepping in, we're helping the local community get that water system cleaned up."

Huffington Post
https://www.huffpost.com/entry/epa-drinking-water_n_5d9f8db8e4b087efdbaac243

**Lead Pipes Are Safe From The EPA's New Drinking Water Rule**

By Arthur Delaney
October 10, 2019
https://www.huffpost.com/entry/epa-drinking-water_n_5d9f8db8e4b087efdbaac243

City water systems face stricter standards under a new regulation from the Environmental Protection Agency, but they still won't have to replace lead pipes.

Utilities will have to do a better job of testing for lead in people's drinking water, according to the updated version of the Lead and Copper Rule — the same regulation that failed to stop the water crisis in Flint, Michigan, in 2014.

Bad water treatment decisions spiked the city's water with lead that year, resulting in confirmed higher lead levels in Flint children. The government didn't admit the crisis until late in 2015.
The new regulation has found some critics.

"The Trump administration's new Lead and Copper Rule is a step backwards and a slap in the face to the children in Flint," Rep. Dan Kildee (D-Mich.) said in a statement.

Lead is a brain-damaging neurotoxin. It also happens to be a pliable metal that is handy for making pipes. It has been mostly banned from use in plumbing materials, but millions of buildings across the country still get water from old lead service lines that could last for decades more.

In recent years, public health experts have learned that even tiny amounts of exposure can be dangerous. Many water regulation experts say the only way to make sure drinking water is safe from lead is to force cities to get rid of their lead pipes altogether.

But digging up lead pipes is expensive. Flint has only done so thanks partly to a $100 million infusion from the federal government in the wake of the crisis.

In a draft of its proposed regulation, the EPA said that "due to the financial and practical challenges of wide-spread replacement of lead pipes around the country, it is important to use our nation's resources wisely, and thus target actions where they are most needed and can provide the most good."

Instead of replacing pipes, both the current and proposed new rule tell cities to add chemicals to their drinking water to make it less corrosive and form a protective coating on the inside of service lines.

The new regulation will make more cities conduct corrosion control testing. It would also require cities to take an inventory of their pipes, since many were laid so long ago utilities aren't even sure where they are. And for the first time the rule will require utilities to check for lead in schools and daycares, which have been exempt even though children's brains are more vulnerable to lead exposure than adults.

"Today, the Trump administration is delivering on its commitment to ensure all Americans have access to clean drinking water by proposing the first major overhaul of the Lead and Copper Rule in over two decades," EPA administrator Andrew Wheeler said in a statement Thursday.

Under the current rule, utilities have to replace 7% of their lead pipes annually if samples taken from people's taps exceeds a certain threshold. The new rule would require them to replace only 3% of pipes annually if they exceed the threshold — which isn't getting stricter.

Marc Edwards, a Virginia Tech civil engineering professor who worked with Flint residents to blow the whistle on the city's water lead, said he thought the relaxed standard might actually lead to a better outcome.

"Doing 7% out of the blue was just considered so unthinkable that many utilities said they can't do it, they'd rather cheat and pretend their water's safe," Edwards said. (Flint, for instance, avoided taking samples from enough homes that were known to have lead pipes.)

Edwards believes it's unrealistic to expect the kind of public investment it would take to fix the problem nationally. If the Flint water crisis didn't make it happen, what would?

"Lead pipes are going to be there for my lifetime and my children's lifetime," he said. "You get the water you pay for."

Michigan Live
https://www.mlive.com/news/flint/2019/10/epa-announces-changes-to-lead-in-water-rules-criticized-during-flint-water-crisis.html

**EPA announces changes to lead-in-water rules criticized during Flint water crisis**

By Winter Keefer
October 10, 2019

The Environmental Protection Agency is proposing changes to the lead and copper rule, a three decade old rule that creates a national standard for controlling lead levels in drinking water.

Established in 1991, the rule intends to reduce exposure to lead and copper through drinking water whether from corrosion control measures for lead service lines or transparency and public education, according to the EPA's website.

The rule was criticized after the Flint water crisis as being too lenient.

The new proposal "improves" the actions that water systems must take to reduce lead in the nation's drinking water, according to a Thursday, Oct. 10 news release by the EPA.

EPA Administrator Andrew Wheeler announced this action, which represents the first major overhaul of the lead and copper rule since it was established, at an event in Green Bay.

"By improving protocols for identifying lead, expanding sampling, and strengthening treatment requirements, our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities," Wheeler said.

However, U.S. Rep. Dan Kildee, D-Flint Township expressed concern Thursday that the lead and copper rule proposal does not go far enough.

"We know there is no safe level of lead in water and we need to remove all lead service lines in our communities to protect families and children," Kildee said in a statement. "Yet, President Trump's dangerous rule allows lead lines to remain in communities, even after high levels of lead have been found in drinking water. Additionally, the Trump Administration's rule does not lower the action level for lead, which is already too high."

The Natural Resources Defense Council said the rule reportedly includes stretching lead service line replacement requirements by 20 years.

The existing rule says that a water system with lead above the EPA's action level of 15 parts per billion (ppb) must replace seven percent of its lead service lines each year for as long as they exceed 15 ppb, the NRDC said in a news release Thursday. This means water utilities currently have about 13 years to replace lead service lines, according to the NRDC.

Wheeler's proposal would permit water systems to only have to remove three percent of their lead service lines for as long as they exceed 15 ppb, a time frame of 33 years – 20 years longer than permitted under the current rule, the release states.

Erik Olson, senior strategic director for health and food at NRDC, said the EPA is rolling back rules meant to protect people from dangerous lead in drinking water.

"That's the opposite of what is urgently needed—and it's against the law," Olson said.

Any level of exposure to lead is harmful, he said, adding that safe drinking water is one of the most basic protections a government provides.

"With whole cities—like Flint and Newark—experiencing the fallout of lead contamination, it is disturbing to see President Trump and EPA Administrator Wheeler fail to meaningfully address this serious public health problem," Olson said.

Olson said access to clean drinking water is "a basic human right" and called out Wheeler for "giving reprieve to one of the worst toxic scourges known to science."

"Before another generation of children grows up drinking lead from their kitchen tap water, the EPA should develop a plan that completely pulls every lead line out of the ground at the six million homes across the nation that still have them as soon as possible," he said.

Dimple Chaudhary, senior attorney with NRDC and lead counsel in the Flint drinking water case, said in the release the rule suggests the EPA has "learned little" from the water crisis.

"EPA's proposed approach to lead service line replacement is wrongheaded," Chaudhary said. "A water utility does not need 33 years to replace its lead service lines. It will have taken Flint only three years to get its toxic lead pipes out of the ground."

NRDC said it believes this proposal is illegal because it "violates the anti-backsliding provision in the Safe Drinking Water Act, which prohibits EPA from weakening any drinking water standards that are on the books."

New York Times
https://www.nytimes.com/2019/10/10/climate/epa-lead-water-pipes.html

**New E.P.A. Lead Standards Would Slow Replacement of Dangerous Pipes**

By Coral Davenport
October 10, 2019

The Trump administration on Thursday proposed new regulations on lead and copper in drinking water, updating a nearly 30-year-old rule that may have contributed to the lead-tainted water crisis in Flint, Mich., that began in 2015.

The draft plan, announced by the Environmental Protection Agency administrator, Andrew Wheeler, at a news conference in Green Bay, Wis., includes some provisions designed to strengthen oversight of lead in drinking water. But it skips a pricey safety proposal advocated by public health groups and water utilities: the immediate replacement of six million lead pipes that connect homes to main water pipes. The proposed new rule would also more than double the amount of time allotted to replace lead pipes in water systems that contain high levels of lead.

Mr. Wheeler framed the new regulations as a major step forward in protecting water supplies.
"The water sector has known for years and years that the regulations governing lead and copper in our water need to be improved, but administration after administration has failed to get it done," Mr. Wheeler said, noting that the standards were last updated in 1991. "We are delivering on the president's commitment that all Americans have access to clean and safe drinking water."

Although the new proposal would extend the timetable for replacing lead pipes, it would include new requirements that schools and day care centers be tested for lead, and, if elevated lead levels are found, customers would have to be told within 24 hours, not the current standard of 30 days. It would also require water utilities to conduct inventories of their lead service pipes and publicly report their locations.

Environmental activists said those moves forward would not make up for the relaxation of standards in other areas.

The slower timetable for the replacement of lead pipes is a "huge weakening change that will swallow up the few small improvements in the proposal," wrote Erik D. Olson, an expert in drinking water policy at the Natural Resources Defense Council, an advocacy group, in an email.

The new rule proposes changing a key element of the current rules, which requires that a water system that is found to contain lead levels higher than 15 parts per billion must replace 7 percent of its lead service lines each year for as long as the lead levels exceed that measurement. The new proposal would instead require water systems with those lead levels to replace 3 percent of lead service lines each year.

Mr. Olson's group estimated that the loosening of standards could extend the length of time needed to replace dangerous lead water pipes from 13 years to 33 years.

"It means that another generation of American kids will be exposed to dangerous levels of lead from their drinking water," he said.

President Trump has made the rollback of environmental regulations a hallmark of his administration, with initiatives to weaken or erase dozens of E.P.A. regulations on climate change, chemical pollution and water quality. At the same time, he has also called attention to the concerns about lead in water that were ignited by the discovery of high levels of lead and other contaminants that poisoned Flint's drinking water for more than a year. He also frequently emphasizes his desire to promote "crystal-clear water."

During a 2016 campaign stop in Flint, Mr. Trump said: "It used to be, cars were made in Flint and you couldn't drink the water in Mexico. Now, the cars are made in Mexico and you cannot drink the water in Flint."

"We shouldn't allow it to happen," he said.

Mr. Trump's first E.P.A. administrator, Scott Pruitt, announced that he would prioritize removing lead from water, saying that the agency was declaring "war on lead." Mr. Pruitt stepped down amid a corruption scandal in 2017.

A 2018 report from the E.P.A.'s Office of Inspector General said management weaknesses had hobbled the agency's response to the Flint crisis and that federal officials should have taken stronger action to correct repeated blunders by state regulators.

Mr. Pruitt's successor, Mr. Wheeler, announcing the plan, highlighted it as part of Children's Health Month, which falls in October.

But for Flint advocates, it fell well short.

"We need urgent action and bold investments to rebuild America's water infrastructure, not weakened policies that fail to protect the health and safety of our citizens," said Representative Dan Kildee, Democrat of Michigan, who was born and raised in Flint and represents it in Congress. "The Flint water crisis should have taught policymakers at all levels of government that we must get serious about removing lead from our water systems. Yet the president's policies have continuously put special corporate interests ahead of public health."

The draft plan will be open for public comment for 60 days, and Mr. Wheeler said that he expected to complete the final plan next summer.

Politico Pro

**EPA seeks tighter monitoring of lead contamination, but eases replacement plan**

https://subscriber.politicopro.com/energy/article/2019/10/epa-seeks-tighter-monitoring-of-lead-contamination-but-eases-replacement-plan-1804480

By Annie Snider

October 10, 2019

The Trump administration proposed tightening monitoring requirements for lead contamination in drinking water on Thursday, but extended the time that utilities have to replace corrosive lead service lines and rejected calls for wholesale replacement of the lead pipes across the country.

The move, the first major overhaul of the regulation on lead in drinking water in nearly three decades, represents one of the most significant actions taken by the Trump EPA to proactively address environmental concerns, rather than roll back Obama-era regulations. President Donald Trump, former EPA Administrator Scott Pruitt and current Administrator Andrew Wheeler have named water infrastructure and reducing exposure to lead — which is a potent neurotoxin — as top priorities for the agency.

"The Trump administration made a commitment early on that we would get this done," Wheeler said at an event in Green Bay, Wis., where he unveiled the rule. He argued that it delivers on the president's promise to reduce childhood lead exposure and ensure Americans have clean and safe drinking water.

The proposed rule would not change the current "action level" of 15 parts per billion — the level at which drinking water utilities must begin replacing lead service lines — even though the Centers for Disease Control and Prevention have concluded that there is no safe level of lead exposure. However, the proposal would add a new "trigger level" of 10 ppb that would require utilities to start planning how they would respond if lead levels rise to the action level.

The proposal would also make a number of changes to how drinking water utilities monitor tap water, inventory their systems and alert customers, including schools and daycare centers, when that action level is exceeded.

While environmental and public health groups acknowledge that these changes are improvements to the current system, they say the benefits are outweighed by the slower rate at which the rule would require utilities to replace dangerously corrosive lines.

Currently, when a utility exceeds the 15 ppb action level, it must replace 7 percent of its lead service lines each year. Under the proposed rule, EPA would allow such utilities to replace them at a rate of only 3 percent a year — meaning it would take more than 33 years to fully replace the system. However, the agency would tighten rules governing how utilities measure that 3 percent, which Wheeler argued would actually result in swifter replacements.

Environmental groups had urged EPA to mandate a nationwide plan to replace lead lines, covering all systems, not just those that are currently having problems. Estimates put that at a $1 trillion undertaking, but in the wake of the lead contamination crisis in Flint, Mich., utilities have supported the idea.

"Unless the lead lines come out of the ground, there's always a possibility for a similar crisis," said Dimple Chaudhary, a senior attorney for the Natural Resources Defense Council who sued to force the city of Flint to fully replace its lead service lines.

Democratic Rep. Dan Kildee, who represents Flint, blasted the new EPA proposal, which he said "weakens already inadequate protections and fails to protect public health."

"We know there is no safe level of lead in water and we need to remove all lead service lines in our communities to protect families and children," he added.

But Wheeler argued Thursday that complete replacement was not financially realistic, and said that his proposal would ensure "that those communities that have the worst lead in their pipes get those pipes replaced first."

Congressional Republicans quickly welcomed the rule's release.

"Today's action represents the Trump Administration's commitment to protecting drinking water by taking this proactive and holistic approach to address our most at-risk communities from lead exposure, a commitment we share," said Rep. Greg Walden (Ore.), the top Republican on the House Energy and Commerce Committee, along with senior committee Republicans John Shimkus (Ill.) and Fred Upton (Mich.).

The proposed rule will be open for public comment for 30 days after it is published in the Federal Register.

Reuters
https://www.reuters.com/article/us-usa-epa-lead/trump-epa-proposes-overhaul-of-lead-in-drinking-water-rule-critics-call-plan-weak-idUSKBN1WP30R

**Trump EPA proposes overhaul of lead in drinking water rule, critics call plan weak**

By Timothy Gardner
October 10, 2019

The Trump administration on Thursday proposed retooling a 1991 rule on lead and cooper contamination in drinking water, but critics said the change slows by 20 years the timeline for removing aging lead service lines that could expose children to a toxin known to harm developing brains.

Andrew Wheeler, the Environmental Protection Agency chief, said at an event in Wisconsin that the plan would "ensure all Americans have access to clean drinking water."

Under the rule, community water systems would be required among other things to identify the most impacted areas to find and fix sources of lead when a sample in a home exceeds 15 parts per billion.

The EPA said water systems would also have to follow new, improved sampling procedures and adjust sampling sites to better target locations with higher lead levels.

Critics say the rule slows down the removal of service lines where levels exceed 15 parts per billion to 33 years from the 13 years in the original rule.

Health advocates estimate that as many as 6 million or more lead water lines remain underground in U.S. cities and towns.

Lead is a neurotoxin that can damage brains and cause behavior and stomach problems. There is no safe level of lead in drinking water and children are particularly vulnerable, according to the Centers for Disease Control.

The plan is part of the EPA's policy of consulting with state and local officials, or national organizations that represent them, when developing regulations. While the administration is focused on easing regulations on mining and drilling and other industries, the EPA has said it is focused on tackling water pollution, which it calls a core duty of the agency.

Wheeler said the proposal would ensure that more local water systems would act to prevent lead exposure especially in schools and child care facilities. The rule establishes for the first time a 10 parts per billion "trigger level" that would compel water systems to identify those actions.

"There is no safe level of lead in water and we need to remove all lead service lines in our communities to protect families and children," said Representative Dan Kildee, a Democrat and native of Flint, Michigan, which suffered lead contamination crisis beginning in 2015.

"We need urgent action and bold investments to rebuild America's water infrastructure, not weakened policies that fail to protect the health and safety of our citizens," Kildee said.

Rob Hayes, a clean water associate at Environmental Advocates of New York, said the proposal is a step backward.

"Once again, the Trump administration has left public health out to dry."

U.S. News & World Report
https://www.usnews.com/news/national-news/articles/2019-10-10/trumps-epa-updates-rule-to-curb-lead-in-drinking-water

**EPA Updates Rule to Curb Lead in Drinking Water**

By Cecelia Smith-Schoenwalder
October 10, 2019

Protection Agency on Thursday is expected to update regulations for lead and copper in drinking water, demanding faster notification times when contamination is found but stopping short of requiring all lead pipes to be replaced.

"Today, the Trump Administration is delivering on its commitment to ensure all Americans have access to clean drinking water by proposing the first major overhaul of the Lead and Copper Rule in over two decades," EPA Administrator Andrew Wheeler said in a statement to The Hill.

"By improving protocols for identifying lead, expanding sampling, and strengthening treatment requirements, our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities."

There is no known safe level of lead in a child's blood, according to the EPA. The Centers for Disease Control and Prevention advises getting medical attention for a child if his or her blood lead level is 5 micrograms per deciliter or more. Lead exposure is associated with lower IQs, learning and behavioral problems and slowed growth in children.

Under the old rule, utilities had to replace some of their lead service lines if they repeatedly tested above the EPA's action level of 15 parts per billion. They were allotted roughly 14 years for the full replacement.

The new regulations would require water systems to notify customers within 24 hours if lead levels exceed 15 parts per billion, according to ABC News. If tests show between 10 and 15 parts per billion, the utility will be required to work with the state to come up with a plan to replace the service lines. However, the new rule will give utilities roughly 33 years – about 20 more years that previously allowed – to fully replace service lines that repeatedly test above the action level.

"We encourage all lines to be replaced and we say that there is no safe level for lead, but you have to prioritize the cleanup and we have to make sure that with 15 parts per billion or above that those are cleaned up and immediately replaced and we lowered the trigger to 10 parts per billion. Ultimately our goal is to replace all the lead service lines around the country," Wheeler told ABC News.

This is the first update to the rule in nearly three decades, and while the agency is adding new regulations instead of repealing old ones, not everyone is happy with it.

One step the new rule does not seem to take would be requiring the removal of all remaining lead service lines, although Wheeler recognizes that as the eventual goal.

"Before another generation of children grows up drinking lead from their kitchen tap water, the EPA should develop a plan that completely pulls every lead line out of the ground at the six million homes across the nation that still have them as soon as possible," Erik Olson, a senior director for the Natural Resources Defense Council, said in a statement.

According to the EPA, between 6.5 and 10 million homes still use lead water lines. Millions of buildings could have lead pipes. The water can be treated for lead, but in some situations like what happened in Flint, Michigan, the contaminated water can leach through corroded pipes into drinking water supplies.

The Wall Street Journal
https://www.wsj.com/articles/epa-imposes-tougher-reporting-rules-for-lead-in-water-11570730651

**EPA Imposes Tougher Reporting Rules for Lead in Water**

By Tim Puko
October 10, 2019

The Environmental Protection Agency said Thursday it will impose tougher requirements on water utilities to better alert the public to threats of lead contamination in water supplies.

But the rule changes, the first affecting lead level in water in nearly 30 years, would also give utilities more time to replace lead pipes in their systems—drawing opposition from environmental groups.

"EPA is rolling back rules meant to protect people from dangerous lead in drinking water. That's the opposite of what is urgently needed—and it's against the law," said Erik D. Olson, senior strategic director for health and food for the Natural Resources Defense Council.

The EPA said the changes will require water utilities to do more testing and to replace their lead-pipe systems any time their customers replace the lead pipes they own in their homes and businesses.

It will also require utilities to alert customers of high lead concentrations within 24 hours, rather than within 30 days of learning the results of lead tests, according to the EPA.

"Our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities," EPA Administrator Andrew Wheeler said in a statement ahead of a planned announcement of the changes at an event in Wisconsin Thursday.

The Natural Resources Defense Council, however, said giving utilities more time to replace lead pipes could raise health risks.

In communities that exceed the federal action level of 15 parts per billion of lead in water, utilities would have to replace a minimum of 3% of lead service lines annually, down from a requirement of 7%.

That will give utilities about 33 years to replace lead pipes in their systems, up from a current pace of about 13 years, according to the Natural Resources Defense Council, which represented residents and community groups against Flint, Mich., over its lead crisis from 2014 and 2015.

The group says the changes might be illegal because this decision would violate Safe Drinking Water Act provisions prohibiting the EPA from weakening any drinking water standards.

The Washington Examiner
https://www.washingtonexaminer.com/policy/energy/daily-on-energy-epa-looks-to-lead-on-lead

**Daily on Energy: EPA looks to lead on lead**

By Abby Smith and Josh Siegel
October 10, 2019

**EPA LOOKS TO LEAD ON LEAD:** The Environmental Protection Agency wants to avoid another Flint, and it's pointing to its new lead and copper rule as a major step to attack the root of the problem.

EPA Administrator **Andrew Wheeler** is unveiling the proposal during an event in Green Bay, Wisconsin, this afternoon.

The proposal could be a major step in reducing lead in drinking water across the country, especially if it prompts greater replacement of lead service lines. The EPA's rule would be the first major overhaul of federal protections for lead in drinking water in two decades, and it is part of the Trump administration's broader strategy to address lead poisoning launched last year.

"Our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities," Wheeler said in a statement.

Environmentalists, though, say the EPA's proposal wouldn't go far enough and could actually slow the replacement of lead service lines. And the agency hasn't yet detailed how it would enforce the new regulation.

**What the regulation would do:** Wheeler said the EPA's proposal targets lead in drinking water "by improving protocols for identifying lead, expanding sampling, and strengthening treatment requirements."

Lead, a heavy metal that had been used for decades in pipes and paint, is known to cause learning disabilities, slower growth, and other health problems, particularly in children. Lead can get into communities' drinking water supply when water isn't treated properly and lead service pipes corrode.

The EPA, in its proposal, would require water systems to update a public inventory of where lead service lines are. Water systems would also have to address sources of lead if a home is found to have lead levels in its drinking water exceeding 15 parts per billion.

The EPA is also adding a new "trigger level" of 10 parts per billion, meaning water systems would have to start taking action sooner to treat sources of lead.

**Will it prevent another Flint?** The answer to that question comes down to how the EPA would enforce its new proposal, experts say.

Asking water systems to proactively act in "good faith" isn't enough, **Carl Reeverts**, former deputy director of the EPA's drinking water protection division, said, adding there should be consequences if a violation occurs. The EPA hasn't yet said how it's "going to make sure a water system complies with the requirements," he said.

Replacing lead service lines is also incredibly expensive, and water systems would benefit from federal help to cover the cost, said Reeverts, who worked at the EPA for more than three decades.

Wheeler, in his statement, said the EPA intends to work with the Department of Housing and Urban Development to ensure states and cities can tap into federal funding options to help replace lead service lines and conduct treatment.

The Washington Examiner
https://www.washingtonexaminer.com/policy/energy/rebuffing-environmentalists-epa-administrator-says-new-lead-proposal-will-drive-more-pipe-replacements-not-fewer

**Rebuffing environmentalists, EPA administrator says new lead proposal will drive more pipe replacements, not fewer**

By Abby Smith
October 10, 2019

The Environmental Protection Agency says its new lead and copper proposal will increase the number of lead service lines being replaced across the country, rather than decrease them as environmentalists have warned.

"We believe we're on the right path to get the lead service lines replaced at at much faster rate," EPA Administrator Andrew Wheeler said during remarks at an event in Green Bay, Wisconsin, announcing the agency's new proposed rule. He was responding to criticism from environmental groups that the proposal would prompt water utilities that exceed the agency's limit on lead levels in drinking water replace lead service lines at a slower pace than the prior rule.

Wheeler, though, said the old rule had included "off-ramps" that allowed water utilities to bypass replacing lines if they made changes to monitoring and other treatment options.

Under the EPA's proposal, "once you hit the trigger, you can't stop replacement," Wheeler said. "So it is a permanent 3% per year, and it is going to get lead service lines replaced at a much higher level."

The previous requirement had been a rate of replacement of 7% per year.

Wheeler added the agency is requiring for the first time that water suppliers replace connected lead service lines if a homeowner decides to replace theirs.

The EPA unveiled Thursday updates to the agency's regulation targeting lead poisoning in drinking water, the first major changes to the rule in two decades.

"These are major new steps to protect the most vulnerable among us," Wheeler said, adding the proposal would require water systems to act sooner to reduce lead levels in drinking water.

Lead is a heavy metal that had been used for decades in pipes and paint. The substance is known to cause learning disabilities, slower growth, and other health problems, particularly in children. If water isn't treated properly and lead service pipes corrode, the metal can get into drinking water supplies.

The EPA proposal updates the 1991 lead and copper rule, which sets limits on lead levels in drinking water and outlines actions water utilities must take if systems exceed that level.

Wheeler said the EPA's new proposal requires water systems to update a public inventory of lead service lines and to collect tap samples from homes with those lines.

The EPA proposal also sets a new "trigger level" of 10 parts per billion, meaning water systems would have to start taking action sooner to treat sources of lead. The regulation's current action level is 15 parts per billion.

"It is great to hear that the EPA has proposed lead and copper rule standards that moves us toward better protection of our children," said Karen Weaver, the mayor of Flint, Michigan, which suffered a water contamination crisis. "Of course, there is no safe level of lead, 10 ppb trigger level, moves us closer and I am especially relieved to see that our schools water systems will be tested and sampling methodology monitored for greater reliability."

Environmental groups, though, said the proposal doesn't go far enough. Groups such as the Natural Resources Defense Council have urged the EPA to require replacement of all lead service lines.

Former EPA officials are also raising concern that the new "trigger level" appears to lack enforcement consequences.

"Realistically, what can we expect this new, undefined, never-before-seen trigger level to generate?" Betsy Southerland, former director of science and technology in the EPA's water office, told the *Washington Examiner*. She added water utilities are already "cash-strapped" to take action when they exceed the 15 parts per billion limit.

Water utility groups, for their part, say they appreciate the EPA's updates to the lead and copper regulation, though they're reserving judgment on the rule until they're able to review it.

"We look forward to continuing to work with the EPA and others in the drinking water industry through the rule development process," Ruben Rodriguez, senior director of external communications for American Water, which represents investor-owned water utilities, said in a statement.

The EPA will take public comment on the rule for 60 days once it is published in the Federal Register. Wheeler said the agency intends to finalize the rule next summer.

The Washington Post
https://www.washingtonpost.com/climate-environment/2019/10/10/first-time-decades-epa-is-overhauling-how-communities-must-test-lead-water/

**For the first time in decades, EPA is overhauling how communities must test for lead in water**

By Brady Dennis
October 10, 2019

The Environmental Protection Agency on Thursday plans to issue a long-awaited proposal aimed at improving how communities around the nation test for lead in drinking water and forcing quicker action when problems arise.

The overhaul comes nearly three decades after the federal government last updated its lead and copper rule — a regulation that has been criticized as complicated, poorly enforced and not tough enough when it comes to protecting Americans from a toxic metal that scientists say is unsafe at any level.

"It's a national embarrassment," Marc Edwards, the Virginia Tech professor who helped to expose the lead crises in Flint, Mich. and other cities, said. The rule has remained largely untouched since 1991.

The EPA's revamped rule, which has been in the works since 2010, is meant to provide what the agency calls a "proactive and holistic approach" to more reliably identify elevated lead levels across 68,000 public water systems and to force utilities to tackle problems faster.

EPA Administrator Andrew Wheeler said in a statement that the effort is part of the administration's "commitment to ensure all Americans have access to clean drinking water."

"Our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities," Wheeler said in a statement.

However, while Thursday's sprawling proposal seeks significant changes to the status quo, some environmental advocates said the agency's overhaul does not appear to take the most important step: requiring the steady removal of the estimated 6 million or more lead service lines that remain underground throughout the nation.

"Everything else is small potatoes," said Erik Olson, a senior director for the Natural Resources Defense Council. "From a public health standpoint, that's absolutely critical. There are going to be problems with lead contamination as long as you leave lead pipes in the ground."

The new proposal does appear to address some of the widely acknowledged problems with the current rule.

The EPA says it will require utilities to create an inventory of lead service lines and to make those findings public. It also will require that all test samples be taken at homes with lead service lines, compared with only half under the current rule. When a water utility finds elevated lead levels, it now will have to notify homeowners within 24 hours.

In an effort to close loopholes that critics say have long allowed communities to avoid reporting troubling test results, the EPA also plans to strengthen existing testing protocols. The agency no longer will allow practices such as removing aerators from faucets before testing, giving residents small-necked bottles and instructions to fill them slowly or "pre-flushing" water from lines before taking samples. Each of those tactics can temporarily lower lead levels and mask potential violations.

The EPA also wants to create a new "trigger level" of 10 parts per billion of lead in the water, a standard more stringent than the existing "action level" of 15 parts per billion. If a utility detects lead exceeding 10 parts per billion in enough taps, it could be forced to reevaluate the chemicals it uses to treat the water and must work

with state officials on a plan to replace outdated pipes. (Smaller systems serving fewer than 10,000 people will have more flexibility in how to respond to elevated lead levels.)

In addition, water utilities would be required to replace their portion of a lead service line anytime a resident decides to replace the lead pipe leading to his or her home. In communities that exceed the 15 parts per billion federal action level, officials would be required to replace a minimum of 3 percent of lead service lines annually.

That's a more lenient standard than the current minimum requirement of 7 percent. EPA officials have said that although lead line replacements are the ultimate goal, the new rule is also aimed at addressing water problems in the short term. But the change is unlikely to sit well with some public health advocates.

"That's just staggering to me," said Olson, noting that the amended requirement could significantly extend the time it takes to rid a community of its lead pipes. "It's exactly the opposite of what we should be doing."

Finally, local utilities will be required for the first time to test for lead in child-care facilities and schools, many of which until now have faced virtually no state or federal laws that require testing.

Although lead exposures have fallen since Congress banned the use of lead pipes in 1986, the toxic metal remains in plumbing fixtures around the country, as well as in millions of underground pipes. Replacing all those pipes could cost as much as $80 billion, according to one EPA estimate, an expense that could fall largely on homeowners and cash-strapped cities.

The EPA was already years into revamping the much criticized lead and copper rule when the water crisis in Flint first gained national attention in 2015. The episode exposed thousands of young children in the city to alarming levels of lead, which can cause irreversible cognitive damage and other health problems, and it put a public spotlight on officials at every level who had failed to prevent the catastrophe.

"It clearly needs to be strengthened," then-EPA Administrator Gina McCarthy said during a 2016 hearing, even as she insisted that the Flint debacle stemmed from Michigan's failure to enforce the existing law.

Environmental activists have long argued that the federal rules are too easy to evade and too seldom enforced, and that such shortcomings have contributed to water crises in the District, Flint and, more recently, in Newark. Some state and local officials in charge of implementing the rules have called the requirements too complex and unwieldy. The water industry and individual communities have fretted over the associated costs.

The new proposal does not go as far as some environmental and public health advocates would like. For example, it does not set one enforceable standard for lead, known as a "maximum contaminant level," as it does for other harmful substances in water. Nor does it require the estimated 6 million lead service lines that remain underground around the country be replaced in the short term.

The new rule, which will be open for comment for 60 days, also does not lower the agency's lead "action level," which remains more lenient than new regulations put in place by Michigan in 2018. There, lawmakers plan to reduce the threshold to 12 parts per billion and require that all lead service lines in the state be replaced by 2040, unless a utility can demonstrate that it needs longer to implement the rule.

Edwards, who has seen water crisis after water crisis endanger residents and erode public trust in government, said none of the EPA's proposed changes will matter unless public officials do what they haven't always done in the past.

"Enforcement," he said, "is everything."

Wisconsin Public Radio
https://www.wpr.org/epa-wants-change-way-it-fights-lead-drinking-water

**EPA Wants To Change The Way It Fights Lead In Drinking Water**

By Miranda Suarez
October 10, 2019

The U.S. Environmental Protection Agency will try to reduce lead levels in drinking water nationwide with the first major overhaul of its lead and copper rule since 1991. The lead and copper rule is a regulation designed to keep people safe from harmful drinking water contaminants.

Standing on a riverfront deck in Green Bay on Thursday, EPA Administrator Andrew Wheeler detailed the proposed changes to the rule, which would require water systems to create an inventory of all their lead service lines and make that information available to the public.

The changes would also require water sampling at schools and day care centers. Wisconsin got an F grade in preventing lead from entering schools' drinking water in a report released earlier this year.

"We want to make sure that the parents of those children know what the lead content is in the water where they send their children every day. These are major new steps to protect the most vulnerable among us," Wheeler said.

The EPA has been mulling changes to the rule for years, even before the water crisis in Flint, Michigan, where "hazardous waste-levels of lead" in drinking water — along with other contaminants — caused illness and national outrage.

In this proposal, the "action level" — or the amount of lead that is allowed to be in water before a water system must take action to decrease it — will remain at 15 parts per billion. But the new rule would also establish a warning threshold if a water system ever reaches 10 ppb, forcing that system to conduct studies or re-evaluate their water treatment.

But some environmental groups said the changes are not enough.

"We know that there is no safe level of lead in drinking water," said Carly Michiels of Clean Wisconsin, an environmental nonprofit. "Fifteen is too high and too much. Ten is too high. We know that five is too high. It just seems like it doesn't go far enough in protecting public health."

Michiels says the proposed changes are a good step, but the real focus needs to be on removing lead pipes.

"It really just completely ignores the whole issue of removal. And if you remove them, we don't have to deal with pollution. That's the big prevention component," she said.

Madison was the first major city in the country to launch a full lead service line replacement program, according to the city's website, trading out old lead pipes for copper ones.

But cities like Milwaukee and Racine have an old housing stock, which leads to a higher risk of lead poisoning, according to a 2016 report from the state's Department of Natural Resources. That year, Milwaukee had the highest prevalence of lead poisoning in children under 6.

After a public comment period, Wheeler said he plans to put the new rules into effect next summer.

WBAY (ABC-Green Bay)
https://www.wbay.com/content/news/Green-Bays-success-inspires-EPA-in-nationwide-clean-drinking-water-effort-562740011.html

**Green Bay's success inspires EPA in nationwide clean drinking water effort**
October 10, 2019

Environmental Protection Agency Administrator Andrew Wheeler chose Green Bay as the city to announce the first major overhaul of the Lead and Copper Rule since 1991.

With the Fox River in the background, Wheeler announced a multi-level "proactive and holistic approach" to address lead in drinking water across the country.

The federal government says Green Bay was chosen for its innovative approach to combating lead in drinking water.

"Our job is to replicate what Green Bay has done," said U.S. EPA Assistant Administrator for Water Dave Ross.

Green Bay Water Utility says it is closing in on its goal of replacing all lead pipes in the city by the end of 2020. The city invested about $9 million in lead service replacement.

In 2016, there were 1,782 utility-owned lead services in Green Bay. After three years of work, that number is down to 445.

"Today, the Trump Administration is delivering on its commitment to ensure all Americans have access to clean drinking water by proposing the first major overhaul of the Lead and Copper Rule in over two decades," said EPA Administrator Wheeler.

Action 2 News was at the news conference and will have coverage tonight.

Here are the six-parts to the EPA Lead and Copper Rule overhaul:

1) Identifying the most impacted areas by requiring water systems to prepare and update a publicly-available inventory of lead service lines and requiring water systems to "find-and-fix" sources of lead when a sample in a home exceeds 15 parts per billion (ppb).
2) Strengthening drinking water treatment by requiring corrosion control treatment based on tap sampling results and establishing a new trigger level of 10 ppb (e.g. trigger level outlined below).
3) Replacing lead service lines by requiring water systems to replace the water system-owned portion of an LSL when a customer chooses to replace their portion of the line. Additionally, depending on their level above the trigger level, systems would be required take LSL replacement actions, as described below.
4) Increasing drinking water sampling reliability by requiring water systems to follow new, improved sampling procedures and adjust sampling sites to better target locations with higher lead levels.
5) Improving risk communication to customers by requiring water systems to notify customers within 24 hours if a sample collected in their home is above 15 ppb. Water systems will also be required to conduct regular outreach to the homeowners with LSLs.
6) Better protecting children in schools and child care facilities by requiring water systems to take drinking water samples from the schools and child care facilities served by the system.

The EPA is taking public comment on the updated Lead and Copper Rule. CLICK HERE to add your comments.

**Andrea Woods**
Deputy Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2010

**10.10.19: LCR Announcement Clips**

**[ HYPERLINK \l "_ABC_News" ]**Partially inspired by the Flint, Michigan, water crisis, the Environmental Protection Agency announced a new rule to reduce exposure to lead from drinking water around the country on Thursday. "The action that we're taking tomorrow is targeting probably the largest source of lead in people's lives today -- and particularly children -- and that's in the drinking water system," EPA chief Andrew Wheeler told ABC News in an exclusive interview Wednesday.

[ HYPERLINK \l "_Associated_Press" ]
The Environmental Protection Agency is proposing a major overhaul of rules on lead contamination in drinking water, including tightening testing requirements at the nation's schools and day care centers. But critics say another change would give utilities decades more to fully replace lead pipes in water systems with high lead. EPA Administrator Andrew Wheeler on Thursday announced the proposed changes to controls on lead contamination in drinking water systems.
**[ HYPERLINK \l "_Associated_Press_1" ]**
The Trump administration on Thursday proposed a rewrite of rules for dealing with lead pipes contaminating drinking water, but critics say the changes appear to give water systems decades more time to replace pipes leaching dangerous amounts of toxic lead. Contrary to regulatory rollbacks in many other environmental areas, the administration has called dealing with lead contamination in drinking water a priority. Communities and families in Flint, Michigan, Newark, New Jersey, and elsewhere have had to grapple with high levels of lead in tap water and with regulatory failures dealing with the health threat.

[ HYPERLINK \l "_Axios" ]
The EPA plans on issuing a proposal that would change how communities test their drinking water for lead and force quicker action when water is contaminated, the [ HYPERLINK "https://www.washingtonpost.com/climate-environment/2019/10/10/first-time-decades-epa-is-overhauling-how-communities-must-test-lead-water/" ]. **Why it matters:** This proposal is the first update to the EPA's lead and copper rule in nearly three decades and would — theoretically — prevent another situation like the one that took place in Flint, Michigan, from arising.

[ HYPERLINK \l "_Bloomberg_Environment" ]
The EPA's long-awaited proposal to overhaul how it regulates lead in drinking water won't force water utilities to replace all of their lead pipes—a disappointment for environmental and other activist groups who have been waiting for decades for this overhaul. The proposal would ratchet up current rules on lead pipe replacement rather than require a full ban on the use of these pipes.

**[ HYPERLINK \l "_CNN" ]**
The Environmental Protection Agency is proposing its first major revision in two decades of federal regulations on lead in drinking water, after scandals in Flint, Michigan, and other cities, eroded public confidence that tap water is safe to drink. The proposed lead and copper rule

would change the requirements that local water systems must meet for testing and, if lead content is above allowable levels, the procedures to replace lead service lines from their networks.

**[ HYPERLINK \l "_Detroit_News" ]**
Federal regulators are proposing to extend by 20 years the time that water utilities have to replace lead service lines when drinking water exceeds the federal threshold — a move that critics said disregards lessons learned in Flint. In a draft rule published Thursday, the U.S. Environmental Protection Agency also didn't move to lower the longstanding 15 parts per billion lead threshold, which public health advocates have charged to be too high and unsafe for human health. Any level of lead is considered unsafe, but the federal threshold ensures communities take action when it is exceeded.

[ HYPERLINK \l "_E&E_News" ]
EPA will reveal its plan to overhaul the nation's lead in drinking water standards — the first update to regulations that have been in place since the early 1990s. The agency has been working to revamp the Lead and Copper Rule since 2005 but began a major push to update the regulations following the drinking water crisis in Flint, Mich.

[ HYPERLINK \l "_Green_Bay_Press-Gazette" ]
Local water systems nationwide would be required to maintain an inventory of lead service lines and test water in schools under a proposed initiative announced by federal officials Thursday. U.S. Environmental Protection Agency Administrator Andrew Wheeler unveiled the new rules in Green Bay, calling it the first major overhaul of the national Lead and Copper Rule since 1991. Wheeler said the proposal would improve transparency, better protect at-risk communities and ensure water systems act sooner to curb lead levels.

[ HYPERLINK \l "_The_Hill" ]
The Environmental Protection Agency (EPA) is set to propose an overhaul to a decades-old rule on testing for lead contamination in drinking water. The agency is touting the new guidelines as a significant step to reduce the presence of lead in the nation's drinking water supply and as evidence of the Trump administration's commitment to ensuring clean water across the U.S. Yet, critics say the changes will actually slow down the process of removing lead pipes from cities' water systems.

**[ HYPERLINK \l "_Huffington_Post" ]**
City water systems face stricter standards under a [ HYPERLINK "https://www.epa.gov/newsreleases/epa-proposes-updates-lead-and-copper-rule-better-protect-children-and-risk-0" \t "_blank" ], but they still won't have to replace lead pipes.Utilities will have to do a better job of testing for lead in people's drinking water, according to the updated version of the Lead and Copper Rule — the same regulation that failed to stop the [ HYPERLINK "https://www.huffpost.com/news/topic/flint-water-crisis" \t "_blank" ] in Flint, Michigan, in 2014.

[ HYPERLINK \l "_Michigan_Live" ]

The Environmental Protection Agency is proposing changes to the lead and copper rule, a three decade old rule that creates a national standard for controlling lead levels in drinking water. Established in 1991, the rule intends to reduce exposure to lead and copper through drinking water whether from corrosion control measures for lead service lines or transparency and public education, according to the EPA's website.

[ HYPERLINK \l "_New_York_Times" ]
The Trump administration on Thursday proposed new regulations on lead and copper in drinking water, updating a nearly 30-year-old rule that may have contributed to the [ HYPERLINK "https://www.nytimes.com/interactive/2016/01/21/us/flint-lead-water-timeline.html?module=inline" ], that began in 2015. The draft plan, announced by the Environmental Protection Agency administrator, Andrew Wheeler, at a news conference in Green Bay, Wis., includes some provisions designed to strengthen oversight of lead in drinking water. But it skips a pricey safety proposal advocated by public health groups and water utilities: the immediate replacement of six million lead pipes that connect homes to main water pipes. The proposed new rule would also more than double the amount of time allotted to replace lead pipes in water systems that contain high levels of lead.

[ HYPERLINK \l "_Politico_Pro" ]
The Trump administration proposed tightening monitoring requirements for lead contamination in drinking water on Thursday, but extended the time that utilities have to replace corrosive lead service lines and rejected calls for wholesale replacement of the lead pipes across the country. The move, the first major overhaul of the regulation on lead in drinking water in nearly three decades, represents one of the most significant actions taken by the Trump EPA to proactively address environmental concerns, rather than roll back Obama-era regulations. President Donald Trump, former EPA Administrator Scott Pruitt and current Administrator Andrew Wheeler have named water infrastructure and reducing exposure to lead — which is a potent neurotoxin — as top priorities for the agency.

**[ HYPERLINK \l "_Reuters" ]**
The Trump administration on Thursday proposed retooling a 1991 rule on lead and cooper contamination in drinking water, but critics said the change slows by 20 years the timeline for removing aging lead service lines that could expose children to a toxin known to harm developing brains.

[ HYPERLINK \l "_U.S._News_&" ]
Protection Agency on Thursday is expected to update regulations for lead and copper in drinking water, demanding faster notification times when contamination is found but stopping short of requiring all lead pipes to be replaced. "Today, the Trump Administration is delivering on its commitment to ensure all Americans have access to clean drinking water by proposing the first major overhaul of the Lead and Copper Rule in over two decades," EPA Administrator Andrew Wheeler said in a statement to [ HYPERLINK "https://thehill.com/policy/energy-environment/465230-epa-to-introduce-major-overhaul-of-decades-old-lead-testing-rule" \t "_blank" ].

[ HYPERLINK \l "_The_Wall_Street" ]
The Environmental Protection Agency said Thursday it will impose tougher requirements on water utilities to better alert the public to threats of lead contamination in water supplies. But the rule changes, the first affecting lead level in water in nearly 30 years, would also give utilities more time to replace lead pipes in their systems—drawing opposition from environmental groups.

[ HYPERLINK \l "_The_Washington_Examiner" ]
**EPA LOOKS TO LEAD ON LEAD:** The Environmental Protection Agency wants to avoid another Flint, and it's pointing to its new lead and copper rule as a major step to attack the root of the problem. EPA Administrator **Andrew Wheeler** is unveiling the proposal during an event in Green Bay, Wisconsin, this afternoon. The proposal could be a major step in reducing lead in drinking water across the country, especially if it prompts greater replacement of lead service lines. The EPA's rule would be the first major overhaul of federal protections for lead in drinking water in two decades, and it is part of the Trump administration's [ HYPERLINK "https://www.washingtonexaminer.com/policy/energy/trump-administration-unveils-strategy-to-protect-children-from-lead-poisoning" \t "_blank" ] to address lead poisoning launched last year.

[ HYPERLINK \l "_The_Washington_Examiner_1" ]
The Environmental Protection Agency says its new lead and copper proposal will increase the number of lead service lines being replaced across the country, rather than decrease them as environmentalists have warned. "We believe we're on the right path to get the lead service lines replaced at at much faster rate," EPA Administrator Andrew Wheeler said during remarks at an event in Green Bay, Wisconsin, announcing the agency's new proposed rule. He was responding to criticism from environmental groups that the proposal would prompt water utilities that exceed the agency's limit on lead levels in drinking water replace lead service lines at a slower pace than the prior rule.

[ HYPERLINK \l "_The_Washington_Post" ]
The Environmental Protection Agency on Thursday plans to issue a long-awaited proposal aimed at improving how communities around the nation test for lead in drinking water and forcing quicker action when problems arise. The overhaul comes nearly three decades after the federal government last updated its lead and copper rule — a regulation that has been criticized as complicated, poorly enforced and not tough enough when it comes to protecting Americans from a toxic metal that scientists say is unsafe at any level.

**[ HYPERLINK \l "_Wisconsin_Public_Radio" ]**
The U.S. Environmental Protection Agency will try to reduce lead levels in drinking water nationwide with the first major overhaul of its lead and copper rule since 1991. The lead and copper rule is a regulation designed to keep people safe from harmful drinking water contaminants. Standing on a riverfront deck in Green Bay on Thursday, EPA Administrator Andrew Wheeler detailed the proposed changes to the rule, which would require water systems

to [ HYPERLINK "https://www.wiscontext.org/wisconsins-lead-water-pipes-are-often-buried-history" \t "_blank" ] of all their lead service lines and make that information available to the public.

[ HYPERLINK \l "_WBAY_(ABC-Green_Bay)" ]
Environmental Protection Agency Administrator Andrew Wheeler chose Green Bay as the city to announce the first major overhaul of the Lead and Copper Rule since 1991. With the Fox River in the background, Wheeler announced a multi-level "proactive and holistic approach" to address lead in drinking water across the country. The federal government says Green Bay was chosen for its innovative approach to combating lead in drinking water. "Our job is to replicate what Green Bay has done," said U.S. EPA Assistant Administrator for Water Dave Ross.

ABC News
[ HYPERLINK "https://abcnews.go.com/Politics/inspired-flint-water-crisis-epa-issues-rule-tackle/story?id=66161310" ]

**Driven by Flint water crisis, EPA issues new rule to tackle lead in drinking water**

By Stephanie Ebbs
October 10, 2019

Partially inspired by the Flint, Michigan, water crisis, the Environmental Protection Agency announced a new rule to reduce exposure to lead from drinking water around the country on Thursday.

"The action that we're taking tomorrow is targeting probably the largest source of lead in people's lives today -- and particularly children -- and that's in the drinking water system," EPA chief Andrew Wheeler told ABC News in an exclusive interview Wednesday.

Wheeler said the new rule will help remove the most corrosive pipes with the highest risk of releasing lead first.

According to the Centers for Disease Control and Prevention, there's no safe level of lead in children's blood and says that amounts as low as 5 parts per billion require medical intervention. Exposure to lead can cause developmental delays and learning difficulties in children, as well as symptoms including weight loss, irritability or even seizures.

Lead exposure has drastically decreased since rules were put in place such as banning lead pipes in 1986, but an estimated 6.5 to 10 million homes still use lead water lines and millions of buildings, including schools, also have older infrastructure that could include lead pipes, [ HYPERLINK "https://www.epa.gov/sites/production/files/2016-10/documents/508_lcr_revisions_white_paper_final_10.26.16.pdf" \t "_blank" ].

Lead pipes that carry water from local treatment facilities to residents' homes and other buildings can be treated to prevent exposure to lead. But in some cases water, like in Flint, improperly treated water can corrode the pipes and lead can[ HYPERLINK "https://www.youtube.com/watch?v=PqFHrae92OM" \t "_blank" ]. Experts and groups like the American Waterworks Association have said that given the high risks from lead exposure, cities and states should take steps to completely remove lead pipes to eliminate the risk of exposure completely and that only partially removing lead service lines actually risks releasing more lead.

This is the first overhaul of the Lead and Copper Rule in more than 20 years, according to the EPA, and would require drinking water systems around the country to be more proactive in identifying lead water lines in the city, replacing those service lines and treating water to prevent residents [ HYPERLINK "https://abcnews.go.com/Health/years-flint-lead-public-health-crisis/story?id=58860151" \t "_blank" ].

When he first came into office, Wheeler said he was concerned a requirement to remove lead service lines could take 20 to 30 years and that poorer communities would lag behind affluent communities that might be able to replace their lines immediately.

"What we're doing is requiring water systems to update their publicly available inventory of where the lead service lines are and we're requiring the water systems to find and fix the sources of lead, particularly when a sample in a home exceeds the 15 parts per billion," he said.

The rule also requires that schools and day care facilities be tested after the agency's internal watchdog found that [ HYPERLINK "https://abcnews.go.com/US/half-us-school-districts-test-drinking-water-lead/story?id=56645991" \t "_blank" ] check drinking water for lead.
The new rule would also require all water systems to use the same procedures to test tap water for lead and [ HYPERLINK "https://abcnews.go.com/Politics/trust-eroded-years-flint-drink-water/story?id=62582926" \t "_blank" ] within 24 hours if the level exceeds 15 parts per billion.

"On the campaign trail President Trump said he wants to make sure that there were no more Flint, Michigans, and that has been a guiding principal that he directed us to," Wheeler told ABC News. "One of the reasons why we're requiring notification if lead is found in the water within 24 hours -- he was very disturbed with what happened in Flint. It was a failure of communication by both the local, state and the EPA during the Flint crisis. So this was a huge priority for him -- it's been a huge priority for us at the agency."

Cities still have to replace the portion of a lead service line managed by the water system if a customer decides to replace the portion on their private property, under the new rule. Cities will also have to implement a plan to replace at least 3% of lead service lines every year if the water tests above 15 parts per billion of lead. Systems with more than 10 ppb -- but less than 15 -- will have to work with the state to set an annual goal to replace those service lines.

Under the current rule, systems that tested above 15 ppb were required to replace 7% of lead service lines each year, but an EPA official said they didn't think that was happening because partial replacements or new test results could count as part of that benchmark.

"We encourage all lines to be replaced and we say that there is no safe level for lead, but you have to prioritize the cleanup and we have to make sure that with 15 parts per billion or above that those are cleaned up and immediately replaced and we lowered the trigger to 10 parts per billion. Ultimately our goal is to replace all the lead service lines around the country," Wheeler said.

Erik Olson, senior director of health at the Natural Resources Defense Council, said the 3% requirement is still a huge change from 7% and could take much longer for all lead service lines to be replaced.

"We thought they should do full replacement within 10 years. The problem is -- if you wait 33 years -- that at least one generation and maybe two of kids that are going to be exposed to lead," he said.

Olson said he's also concerned that piecemeal replacements of lead service lines are inefficient and that the best approach is to go into an area or neighborhood and replace all the lines at once regardless of if homeowners have taken the same step.

Wheeler acknowledged that the customer-driven approach could mean partial service line replacements in some areas, which EPA itself says can increase short-term lead exposure, but would still be beneficial.

"This is to make sure that when homeowners replace the lead pipes that they have, in the past if they replaced it there's no guarantee they would get lead-free water because the service line going up to their house may have been corroding lead. So this is to make sure that if a homeowner is going to take on the additional financial burden of replacing their line early that they will be guaranteed lead-free drinking water by requiring the water service provider to replace their side of the pipes as well," he said.
But that will be an [ HYPERLINK "https://abcnews.go.com/Politics/newark-120-million-speed-replacing-lead-pipes-amid/story?id=65192705" \t "_blank" ] undertaking.

A [ HYPERLINK "https://www.epa.gov/sites/production/files/2016-10/documents/508_lcr_revisions_white_paper_final_10.26.16.pdf" \t "_blank" ] found it could cost from $2,500 to $8,000 to replace a single line, estimating it would cost between $16 billion to $80 billion to immediately replace all the lead lines in the country.

EPA provides billions of dollars in grants to improve drinking water infrastructure every year but cost will still likely be a concern for homeowners with lead service lines or smaller communities.

An EPA official said they expect the new rule to cost water systems and states $131 million to $270 million a year.

Wheeler acknowledged the process won't be cheap but said the agency believes the benefit of reducing lead exposure outweighs the cost.

The new Lead and Copper Rule will be posted to the Federal Register on Thursday and will be open for 60 days of public comment before it moves forward.

Associated Press
[ HYPERLINK "https://ktar.com/story/2786335/epa-proposes-upping-lead-testing-at-schools-in-rule-overhaul/" ]

**EPA proposes upping lead testing at schools in rule overhaul**

October 10, 2019

The Environmental Protection Agency is proposing a major overhaul of rules on lead contamination in drinking water, including tightening testing requirements at the nation's schools and day care centers.

But critics say another change would give utilities decades more to fully replace lead pipes in water systems with high lead.

EPA Administrator Andrew Wheeler on Thursday announced the proposed changes to controls on lead contamination in drinking water systems.

The EPA called it the biggest rule overhaul since the 1990s for lead water pipes, which can leach toxins into water and poison children. The changes would follow lead crises in Flint, Michigan; Newark, New Jersey; and elsewhere.

Proposals include requiring water suppliers to test for lead at schools and day care centers.

Associated Press
[ HYPERLINK "https://www.dailyherald.com/article/20191010/news/310109861/" ]

**EPA proposes rewrite of rules on lead contamination in water**

By Ellen Knickmeyer
October 10, 2019

The Trump administration on Thursday proposed a rewrite of rules for dealing with lead pipes contaminating drinking water, but critics say the changes appear to give water systems decades more time to replace pipes leaching dangerous amounts of toxic lead.

Contrary to regulatory rollbacks in many other environmental areas, the administration has called dealing with lead contamination in drinking water a priority. Communities and families in Flint, Michigan, Newark, New Jersey, and elsewhere have had to grapple with high levels of lead in tap water and with regulatory failures dealing with the health threat.

Lead in drinking water has been linked to developmental delays in children and can damage the brain, red blood cells and kidneys. It is most often caused by lead service lines - pipes connecting a home to a water main - or lead fixtures in a home or school.

At a news conference in Green Bay, Wisconsin, Environmental Protection Agency Administrator Andrew Wheeler announced changes that include requiring water systems to test lead levels in water at schools and child care facilities.

But Wheeler disappointed conservation groups by declining to lower the level of lead contamination in drinking water systems that triggers cleanup action. And another change lowered the amount of lead pipe that water systems have to replace each year once the threshold is hit, cutting it from 7% a year to 3% a year.

That, according to Eric Olson at the Natural Resources Defense Council conservation group, would give water utilities about 20 more years to fully replace all the lead pipes in a contaminated system.

Wheeler said a series of other, smaller changes in the new proposals would offset that. Overall, he argued, the rule changes, if the White House ultimately adopts them, would mean leaking old lead pipes are "replaced at a much faster rate than ever before."

Betsy Southerland, a senior EPA water official under the Obama administration, said the new proposals largely miss the opportunity to boost the urgency of the country's rules, issued in 1991, for cleaning up lead in water systems. Asked her overall impression, she said, "I would say disappointing."

Axios
[ HYPERLINK "https://www.axios.com/epa-water-lead-contamination-regulations-9040aa46-bcc0-4b0c-8b79-b61dba08a61a.html" ]

**EPA plans overhaul on testing water for lead contamination**

By Michael Sykes
October 10, 2019

The EPA plans on issuing a proposal that would change how communities test their drinking water for lead and force quicker action when water is contaminated, the [ HYPERLINK "https://www.washingtonpost.com/climate-environment/2019/10/10/first-time-decades-epa-is-overhauling-how-communities-must-test-lead-water/" ].

**Why it matters:** This proposal is the first update to the EPA's lead and copper rule in nearly three decades and would — theoretically — prevent another situation like the one that took place in Flint, Michigan, from arising.

**Between the lines**, via Axios' Amy Harder: This is one of the few areas where the EPA is seeking to add, instead of repeal, regulations. The agency has largely focused on rolling back rules on climate change, but this is more focused on traditional environmental protection, a core part of EPA's mission.

**Yes, but**: "[W]hile Thursday's sprawling proposal seeks significant changes to the status quo, some environmental advocates said the agency's overhaul does not appear to take the most important step: requiring the steady removal of the estimated 6 million or more lead service lines that remain underground throughout the nation," per the Post.

Bloomberg Environment

**EPA Lead Proposal Wouldn't Mandate Full Pipe Replacement (1)**

[ HYPERLINK "https://news.bloombergenvironment.com/environment-and-energy/epa-lead-proposal-wouldnt-mandate-full-pipe-replacement?usertype=External&bwid=0000016b-b3b3-de51-a16b-bbbf54dd0002&qid=6800499&cti=FGOV&uc=1320000080&et=CURATED_HIGHLIGHTS&emc=neve_hlt%3A1&context=email&email=0000016d-b718-de79-a3ef-fffe395a0000&access-ticket=eyJjdHh0IjoiTkVWRSIsImlkIjoiMDAwMDAxNmItYjNiMy1kZTUxLWExNmItYmJiZjU0ZGQwMDAyIiwic2lnIjoielV2QmZLN3NGTWFpK0dsV015NVpzUlJGQWNRPSIsInRpbWUiOiIxNTcwNzM3NjgxIiwidXVpZCI6Ilo0bytUcEsvaENqOE0yR2JhMTFsVEE9PTFRd1ZDWEIzOFN6Si9IcHFLMmtsaWc9PSIsInYiOiIxIn0%3D" ]

By David Schultz

October 10, 2019

The EPA's long-awaited proposal to overhaul how it regulates lead in drinking water won't force water utilities to replace all of their lead pipes—a disappointment for environmental and other activist groups who have been waiting for decades for this overhaul.

The proposal would ratchet up current rules on lead pipe replacement rather than require a full ban on the use of these pipes.

Environmental Protection Agency Administrator Andrew Wheeler unveiled [ HYPERLINK "https://www.epa.gov/sites/production/files/2019-10/documents/lcrr_prepub_frn_0.pdf" ] at an Oct. 10 event in Green Bay, Wis. This is the first time new nationwide lead regulations are being introduced in nearly 30 years.

"Administration after administration failed to get this done," he said. "The Trump administration made a commitment early on that we would get this done."

However, environmental groups, including the Natural Resources Defense Council, said the proposal doesn't go far enough. Erik D. Olson, the group's senior director for health and food, called it a "huge lost opportunity and a huge disappointment."

No Pipe Mandate

The EPA's proposal ([ HYPERLINK "https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201904&RIN=2040-AF15" ]) wouldn't force water utilities to rip out all of their lead pipes at once, but it would increase regulatory pressure on them in more subtle ways.

For example, it would require all utilities to conduct an inventory of their lead pipes and then make this information public. It would also force utilities to replace a lead water main when one of their customers decides to replace the lead service line that runs from the main to the customer's house.

However, the proposal largely keeps in place the current regulatory regime that allows utilities to keep their lead pipes in place as long as the pipes don't leach too much lead into the tap water they deliver.

In fact, the proposal would actually relax the rules in this area. The current regulations require utilities that have elevated lead levels in their water to replace 7% of their pipes per year. Under this new proposal, that number would drop to 3%.

However, Wheeler said the proposal would actually accelerate lead pipe replacement nationwide because it would remove the loopholes in the current regulations that allow utilities with lead problems to replace far less than 3% of their pipes annually.

In the Works Nearly a Decade

The proposal has been in the works at the EPA for nearly a decade, long before the water crisis in Flint, Mich., brought the issue of lead contamination to national attention.

Corroding pipes are the primary source of lead in drinking water. Lead is a toxic metal that can cause irreversible neurological damage in children and fetuses.

The agency has struggled to find a way to require utilities to remove the millions of lead pipes still in use across the country without imposing a massive unfunded mandate on the cities and towns that often own these utilities.

The EPA will now solicit comments from the public on this regulatory proposal. It must then compile, analyze, and respond to these comments before finalizing the proposal and giving it the force of law.

The agency expects to finalize this proposal by July.

Wheeler said earlier this month that EPA staff presented him with an updated version of the rule shortly after he was appointed as administrator last year, but he sent this proposal back.

He said he was concerned their proposal wouldn't ensure the most corrosive lead pipes across the country were prioritized for removal first.

CNN
[ HYPERLINK "https://www.cnn.com/2019/10/10/politics/epa-lead-water-rules-update/index.html" ]

**EPA proposes lead pipe rule changes after 20 years, but some advocates say it doesn't go far enough**

By Gregory Wallace
October 10, 2019

The Environmental Protection Agency is proposing its first major revision in two decades of federal regulations on lead in drinking water, after scandals in Flint, Michigan, and other cities, eroded public confidence that tap water is safe to drink.

The proposed lead and copper rule would change the requirements that local water systems must meet for testing and, if lead content is above allowable levels, the procedures to replace lead service lines from their networks.

The rules would not change the 15 parts-per-billion limit on lead in water. By comparison, Canada has a threshold of 5 parts per billion.

They would, however, require water authorities to begin developing plans when they are at risk of reaching that threshold, and to notify customers within 24 hours of noncompliant test results. They would also prohibit practices, such as flushing pipes prior to testing, that water systems have used to get around the rules.

EPA Administrator Andrew Wheeler said Thursday that the new rules "would require water systems to act sooner," would "better protect children" and would ban ways that water systems effectively rigged their lead content numbers.

Some advocates for cleaner water said the actions were not strong enough, and they sharply criticized the proposal to lower the number of pipes that must be replaced from noncompliant water systems.

But [ HYPERLINK "https://www.cnn.com/2018/04/25/health/epa-lead-water-research-grant-bn/index.html" \t "_blank" ] whose testing blew the whistle in Flint, Washington, DC, and elsewhere, said he believed the proposed rule, if enforced, could rebuild public trust in their water systems and the EPA.

"Too frequently our most vulnerable citizens are spending their precious dollars on bottled water and filters because they don't feel safe," Edwards told CNN.

He said he believes the majority of American cities do not have dangerous levels of lead in their water. But high-profile incidents like Flint caught the public's eye.

"We got here by having a law that wasn't enforced, people being told their water was safe when it wasn't, cheating was rampant and people realized they can't trust their water," he said.
Lead service lines and copper pipes used within homes are the most common sources of the contamination in drinking water, according to the EPA. Lead contamination can cause mental and physical difficulties, particularly in children and pregnant women.

The proposal also would slash the quantity of pipes that noncompliant systems must replace each year from 7% to 3%.

Environmental and health groups called for that number to be increased rather than decreased. Erik Olson of the Natural Resources Defense Council said a more appropriate level would be 10% annually, which would result in all lead pipes being replaced within 10 years.

Mary Grant of the group Food and Water Watch said the agency "is actually going backward" on the standards and called for federal funding for pipe replacement.

"To protect human health, we need to eliminate all lead service lines and require full lead service line replacement," Grant said in a statement.

Despite the decrease, Wheeler said the 3% level is "far more aggressive than what the previous regulation had" because it removed "off-ramps" that allowed water systems to make their water look cleaner and get out of the requirements to replace pipes. For example, they could flush their systems shortly before testing or choose testing sites with the least chance of contamination.

Edwards said that while the "drop from 7 to 3% sounds like a big step backward," it actually would be progress if it is "enforced and people stop cheating."

Wheeler made the announcement in Green Bay, Wisconsin, where [ HYPERLINK "http://www.gbwater.org/about/news/green-bay-water-utility-plans-to-eradicate-citys-lead-pipes-by-december-2020-wfrv-20181022/" \t "_blank" ] all the lead pipes in its system by the end of next year.

Green Bay Mayor Eric Genrich, who was previously elected to the state Legislature as a Democrat, spoke after Wheeler at the event and noted that young people had recently gathered at the same site on the city's waterfront to call on the Trump administration to take action against climate change.

He called their message "essential to the livelihood not just of residents of Green Bay or Wisconsinites or to residents of this country, but to human civilization as a whole."

"I'd just encourage you to follow the science, as you have in this instance, and take urgent action to keep us all safe and strong and healthy," Genrich told Wheeler.

Wheeler said the proposal would be open for 60 days of public comment and he anticipates publishing a final rule next summer.

Detroit News
[ HYPERLINK "https://www.detroitnews.com/story/news/politics/2019/10/10/epa-proposes-long-awaited-rule-changes-lead-drinking-water/3934237002/" ]

**EPA proposes long-awaited rule changes for lead in drinking water**

By Melissa Nann Burke
October 10, 2019

Federal regulators are proposing to extend by 20 years the time that water utilities have to replace lead service lines when drinking water exceeds the federal threshold — a move that critics said disregards lessons learned in Flint.

In a draft rule published Thursday, the U.S. Environmental Protection Agency also didn't move to lower the longstanding 15 parts per billion lead threshold, which public health advocates have charged to be too high and unsafe for human health. Any level of lead is considered unsafe, but the federal threshold ensures communities take action when it is exceeded.

Other proposed changes would mandate that water systems notify customers within 24 hours when they find excessive lead levels, instead of within 30 days, and would bar utilities from using certain sampling practices to obscure test results, federal officials said.

“By improving protocols for identifying lead, expanding sampling, and strengthening treatment requirements, our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities," EPA Administrator Andrew Wheeler said in a statement.

But environmental advocates objected that the EPA would require water utilities to test only 20% of schools and daycare centers a year, leaving uncertain how often water faucets or fountains within those facilities must be tested.

They also slammed the EPA's decision not to reduce the 15 ppb action level, which EPA officials defended Thursday on a call with reporters.

“The agency is maintaining the existing action level because that is still an appropriate level that is based on the feasibility of what water systems can achieve,” an EPA official said on the call. Former Republican Gov. Rick Snyder created new lead rules in Michigan in response to the Flint crisis, lowering the state action level for lead from 15 ppb to 12 by 2025. Snyder called the federal lead and copper rule "dumb and dangerous."

The agency does plan to introduce a new 10 ppb “trigger level” that requires utilities to examine corrosion-control measures and consult with state officials about whether to replace lead service lines, but without enforceable deadlines for taking action, experts said.

“We’re establishing a trigger level at 10 parts per billion because we think that’s an appropriate value at which to trigger actions by water systems to both prepare for potential exceedance of the action level, and to take steps to reduce lead exposure at that level," the EPA official said.

"We think it’s an appropriate value, and we’re soliciting public input on that and the actions we propose to have systems take.”

Drinking-water advocates also called the EPA's approach to lead service line replacement "wrong headed," saying it dismissed the hard-won lessons in Flint.

Under the current rule, water systems with lead contamination over 15 ppb must replace lead service lines at a rate of at least 7% per year, giving utilities 13 years to fully replace the lines. The EPA's new rule would only require replacement of 3% of service lines per year, extending the timeline for replacement to 33 years. Lead was used in plumbing materials until its use was outlawed in 1986.

“A water utility does not need more than three decades to replace its lead service lines," said Dimple Chaudhary, senior attorney with the National Resources Defense Council and lead counsel in a lawsuit over Flint's drinking water. "NRDC’s work in Flint shows that.”

She highlighted the $100 million settlement that the NRDC and its partners reached in 2017 in the wake of the Flint crisis that required the city and state to replace all of Flint’s lead service lines within three years.

Flint is on track to do so by early 2020, with an estimated 1,000 lines to go, Chaudhary said. “Lead service lines must come out of the ground quickly after lead levels are elevated,” Chaudhary said.

“There is no viable alternative to protect people’s lives in the long term. Communities cannot and should not live off bottled water. Water filters are hard to install and maintain, and chemical treatment can take years to become fully effective and is also not fool-proof.”

EPA officials said the new provisions will work in a "concerted form" that would actually result in more lead service lines getting replaced more quickly.

Officials said those systems with levels of 10 ppb would have more frequent monitoring at more targeted sampling sites, using improved sampling procedures.

Systems with levels above 10 ppb but below 15 would have to set an annual goal for conducting replacements and do outreach to encourage resident participation in lead line replacement programs, EPA said.

Erik Olson, senior strategic director for health and food at the Natural Resources Defense Council, called the change a “major rollback of the lead service line replacement requirements that actually will swallow up the modest improvements that are found elsewhere in the rule.”

He suggested that extending the time that utilities have to replace lead service lines to 33 years would likely constitute "backsliding" in regulations that is explicitly prohibited by a provision of the federal Safe Drinking Water Act.

He and others also raised concerns about whether the EPA would take steps to enforce its new “watered-down” rule, as Chaudhary called it.

U.S. Rep. Dan Kildee, D-Flint Township, panned the rule as "a step backwards and a slap in the face to the children in Flint."

“We know there is no safe level of lead in water and we need to remove all lead service lines in our communities to protect families and children," Kildee said.

"Yet, President Trump’s dangerous rule allows lead lines to remain in communities, even after high levels of lead have been found in drinking water.

"The Flint water crisis should have taught policymakers at all levels of government that we must get serious about removing lead from our water systems. Yet the President’s policies have continuously put special corporate interests ahead of public health," Kildee added.

The federal Lead and Copper Rule has not had a major overhaul since 1991. The most recent revisions were due in 2013 but had been delayed for years.

Several advocates did praise the mandate for water systems to notify customers of excessive lead levels within 24 hours.

Olsen agreed that sampling improvements would help, but said the EPA had previously advised against using these sampling "tricks" in February 2016 guidance document in the wake of the Flint water crisis.

EPA officials also said they were mandating an inventory of lead service lines, though this was also required by the 1991 version of the Lead and Copper Rule, and “a lot of utilities did not do it," Olson said.

Also, in 2018, Congress required all states do an evaluation of the number of lead service lines in their state to qualify for federal funding under the Drinking Water State Revolving Fund that supports water infrastructure.

In Michigan, new rules are requiring local communities to replace all lead lines connecting water mains to houses and other buildings by 2040 in addition to lower the lead threshold to 12 ppb. Local governments sued, claiming the rule to further restrict the amount of lead allowed in drinking water was an illegal unfunded mandate from the state.

But state Court of Claims Judge Christopher Murray rejected the last legal challenge, saying certain financial protections under the Headlee Amendment aren't triggered in this case because local governments have chosen to provide water. He said Wednesday there's no mandate that they're required to provide the service.

E&E News

**EPA to unveil first lead standards revamp in decades**

[ HYPERLINK "https://www.eenews.net/greenwire/2019/10/10/stories/1061243235" ]

By Ariel Wittenberg

October 10, 2019

EPA will reveal its plan to overhaul the nation's lead in drinking water standards — the first update to regulations that have been in place since the early 1990s.

The agency has been working to revamp the Lead and Copper Rule since 2005 but began a major push to update the regulations following the drinking water crisis in Flint, Mich.

The Trump administration has emphasized the importance of combating lead poisoning in children, with former EPA Administrator Scott Pruitt even declaring a "war on lead," though the agency's regulatory efforts on lead paint and lead dust have left public health experts skeptical of that commitment ([ HYPERLINK "https://www.eenews.net/greenwire/stories/1060640819/" ], June 21).

Technical details of the proposal won't be released until this afternoon, but environmental and public health experts — as well as drinking water utility groups — say some elements of the new regulation are worth celebrating, while others may amount to regulatory rollbacks.

The new standards, which will be unveiled at a news conference in Green Bay, Wis., are expected to revamp monitoring requirements to ensure Americans are better informed when their tap water is contaminated — something experts say exacerbated drinking water problems in Flint and Washington, D.C.

"If this is actually enforced, it could be a step forward and maybe people won't be lied to in the future," said Marc Edwards, a Virginia Tech engineering professor credited with discovering the Flint water crisis, which lead experts at EPA missed.

Edwards has been calling for EPA to update such monitoring requirements since 2007, and said both the new requirements and how they will be enforced will be key to whether the new regulation is effective.

"The essence of the rule is that if you have lead in the water, you have to tell people," he said. "If they do what they say, that would be a refreshing change. If they repeat the errors of the past and just say, 'Anything goes; we can't enforce the rule,' then we are no better off than where we started."

EPA is also expected to require mandatory removal of lead pipes over the next 20 years. There are an estimated 6 million to 10 million lead pipes currently in use nationwide.

Public health advocates have long called for stronger requirements for such replacements, as old, leaching lead pipes are the primary source of the neurotoxin in drinking water.

Many have also called on EPA to lower its so-called lead action level of 15 parts per billion. Currently, utilities are required to begin replacing lead pipes if that level is exceeded at more than 10% of taps tested for lead.

The proposed rule from EPA is expected to keep that lead action level in place but create a new, lower "trigger level" of 10 ppb, which, if exceeded, would require utilities to review the chemicals they use to prevent lead pipes from corroding.

Reaction

Tracy Mehan, director of government affairs at the American Water Works Association, said his utility trade group is glad EPA is "setting the stage for further progress in reducing risk exposure to lead in water."

But, he said, he's reserving judgment on the proposal until he has read all of the specifics. "God is in the details," he said.

In particular, Mehan said he will be looking for information about the consequences of violating the "trigger" level.

He's also interested in any new requirements related to replacing lead pipes, and whether or how those extend to the privately owned sections of pipes going under private property and into people's homes.

EPA has signaled that it will require "full" lead service line replacement, which Mehan said raises questions about how those removals would be funded, and whether any emergency accommodations would be made for utilities.

"Private lines are owned by homeowners, so there is a question about what to do if the homeowner won't or can't replace their line," he said. "There also may be some emergency situations where you just have to replace the water main as soon as possible, and we want to see if there is some accommodation for that."

The Natural Resources Defense Council has argued that water utilities should pay to replace even the privately owned portion of lead pipes. Requiring homeowners to foot the bill, NRDC says, results in more replacements in richer, whiter communities while leaving economically disadvantaged communities and communities of color unable to pay for critical improvements.

Another provision in the new rule that is already being slammed by public health advocates is the requirement, first [ HYPERLINK "https://www.washingtonpost.com/climate-environment/2019/10/10/first-time-decades-epa-is-overhauling-how-communities-must-test-lead-

water/" ] by The Washington Post, that 3% of lead service lines be replaced annually in communities where the 15-ppb action level is exceeded.

Current rules require that a minimum of 7% of lead service lines be replaced in those circumstances.

That could be illegal, said Erik Olson, senior strategic director for health and food at NRDC, who noted that the Safe Drinking Water Act prohibits EPA from weakening any drinking water standards.

"EPA is rolling back rules meant to protect people from dangerous lead in drinking water. That's the opposite of what is urgently needed — and it's against the law," he said. "Safe drinking water is a basic human right; by weakening the rule, Wheeler's EPA is giving reprieve to one of the worst toxic scourges known to science."

Green Bay Press-Gazette
[ HYPERLINK "https://www.greenbaypressgazette.com/story/news/2019/10/10/lead-u-s-epa-announces-new-rules-improve-water-green-bay/3932710002/" ]

**In Green Bay, EPA administrator unveils new rules to curb lead in U.S. water systems**

By Hailey BeMiller
October 10, 2019

Local water systems nationwide would be required to maintain an inventory of lead service lines and test water in schools under a proposed initiative announced by federal officials Thursday.

U.S. Environmental Protection Agency Administrator Andrew Wheeler unveiled the new rules in Green Bay, calling it the first major overhaul of the national Lead and Copper Rule since 1991. Wheeler said the proposal would improve transparency, better protect at-risk communities and ensure water systems act sooner to curb lead levels.

"President Trump is committed to ensuring that all Americans, regardless of their ZIP code, have access to clean drinking water, and today's action goes a long way toward fulfilling that commitment," Wheeler said on Green Bay's CityDeck, which runs along the Fox River.

[ HYPERLINK "https://www.epa.gov/ground-water-and-drinking-water/proposed-revisions-lead-and-copper-rule" \t "_blank" ], water systems would be required to create and maintain a public inventory of lead service lines and repair sources of lead when a sample in a home reaches a certain threshold. Local utilities must also sample drinking water at any school or child care facility they serve.

Water systems would need to notify customers within 24 hours if a sample from their home exceeds 15 parts per billion, which is [ HYPERLINK "https://www.epa.gov/dwreginfo/lead-and-copper-rule" \t "_blank" ]. The proposal also creates a new "trigger level" of 10 ppb, which must prompt systems to find ways to reduce lead in drinking water.

Wheeler acknowledged that the proposed actions can be expensive and encouraged cities and states to pursue federal funding when necessary.

Some environmental and public health groups balked at the administration's proposal, calling it a "half-baked" measure that fails to protect children. A statement Thursday by the Environmental Working Group took particular issue with the administration's choice to maintain the current action level of 15 ppb.

"Instead of proposing a plan to protect children from the often lifelong damage caused by lead exposure, the Trump EPA is leaving communities to deal with the lead crisis on their own," said Olga Naidenko, the Environmental Working Group's vice president for science investigations. "In the most powerful country in the world, it should not be too much to ask that our children can grow up in a lead-free environment."

The proposal will be [ HYPERLINK "https://www.regulations.gov/" \t "_blank" ] for 60 days.

Green Bay's efforts to eliminate lead in drinking water made the city a focal point for Wheeler's announcement, officials said. The city's water utility began replacing its 4,400 lead pipes in 1990 and has since cut that number to just over 300.

Dave Ross, assistant administrator for the EPA, credited Green Bay with identifying the problem, then developing and financing a plan that was well-publicized in the community.

"When I took a look across to the country as to who was doing innovative work, Green Bay popped up to the top of the list," he said.

The Hill
[ HYPERLINK "https://thehill.com/policy/energy-environment/465230-epa-to-introduce-major-overhaul-of-decades-old-lead-testing-rule" ]

**EPA to overhaul rule on testing for lead contamination**

By Rebecca Beitsch
October 10, 2019

The Environmental Protection Agency (EPA) is set to propose an overhaul to a decades-old rule on testing for lead contamination in drinking water.

The agency is touting the new guidelines as a significant step to reduce the presence of lead in the nation's drinking water supply and as evidence of the Trump administration's commitment to ensuring clean water across the U.S. Yet, critics say the changes will actually slow down the process of removing lead pipes from cities' water systems.

EPA head [ HYPERLINK "https://thehill.com/people/andrew-wheelerr" ] will roll out the proposed rule, which the agency says is the first "major" overhaul of the Lead and Copper Rule since 1991, during an event in Green Bay, Wis., on Thursday afternoon.

"Today, the Trump Administration is delivering on its commitment to ensure all Americans have access to clean drinking water by proposing the first major overhaul of the Lead and Copper Rule in over two decades," Wheeler said in a statement.

"By improving protocols for identifying lead, expanding sampling, and strengthening treatment requirements, our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities."

Critics, though, are pushing back on the agency's claims, arguing that the changes may actually slow progress on removing lead from water.

The rule does not lower the lead action level as many public health experts had hoped. Those experts say the current level, 15 parts per billion (ppb), is too high to meaningfully reduce the blood lead levels of children who are exposed.

Instead of lowering the lead action level, the rule establishes a new two-tier system for addressing lead contamination. When a city's water hits a new 10 ppb "trigger" level, cities would be required to reevaluate their water treatment and possibly add corrosion control chemicals to city water.

The agency is touting the new trigger level of 10 ppb, saying it would "enable systems to react more quickly should they exceed the 15 ppb action level in the future." Only at 15 ppb must cities begin to replace their water system's pipes.

Under the new proposal, cities would be required to replace 3 percent of lead service lines each year, a number far lower than the current requirement of 7 percent.

Critics worry the EPA is just easing regulations on how quickly cities must replace their pipes.

“It's really just like window dressing to try to make it look like they were being much more stringent when in fact the real action level stayed exactly the same, and they lowered the percent of upgrades to 3 percent from 7 percent. That's very disappointing,” said Betsy Southerland, who was director of Office of Science and Technology at the EPA’s Office of Water under the Obama administration.

The new EPA rule does not account for lead in pipes in people's homes, leaving it up to individuals to voluntarily replace and pay for any lead pipes in their own homes.

High levels of lead exposure when ingested can be extremely harmful and even cause death. Lead exposure is especially worrisome for children, who can experience cognitive disorders and neurological defects when exposed at certain levels.

The Centers for Disease Control and Prevention says there's no safe level of lead in children's blood.
Worries about lead exposure from drinking water gained new attention in 2015 after the water contamination scandal in Flint, Mich.

Wheeler has previously said the Obama administration waited too long to act in Flint, where residents were drinking water with alarming levels of lead.

"Part of the problem with Flint was there was a breakdown in once they got the data, once the city of Flint, the state of Michigan, the Obama EPA – they sat on it," Wheeler told CBS in March. "We're not doing that. As soon as we get information that there's a problem, we're stepping in, we're helping the local community get that water system cleaned up."

Huffington Post
[ HYPERLINK "https://www.huffpost.com/entry/epa-drinking-water_n_5d9f8db8e4b087efdbaac243" ]

**Lead Pipes Are Safe From The EPA's New Drinking Water Rule**

By Arthur Delaney

October 10, 2019

[ HYPERLINK "https://www.huffpost.com/entry/epa-drinking-water_n_5d9f8db8e4b087efdbaac243" ]

City water systems face stricter standards under a [ HYPERLINK "https://www.epa.gov/newsreleases/epa-proposes-updates-lead-and-copper-rule-better-protect-children-and-risk-0" \t "_blank" ], but they still won't have to replace lead pipes.

Utilities will have to do a better job of testing for lead in people's drinking water, according to the updated version of the Lead and Copper Rule — the same regulation that failed to stop the [ HYPERLINK "https://www.huffpost.com/news/topic/flint-water-crisis" \t "_blank" ] in Flint, Michigan, in 2014.

Bad water treatment decisions spiked the city's water with lead that year, resulting in confirmed higher lead levels in Flint children. The government didn't admit the crisis until late in 2015. The new regulation has found some critics.

"The Trump administration's new Lead and Copper Rule is a step backwards and a slap in the face to the children in Flint," Rep. Dan Kildee (D-Mich.) said in a statement.

Lead is a brain-damaging neurotoxin. It also happens to be a pliable metal that is handy for making pipes. It has been mostly banned from use in plumbing materials, but millions of buildings across the country still get water from old lead service lines that could last for decades more.

In recent years, public health experts have learned that even tiny amounts of exposure can be dangerous. Many water regulation experts say the only way to make sure drinking water is safe from lead is to force cities to get rid of their lead pipes altogether.

But digging up lead pipes is expensive. Flint has only done so thanks partly to a $100 million infusion from the federal government in the wake of the crisis.

In a draft of its [ HYPERLINK "https://www.epa.gov/ground-water-and-drinking-water/proposed-revisions-lead-and-copper-rule" \t "_blank" ], the EPA said that "due to the financial and practical challenges of wide-spread replacement of lead pipes around the country, it is important to use our nation's resources wisely, and thus target actions where they are most needed and can provide the most good."

Instead of replacing pipes, both the current and proposed new rule tell cities to add chemicals to their drinking water to make it less corrosive and form a protective coating on the inside of service lines.

The new regulation will make more cities conduct corrosion control testing. It would also require cities to take an inventory of their pipes, since many were laid so long ago utilities aren't even sure where they are. And for the first time the rule will require utilities to check for lead in schools and daycares, which have been exempt even though children's brains are more vulnerable to lead exposure than adults.

"Today, the Trump administration is delivering on its commitment to ensure all Americans have access to clean drinking water by proposing the first major overhaul of the Lead and Copper Rule in over two decades," EPA administrator Andrew Wheeler said in a statement Thursday.

Under the current rule, utilities have to replace 7% of their lead pipes annually if samples taken from people's taps exceeds a certain threshold. The new rule would require them to replace only 3% of pipes annually if they exceed the threshold — which isn't getting stricter.

Marc Edwards, a Virginia Tech civil engineering professor who worked with Flint residents to blow the whistle on the city's water lead, said he thought the relaxed standard might actually lead to a better outcome.

"Doing 7% out of the blue was just considered so unthinkable that many utilities said they can't do it, they'd rather cheat and pretend their water's safe," Edwards said. (Flint, for instance, avoided taking samples from enough homes that were known to have lead pipes.)

Edwards believes it's unrealistic to expect the kind of public investment it would take to fix the problem nationally. If the Flint water crisis didn't make it happen, what would?

"Lead pipes are going to be there for my lifetime and my children's lifetime," he said. "You get the water you pay for."

Michigan Live
[ HYPERLINK "https://www.mlive.com/news/flint/2019/10/epa-announces-changes-to-lead-in-water-rules-criticized-during-flint-water-crisis.html" ]

**EPA announces changes to lead-in-water rules criticized during Flint water crisis**

By Winter Keefer
October 10, 2019

The Environmental Protection Agency is proposing changes to the lead and copper rule, a three decade old rule that creates a national standard for controlling lead levels in drinking water.

Established in 1991, the rule intends to reduce exposure to lead and copper through drinking water whether from corrosion control measures for lead service lines or transparency and public education, according to the EPA's website.

The rule was criticized after the Flint water crisis as being too lenient.

The new proposal "improves" the actions that water systems must take to reduce lead in the nation's drinking water, according to a Thursday, Oct. 10 news release by the EPA.

EPA Administrator Andrew Wheeler announced this action, which represents the first major overhaul of the lead and copper rule since it was established, at an event in Green Bay.

"By improving protocols for identifying lead, expanding sampling, and strengthening treatment requirements, our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities," Wheeler said.

However, U.S. Rep. Dan Kildee, D-Flint Township expressed concern Thursday that the lead and copper rule proposal does not go far enough.

"We know there is no safe level of lead in water and we need to remove all lead service lines in our communities to protect families and children," Kildee said in a statement. "Yet, President Trump's dangerous rule allows lead lines to remain in communities, even after high levels of lead have been found in drinking water. Additionally, the Trump Administration's rule does not lower the action level for lead, which is already too high."

The Natural Resources Defense Council said the rule reportedly includes stretching lead service line replacement requirements by 20 years.

The existing rule says that a water system with lead above the EPA's action level of 15 parts per billion (ppb) must replace seven percent of its lead service lines each year for as long as they exceed 15 ppb, the NRDC said in a news release Thursday. This means water utilities currently have about 13 years to replace lead service lines, according to the NRDC.

Wheeler's proposal would permit water systems to only have to remove three percent of their lead service lines for as long as they exceed 15 ppb, a time frame of 33 years – 20 years longer than permitted under the current rule, the release states.

Erik Olson, senior strategic director for health and food at NRDC, said the EPA is rolling back rules meant to protect people from dangerous lead in drinking water.

"That's the opposite of what is urgently needed—and it's against the law," Olson said.

Any level of exposure to lead is harmful, he said, adding that safe drinking water is one of the most basic protections a government provides.

"With whole cities—like Flint and Newark—experiencing the fallout of lead contamination, it is disturbing to see President Trump and EPA Administrator Wheeler fail to meaningfully address this serious public health problem," Olson said.

Olson said access to clean drinking water is "a basic human right" and called out Wheeler for "giving reprieve to one of the worst toxic scourges known to science."

"Before another generation of children grows up drinking lead from their kitchen tap water, the EPA should develop a plan that completely pulls every lead line out of the ground at the six million homes across the nation that still have them as soon as possible," he said.

Dimple Chaudhary, senior attorney with NRDC and lead counsel in the Flint drinking water case, said in the release the rule suggests the EPA has "learned little" from the water crisis.

"EPA's proposed approach to lead service line replacement is wrongheaded," Chaudhary said. "A water utility does not need 33 years to replace its lead service lines. It will have taken Flint only three years to get its toxic lead pipes out of the ground."

NRDC said it believes this proposal is illegal because it "violates the anti-backsliding provision in the Safe Drinking Water Act, which prohibits EPA from weakening any drinking water standards that are on the books."

New York Times
[ HYPERLINK "https://www.nytimes.com/2019/10/10/climate/epa-lead-water-pipes.html" ]

**New E.P.A. Lead Standards Would Slow Replacement of Dangerous Pipes**

By Coral Davenport
October 10, 2019

The Trump administration on Thursday proposed new regulations on lead and copper in drinking water, updating a nearly 30-year-old rule that may have contributed to the [ HYPERLINK "https://www.nytimes.com/interactive/2016/01/21/us/flint-lead-water-timeline.html?module=inline" ], that began in 2015.

The draft plan, announced by the Environmental Protection Agency administrator, Andrew Wheeler, at a news conference in Green Bay, Wis., includes some provisions designed to strengthen oversight of lead in drinking water. But it skips a pricey safety proposal advocated by public health groups and water utilities: the immediate replacement of six million lead pipes that connect homes to main water pipes. The proposed new rule would also more than double the amount of time allotted to replace lead pipes in water systems that contain high levels of lead.

Mr. Wheeler framed the new regulations as a major step forward in protecting water supplies. "The water sector has known for years and years that the regulations governing lead and copper in our water need to be improved, but administration after administration has failed to get it done," Mr. Wheeler said, noting that the standards were last updated in 1991. "We are delivering on the president's commitment that all Americans have access to clean and safe drinking water."

Although the new proposal would extend the timetable for replacing lead pipes, it would include new requirements that schools and day care centers be tested for lead, and, if elevated lead levels are found, customers would have to be told within 24 hours, not the current standard of 30 days. It would also require water utilities to conduct inventories of their lead service pipes and publicly report their locations.

Environmental activists said those moves forward would not make up for the relaxation of standards in other areas.

The slower timetable for the replacement of lead pipes is a "huge weakening change that will swallow up the few small improvements in the proposal," wrote Erik D. Olson, an expert in drinking water policy at the Natural Resources Defense Council, an advocacy group, in an email.

The new rule proposes changing a key element of the current rules, which requires that a water system that is found to contain lead levels higher than 15 parts per billion must replace 7 percent of its lead service lines each year for as long as the lead levels exceed that measurement. The new proposal would instead require water systems with those lead levels to replace 3 percent of lead service lines each year.

Mr. Olson's group estimated that the loosening of standards could extend the length of time needed to replace dangerous lead water pipes from 13 years to 33 years.

"It means that another generation of American kids will be exposed to dangerous levels of lead from their drinking water," he said.

President Trump has made the [ HYPERLINK "https://www.nytimes.com/interactive/2019/climate/trump-environment-rollbacks.html?module=inline" ] a hallmark of his administration, with initiatives to weaken or erase dozens of E.P.A. regulations on climate change, chemical pollution and water quality. At the same time, he has also called attention to the concerns about lead in water that were ignited by the discovery of high levels of lead and other contaminants that poisoned Flint's drinking water for more than a year. He also frequently emphasizes his desire to promote "crystal-clear water."

During a 2016 campaign stop in Flint, Mr. Trump said: "It used to be, cars were made in Flint and you couldn't drink the water in Mexico. Now, the cars are made in Mexico and you cannot drink the water in Flint."

"We shouldn't allow it to happen," he said.

Mr. Trump's first E.P.A. administrator, Scott Pruitt, announced that he would prioritize removing lead from water, saying that the agency was declaring "war on lead." Mr. Pruitt stepped down amid a corruption scandal in 2017.

A [ HYPERLINK "https://www.nytimes.com/2018/07/19/us/flint-water-crisis-epa.html?module=inline" ] said management weaknesses had hobbled the agency's response to the Flint crisis and that federal officials should have taken stronger action to correct repeated blunders by state regulators.

Mr. Pruitt's successor, Mr. Wheeler, announcing the plan, highlighted it as part of Children's Health Month, which falls in October.

But for Flint advocates, it fell well short.

"We need urgent action and bold investments to rebuild America's water infrastructure, not weakened policies that fail to protect the health and safety of our citizens," said Representative Dan Kildee, Democrat of Michigan, who was born and raised in Flint and represents it in Congress. "The Flint water crisis should have taught policymakers at all levels of government that we must get serious about removing lead from our water systems. Yet the president's policies have continuously put special corporate interests ahead of public health."

The draft plan will be open for public comment for 60 days, and Mr. Wheeler said that he expected to complete the final plan next summer.

Politico Pro

**EPA seeks tighter monitoring of lead contamination, but eases replacement plan**

[ HYPERLINK "https://subscriber.politicopro.com/energy/article/2019/10/epa-seeks-tighter-monitoring-of-lead-contamination-but-eases-replacement-plan-1804480" ]

By Annie Snider

October 10, 2019

The Trump administration proposed tightening monitoring requirements for lead contamination in drinking water on Thursday, but extended the time that utilities have to replace corrosive lead service lines and rejected calls for wholesale replacement of the lead pipes across the country.

The move, the first major overhaul of the regulation on lead in drinking water in nearly three decades, represents one of the most significant actions taken by the Trump EPA to proactively address environmental concerns, rather than roll back Obama-era regulations. President Donald Trump, former EPA Administrator Scott Pruitt and current Administrator Andrew Wheeler have named water infrastructure and reducing exposure to lead — which is a potent neurotoxin — as top priorities for the agency.

"The Trump administration made a commitment early on that we would get this done," Wheeler said at an event in Green Bay, Wis., where he unveiled the rule. He argued that it delivers on the president's promise to reduce childhood lead exposure and ensure Americans have clean and safe drinking water.

The [ HYPERLINK "https://subscriber.politicopro.com/f/?id=0000016d-b6dc-d0d8-af6d-f7fcbb670001" \t "_blank" ] would not change the current "action level" of 15 parts per billion — the level at which drinking water utilities must begin replacing lead service lines — even though the Centers for Disease Control and Prevention have concluded that there is no safe level of lead exposure. However, the proposal would add a new "trigger level" of 10 ppb that would require utilities to start planning how they would respond if lead levels rise to the action level.

The proposal would also make a number of changes to how drinking water utilities monitor tap water, inventory their systems and alert customers, including schools and daycare centers, when that action level is exceeded.

While environmental and public health groups acknowledge that these changes are improvements to the current system, they say the benefits are outweighed by the slower rate at which the rule would require utilities to replace dangerously corrosive lines.

Currently, when a utility exceeds the 15 ppb action level, it must replace 7 percent of its lead service lines each year. Under the proposed rule, EPA would allow such utilities to replace them at a rate of only 3 percent a year — meaning it would take more than 33 years to fully replace the system. However, the agency would tighten rules governing how utilities measure that 3 percent, which Wheeler argued would actually result in swifter replacements.

Environmental groups had urged EPA to mandate a nationwide plan to replace lead lines, covering all systems, not just those that are currently having problems. Estimates put that at a $1 trillion undertaking, but in the wake of the lead contamination crisis in Flint, Mich., utilities have supported the idea.

"Unless the lead lines come out of the ground, there's always a possibility for a similar crisis," said Dimple Chaudhary, a senior attorney for the Natural Resources Defense Council who sued to force the city of Flint to fully replace its lead service lines.

Democratic Rep. [ HYPERLINK "https://cd.politicopro.com/member/198805" \t "_blank" ], who represents Flint, blasted the new EPA proposal, which he said "weakens already inadequate protections and fails to protect public health."

“We know there is no safe level of lead in water and we need to remove all lead service lines in our communities to protect families and children," he added.

But Wheeler argued Thursday that complete replacement was not financially realistic, and said that his proposal would ensure "that those communities that have the worst lead in their pipes get those pipes replaced first."

Congressional Republicans quickly welcomed the rule's release.

"Today's action represents the Trump Administration's commitment to protecting drinking water by taking this proactive and holistic approach to address our most at-risk communities from lead exposure, a commitment we share," said Rep. [ HYPERLINK "https://cd.politicopro.com/member/51136" \t "_blank" ] (Ore.), the top Republican on the House Energy and Commerce Committee, along with senior committee Republicans [ HYPERLINK "https://cd.politicopro.com/member/51620" \t "_blank" ] (Ill.) and [ HYPERLINK "https://cd.politicopro.com/member/51657" \t "_blank" ] (Mich.).

The proposed rule will be open for public comment for 30 days after it is published in the Federal Register.

Reuters
[ HYPERLINK "https://www.reuters.com/article/us-usa-epa-lead/trump-epa-proposes-overhaul-of-lead-in-drinking-water-rule-critics-call-plan-weak-idUSKBN1WP30R" ]

**Trump EPA proposes overhaul of lead in drinking water rule, critics call plan weak**

By Timothy Gardner
October 10, 2019

The Trump administration on Thursday proposed retooling a 1991 rule on lead and cooper contamination in drinking water, but critics said the change slows by 20 years the timeline for removing aging lead service lines that could expose children to a toxin known to harm developing brains.

Andrew Wheeler, the Environmental Protection Agency chief, said at an event in Wisconsin that the plan would "ensure all Americans have access to clean drinking water."

Under the rule, community water systems would be required among other things to identify the most impacted areas to find and fix sources of lead when a sample in a home exceeds 15 parts per billion.

The EPA said water systems would also have to follow new, improved sampling procedures and adjust sampling sites to better target locations with higher lead levels.

Critics say the rule slows down the removal of service lines where levels exceed 15 parts per billion to 33 years from the 13 years in the original rule.

Health advocates estimate that as many as 6 million or more lead water lines remain underground in U.S. cities and towns.

Lead is a neurotoxin that can damage brains and cause behavior and stomach problems. There is no safe level of lead in drinking water and children are particularly vulnerable, according to the Centers for Disease Control.

The plan is part of the EPA's policy of consulting with state and local officials, or national organizations that represent them, when developing regulations. While the administration is focused on easing regulations on mining and drilling and other industries, the EPA has said it is focused on tackling water pollution, which it calls a core duty of the agency.

Wheeler said the proposal would ensure that more local water systems would act to prevent lead exposure especially in schools and child care facilities. The rule establishes for the first time a 10 parts per billion "trigger level" that would compel water systems to identify those actions.

"There is no safe level of lead in water and we need to remove all lead service lines in our communities to protect families and children," said Representative Dan Kildee, a Democrat and native of Flint, Michigan, which suffered lead contamination crisis beginning in 2015.

"We need urgent action and bold investments to rebuild America's water infrastructure, not weakened policies that fail to protect the health and safety of our citizens," Kildee said.

Rob Hayes, a clean water associate at Environmental Advocates of New York, said the proposal is a step backward.

"Once again, the Trump administration has left public health out to dry."

U.S. News & World Report
[ HYPERLINK "https://www.usnews.com/news/national-news/articles/2019-10-10/trumps-epa-updates-rule-to-curb-lead-in-drinking-water" ]

**EPA Updates Rule to Curb Lead in Drinking Water**

By Cecelia Smith-Schoenwalder
October 10, 2019

Protection Agency on Thursday is expected to update regulations for lead and copper in drinking water, demanding faster notification times when contamination is found but stopping short of requiring all lead pipes to be replaced.

"Today, the Trump Administration is delivering on its commitment to ensure all Americans have access to clean drinking water by proposing the first major overhaul of the Lead and Copper Rule in over two decades," EPA Administrator Andrew Wheeler said in a statement to [ HYPERLINK "https://thehill.com/policy/energy-environment/465230-epa-to-introduce-major-overhaul-of-decades-old-lead-testing-rule" \t "_blank" ].

"By improving protocols for identifying lead, expanding sampling, and strengthening treatment requirements, our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities."

There is no known safe level of lead in a child's blood, according to the EPA. The Centers for Disease Control and Prevention advises getting medical attention for a child if his or her blood lead level is 5 micrograms per deciliter or more. Lead exposure is associated with lower IQs, learning and behavioral problems and slowed growth in children.

Under the old rule, utilities had to replace some of their lead service lines if they repeatedly tested above the EPA's action level of 15 parts per billion. They were allotted roughly 14 years for the full replacement.

The new regulations would require water systems to notify customers within 24 hours if lead levels exceed 15 parts per billion, according to [ HYPERLINK "https://abcnews.go.com/Politics/inspired-flint-water-crisis-epa-issues-rule-tackle/story?id=66161310" \t "_blank" ]. If tests show between 10 and 15 parts per billion, the utility will be required to work with the state to come up with a plan to replace the service lines. However, the new rule will give utilities roughly 33 years – about 20 more years that previously allowed – to fully replace service lines that repeatedly test above the action level.

"We encourage all lines to be replaced and we say that there is no safe level for lead, but you have to prioritize the cleanup and we have to make sure that with 15 parts per billion or above that those are cleaned up and immediately replaced and we lowered the trigger to 10 parts per

billion. Ultimately our goal is to replace all the lead service lines around the country," Wheeler told ABC News.

This is the first update to the rule in nearly three decades, and while the agency is adding new regulations instead of repealing old ones, not everyone is happy with it.

One step the new rule does not seem to take would be requiring the removal of all remaining lead service lines, although Wheeler recognizes that as the eventual goal.

"Before another generation of children grows up drinking lead from their kitchen tap water, the EPA should develop a plan that completely pulls every lead line out of the ground at the six million homes across the nation that still have them as soon as possible," Erik Olson, a senior director for the Natural Resources Defense Council, said in a statement.

According to the EPA, between 6.5 and 10 million homes still use lead water lines. Millions of buildings could have lead pipes. The water can be treated for lead, but in some situations like what happened in Flint, Michigan, the contaminated water can leach through corroded pipes into drinking water supplies.

The Wall Street Journal
[ HYPERLINK "https://www.wsj.com/articles/epa-imposes-tougher-reporting-rules-for-lead-in-water-11570730651" ]

**EPA Imposes Tougher Reporting Rules for Lead in Water**

By Tim Puko
October 10, 2019

The Environmental Protection Agency said Thursday it will impose tougher requirements on water utilities to better alert the public to threats of lead contamination in water supplies.

But the rule changes, the first affecting lead level in water in nearly 30 years, would also give utilities more time to replace lead pipes in their systems—drawing opposition from environmental groups.

"EPA is rolling back rules meant to protect people from dangerous lead in drinking water. That's the opposite of what is urgently needed—and it's against the law," said Erik D. Olson, senior strategic director for health and food for the Natural Resources Defense Council.

The EPA said the changes will require water utilities to do more testing and to replace their lead-pipe systems any time their customers replace the lead pipes they own in their homes and businesses.

It will also require utilities to alert customers of high lead concentrations within 24 hours, rather than within 30 days of learning the results of lead tests, according to the EPA.

"Our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities," EPA Administrator Andrew Wheeler said in a statement ahead of a planned announcement of the changes at an event in Wisconsin Thursday.

The Natural Resources Defense Council, however, said giving utilities more time to replace lead pipes could raise health risks.

In communities that exceed the federal action level of 15 parts per billion of lead in water, utilities would have to replace a minimum of 3% of lead service lines annually, down from a requirement of 7%.

That will give utilities about 33 years to replace lead pipes in their systems, up from a current pace of about 13 years, according to the Natural Resources Defense Council, which represented residents and community groups against Flint, Mich., over its lead crisis from 2014 and 2015.

The group says the changes might be illegal because this decision would violate Safe Drinking Water Act provisions prohibiting the EPA from weakening any drinking water standards.

The Washington Examiner
[ HYPERLINK "https://www.washingtonexaminer.com/policy/energy/daily-on-energy-epa-looks-to-lead-on-lead" ]

**Daily on Energy: EPA looks to lead on lead**

By Abby Smith and Josh Siegel
October 10, 2019

**EPA LOOKS TO LEAD ON LEAD:** The Environmental Protection Agency wants to avoid another Flint, and it's pointing to its new lead and copper rule as a major step to attack the root of the problem.

EPA Administrator **Andrew Wheeler** is unveiling the proposal during an event in Green Bay, Wisconsin, this afternoon.

The proposal could be a major step in reducing lead in drinking water across the country, especially if it prompts greater replacement of lead service lines. The EPA's rule would be the first major overhaul of federal protections for lead in drinking water in two decades, and it is part of the Trump administration's [ HYPERLINK "https://www.washingtonexaminer.com/policy/energy/trump-administration-unveils-strategy-to-protect-children-from-lead-poisoning" \t "_blank" ] to address lead poisoning launched last year.

"Our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities," Wheeler said in a statement.

Environmentalists, though, say the EPA's proposal wouldn't go far enough and could actually slow the replacement of lead service lines. And the agency hasn't yet detailed how it would enforce the new regulation.

**What the regulation would do:** Wheeler said the EPA's proposal targets lead in drinking water "by improving protocols for identifying lead, expanding sampling, and strengthening treatment requirements."

Lead, a heavy metal that had been used for decades in pipes and paint, is known to cause learning disabilities, slower growth, and other health problems, particularly in children. Lead can get into communities' drinking water supply when water isn't treated properly and lead service pipes corrode.

The EPA, in its proposal, would require water systems to update a public inventory of where lead service lines are. Water systems would also have to address sources of lead if a home is found to have lead levels in its drinking water exceeding 15 parts per billion.

The EPA is also adding a new "trigger level" of 10 parts per billion, meaning water systems would have to start taking action sooner to treat sources of lead.

**Will it prevent another Flint?** The answer to that question comes down to how the EPA would enforce its new proposal, experts say.

Asking water systems to proactively act in "good faith" isn't enough, **Carl Reeverts**, former deputy director of the EPA's drinking water protection division, said, adding there should be consequences if a violation occurs. The EPA hasn't yet said how it's "going to make sure a water system complies with the requirements," he said.

Replacing lead service lines is also incredibly expensive, and water systems would benefit from federal help to cover the cost, said Reeverts, who worked at the EPA for more than three decades.

Wheeler, in his statement, said the EPA intends to work with the Department of Housing and Urban Development to ensure states and cities can tap into federal funding options to help replace lead service lines and conduct treatment.

The Washington Examiner
[ HYPERLINK "https://www.washingtonexaminer.com/policy/energy/rebuffing-environmentalists-epa-administrator-says-new-lead-proposal-will-drive-more-pipe-replacements-not-fewer" ]

**Rebuffing environmentalists, EPA administrator says new lead proposal will drive more pipe replacements, not fewer**

By Abby Smith
October 10, 2019

The Environmental Protection Agency says its new lead and copper proposal will increase the number of lead service lines being replaced across the country, rather than decrease them as environmentalists have warned.

"We believe we're on the right path to get the lead service lines replaced at at much faster rate," EPA Administrator Andrew Wheeler said during remarks at an event in Green Bay, Wisconsin, announcing the agency's new proposed rule. He was responding to criticism from environmental groups that the proposal would prompt water utilities that exceed the agency's limit on lead levels in drinking water replace lead service lines at a slower pace than the prior rule.

Wheeler, though, said the old rule had included "off-ramps" that allowed water utilities to bypass replacing lines if they made changes to monitoring and other treatment options.

Under the EPA's proposal, "once you hit the trigger, you can't stop replacement," Wheeler said. "So it is a permanent 3% per year, and it is going to get lead service lines replaced at a much higher level."

The previous requirement had been a rate of replacement of 7% per year.

Wheeler added the agency is requiring for the first time that water suppliers replace connected lead service lines if a homeowner decides to replace theirs.

The EPA unveiled Thursday [ HYPERLINK "https://www.epa.gov/sites/production/files/2019-10/documents/lcrr_prepub_frn_0.pdf" \t "_blank" ] to the agency's regulation targeting lead poisoning in drinking water, the first major changes to the rule in two decades.

"These are major new steps to protect the most vulnerable among us," Wheeler said, adding the proposal would require water systems to act sooner to reduce lead levels in drinking water.

Lead is a heavy metal that had been used for decades in pipes and paint. The substance is known to cause learning disabilities, slower growth, and other health problems, particularly in children. If water isn't treated properly and lead service pipes corrode, the metal can get into drinking water supplies.

The EPA proposal updates the 1991 lead and copper rule, which sets limits on lead levels in drinking water and outlines actions water utilities must take if systems exceed that level.

Wheeler said the EPA's new proposal requires water systems to update a public inventory of lead service lines and to collect tap samples from homes with those lines.

The EPA proposal also sets a new "trigger level" of 10 parts per billion, meaning water systems would have to start taking action sooner to treat sources of lead. The regulation's current action level is 15 parts per billion.

"It is great to hear that the EPA has proposed lead and copper rule standards that moves us toward better protection of our children," said Karen Weaver, the mayor of Flint, Michigan, which suffered a water contamination crisis. "Of course, there is no safe level of lead, 10 ppb trigger level, moves us closer and I am especially relieved to see that our schools water systems will be tested and sampling methodology monitored for greater reliability."

Environmental groups, though, said the proposal doesn't go far enough. Groups such as the Natural Resources Defense Council have urged the EPA to require replacement of all lead service lines.

Former EPA officials are also raising concern that the new "trigger level" appears to lack enforcement consequences.

"Realistically, what can we expect this new, undefined, never-before-seen trigger level to generate?" Betsy Southerland, former director of science and technology in the EPA's water office, told the *Washington Examiner*. She added water utilities are already "cash-strapped" to take action when they exceed the 15 parts per billion limit.

Water utility groups, for their part, say they appreciate the EPA's updates to the lead and copper regulation, though they're reserving judgment on the rule until they're able to review it.

"We look forward to continuing to work with the EPA and others in the drinking water industry through the rule development process," Ruben Rodriguez, senior director of external communications for American Water, which represents investor-owned water utilities, said in a statement.

The EPA will take public comment on the rule for 60 days once it is published in the Federal Register. Wheeler said the agency intends to finalize the rule next summer.

The Washington Post
[ HYPERLINK "https://www.washingtonpost.com/climate-environment/2019/10/10/first-time-decades-epa-is-overhauling-how-communities-must-test-lead-water/" ]

**For the first time in decades, EPA is overhauling how communities must test for lead in water**

By Brady Dennis
October 10, 2019

The Environmental Protection Agency on Thursday plans to issue a long-awaited proposal aimed at improving how communities around the nation test for lead in drinking water and forcing quicker action when problems arise.

The overhaul comes nearly three decades after the federal government last updated its lead and copper rule — a regulation that has been criticized as complicated, poorly enforced and not tough enough when it comes to protecting Americans from a toxic metal that scientists say is unsafe at any level.

"It's a national embarrassment," Marc Edwards, the Virginia Tech professor who helped to expose the lead crises in Flint, Mich. and other cities, said. The rule has remained largely untouched since 1991.

The EPA's revamped rule, which has been in the works since 2010, is meant to provide what the agency calls a "proactive and holistic approach" to more reliably identify elevated lead levels across 68,000 public water systems and to force utilities to tackle problems faster.

EPA Administrator Andrew Wheeler said in a statement that the effort is part of the administration's "commitment to ensure all Americans have access to clean drinking water."

"Our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities," Wheeler said in a statement.

However, while Thursday's sprawling proposal seeks significant changes to the status quo, some environmental advocates said the agency's overhaul does not appear to take the most important step: requiring the steady removal of the estimated 6 million or more lead service lines that remain underground throughout the nation.

"Everything else is small potatoes," said Erik Olson, a senior director for the Natural Resources Defense Council. "From a public health standpoint, that's absolutely critical. There are going to be problems with lead contamination as long as you leave lead pipes in the ground."

The new proposal does appear to address some of the widely acknowledged problems with the current rule.

The EPA says it will require utilities to create an inventory of lead service lines and to make those findings public. It also will require that all test samples be taken at homes with lead service lines, compared with only half under the current rule. When a water utility finds elevated lead levels, it now will have to notify homeowners within 24 hours.

In an effort to close loopholes that critics say have long allowed communities to avoid reporting troubling test results, the EPA also plans to strengthen existing testing protocols. The agency no longer will allow practices such as removing aerators from faucets before testing, giving residents small-necked bottles and instructions to fill them slowly or "pre-flushing" water from lines before taking samples. Each of those tactics can temporarily lower lead levels and mask potential violations.

The EPA also wants to create a new "trigger level" of 10 parts per billion of lead in the water, a standard more stringent than the existing "action level" of 15 parts per billion. If a utility detects lead exceeding 10 parts per billion in enough taps, it could be forced to reevaluate the chemicals it uses to treat the water and must work with state officials on a plan to replace outdated pipes. (Smaller systems serving fewer than 10,000 people will have more flexibility in how to respond to elevated lead levels.)

In addition, water utilities would be required to replace their portion of a lead service line anytime a resident decides to replace the lead pipe leading to his or her home. In communities that exceed the 15 parts per billion federal action level, officials would be required to replace a minimum of 3 percent of lead service lines annually.

That's a more lenient standard than the current minimum requirement of 7 percent. EPA officials have said that although lead line replacements are the ultimate goal, the new rule is also aimed at addressing water problems in the short term. But the change is unlikely to sit well with some public health advocates.

"That's just staggering to me," said Olson, noting that the amended requirement could significantly extend the time it takes to rid a community of its lead pipes. "It's exactly the opposite of what we should be doing."

Finally, local utilities will be required for the first time to test for lead in child-care facilities and schools, many of which until now have faced virtually no state or federal laws that require testing.

Although lead exposures have fallen since Congress banned the use of lead pipes in 1986, the toxic metal remains in plumbing fixtures around the country, as well as in millions of underground pipes. Replacing all those pipes could cost as much as $80 billion, [ HYPERLINK "https://www.epa.gov/sites/production/files/2016-

10/documents/508_lcr_revisions_white_paper_final_10.26.16.pdf" \t "_blank" ], an expense that could fall largely on homeowners and cash-strapped cities.

The EPA was already years into revamping the much criticized lead and copper rule when the water crisis in Flint first gained national attention in 2015. The episode exposed thousands of young children in the city to alarming levels of lead, which can cause irreversible cognitive damage and other health problems, and it put a public spotlight on officials at every level who had failed to prevent the catastrophe.

"It clearly needs to be strengthened," then-EPA Administrator Gina McCarthy said during a 2016 hearing, even as she insisted that the Flint debacle stemmed from Michigan's failure to enforce the existing law.

Environmental activists have long argued that the federal rules are too easy to evade and too seldom enforced, and that such shortcomings have contributed to water crises in the District, Flint and, more recently, in Newark. Some state and local officials in charge of implementing the rules have called the requirements too complex and unwieldy. The water industry and individual communities have fretted over the associated costs.

The new proposal does not go as far as some environmental and public health advocates would like. For example, it does not set one enforceable standard for lead, known as a "maximum contaminant level," as it does for other harmful substances in water. Nor does it require the estimated 6 million lead service lines that remain underground around the country be replaced in the short term.

The new rule, which will be open for comment for 60 days, also does not lower the agency's lead "action level," which remains more lenient than new regulations put in place by Michigan in 2018. There, lawmakers plan to reduce the threshold to 12 parts per billion and require that all lead service lines in the state be replaced by 2040, unless a utility can demonstrate that it needs longer to implement the rule.

Edwards, who has seen water crisis after water crisis endanger residents and erode public trust in government, said none of the EPA's proposed changes will matter unless public officials do what they haven't always done in the past.

"Enforcement," he said, "is everything."

Wisconsin Public Radio
[ HYPERLINK "https://www.wpr.org/epa-wants-change-way-it-fights-lead-drinking-water" ]

**EPA Wants To Change The Way It Fights Lead In Drinking Water**

By Miranda Suarez
October 10, 2019

The U.S. Environmental Protection Agency will try to reduce lead levels in drinking water nationwide with the first major overhaul of its lead and copper rule since 1991. The lead and copper rule is a regulation designed to keep people safe from harmful drinking water contaminants.

Standing on a riverfront deck in Green Bay on Thursday, EPA Administrator Andrew Wheeler detailed the proposed changes to the rule, which would require water systems to [ HYPERLINK "https://www.wiscontext.org/wisconsins-lead-water-pipes-are-often-buried-history" \t "_blank" ] of all their lead service lines and make that information available to the public.

The changes would also require water sampling at schools and day care centers. [ HYPERLINK "https://www.wpr.org/report-calls-state-action-get-lead-out-drinking-water" \t "_blank" ] in preventing lead from entering schools' drinking water in a report released earlier this year.

"We want to make sure that the parents of those children know what the lead content is in the water where they send their children every day. These are major new steps to protect the most vulnerable among us," Wheeler said.

The EPA has been mulling changes to the rule for years, even before the water crisis in Flint, Michigan, where [ HYPERLINK "http://flintwaterstudy.org/2015/08/hazardous-waste-levels-of-lead-found-in-a-flint-households-water/" \t "_blank" ] — along with other contaminants — caused illness and national outrage.

In this proposal, the "action level" — or the amount of lead that is allowed to be in water before a water system must take action to decrease it — will remain at 15 parts per billion. But the new rule would also establish a warning threshold if a water system ever reaches 10 ppb, forcing that system to conduct studies or re-evaluate their water treatment.

But some environmental groups said the changes are not enough.

"We know that there is no safe level of lead in drinking water," said Carly Michiels of Clean Wisconsin, an environmental nonprofit. "Fifteen is too high and too much. Ten is too high. We know that five is too high. It just seems like it doesn't go far enough in protecting public health." Michiels says the proposed changes are a good step, but the real focus needs to be on removing lead pipes.

"It really just completely ignores the whole issue of removal. And if you remove them, we don't have to deal with pollution. That's the big prevention component," she said.

Madison was the first major city in the country to launch a full lead service line replacement program, [ HYPERLINK "https://www.cityofmadison.com/water/water-quality/water-quality-testing/lead-copper-in-water" \t "_blank" ], trading out old lead pipes for copper ones.

But cities like [ HYPERLINK "https://www.wiscontext.org/no-acceptable-level-milwaukees-struggles-lead-poisoning" \t "_blank" ] and Racine have an old housing stock, which leads to a higher risk of lead poisoning, [ HYPERLINK "https://www.dhs.wisconsin.gov/publications/p01202-16.pdf" \t "_blank" ]. That year, Milwaukee had the highest prevalence of lead poisoning in children under 6.

After a public comment period, Wheeler said he plans to put the new rules into effect next summer.

WBAY (ABC-Green Bay)
[ HYPERLINK "https://www.wbay.com/content/news/Green-Bays-success-inspires-EPA-in-nationwide-clean-drinking-water-effort-562740011.html" ]

**Green Bay's success inspires EPA in nationwide clean drinking water effort**

October 10, 2019

Environmental Protection Agency Administrator Andrew Wheeler chose Green Bay as the city to announce the first major overhaul of the Lead and Copper Rule since 1991.

With the Fox River in the background, Wheeler announced a multi-level "proactive and holistic approach" to address lead in drinking water across the country.

The federal government says Green Bay was chosen for its innovative approach to combating lead in drinking water.

"Our job is to replicate what Green Bay has done," said U.S. EPA Assistant Administrator for Water Dave Ross.

Green Bay Water Utility says it is closing in on its goal of replacing all lead pipes in the [ HYPERLINK "https://www.wbay.com/content/news/Green-Bay-Water-Utility-on-schedule-to-replace-all-lead-pipes-by-end-of-2020-511751292.html" \t "_blank" ] The city invested about $9 million in lead service replacement.

In 2016, there were 1,782 utility-owned lead services in Green Bay. After three years of work, that number is down to 445.

"Today, the Trump Administration is delivering on its commitment to ensure all Americans have access to clean drinking water by proposing the first major overhaul of the Lead and Copper Rule in over two decades," said EPA Administrator Wheeler.

Action 2 News was at the news conference and will have coverage tonight.

Here are the six-parts to the EPA Lead and Copper Rule overhaul:

1) Identifying the most impacted areas by requiring water systems to prepare and update a publicly-available inventory of lead service lines and requiring water systems to "find-and-fix" sources of lead when a sample in a home exceeds 15 parts per billion (ppb).
2) Strengthening drinking water treatment by requiring corrosion control treatment based on tap sampling results and establishing a new trigger level of 10 ppb (e.g. trigger level outlined below).
3) Replacing lead service lines by requiring water systems to replace the water system-owned portion of an LSL when a customer chooses to replace their portion of the line.

Additionally, depending on their level above the trigger level, systems would be required take LSL replacement actions, as described below.

4) Increasing drinking water sampling reliability by requiring water systems to follow new, improved sampling procedures and adjust sampling sites to better target locations with higher lead levels.
5) Improving risk communication to customers by requiring water systems to notify customers within 24 hours if a sample collected in their home is above 15 ppb. Water systems will also be required to conduct regular outreach to the homeowners with LSLs.
6) Better protecting children in schools and child care facilities by requiring water systems to take drinking water samples from the schools and child care facilities served by the system.

The EPA is taking public comment on the updated Lead and Copper Rule. CLICK HERE to add your comments.

Message

**From:** EPA Press Office [press=epa.gov@cmail20.com] on behalf of EPA Press Office [press@epa.gov]
**Sent:** 4/12/2019 9:10:27 PM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject:** EPA Administrator Visits Kentucky, Makes Environmental Announcements

U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

## Administrator Wheeler visits Kentucky, Announces Approval of Kentucky's Regional Haze Plan; Awards Kentucky $1.17 grant to cleanup leaking underground storage tanks

**Lexington, Ky.** (April 12, 2019) - U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler visited the Blue Grass State on Friday to make several environmental announcements and participated in a food waste recovery event and an agriculture forum.

In the first announcement of the day, Administrator Wheeler approved revisions to the Kentucky Regional Haze State Implementation Plan (SIP) for sulfur dioxide and nitrogen oxides emissions at electric generating units within the Commonwealth. Wheeler's approval also removes the one-size-fits-all Federal Implementation Plan (FIP) for Kentucky regional haze dating back to 2012, and fully approves Kentucky's clean air plan for regional haze.

Administrator Wheeler also announced a $1.17 million grant to the Commonwealth of Kentucky to implement the leaking underground storage tank cleanup program. This program works to protect human health and the environment by ensuring these sites are cleaned up to protective standards.

"Today, EPA lifted a major federal burden off Kentucky and also announced new funding to help the Commonwealth protect its drinking water," **said EPA Administrator Andrew Wheeler.** "The people of Kentucky are encouraged by our progress to rein in federal overreach and work with state and local partners to improve air quality, protect drinking water, and reduce food waste."

"We are excited to have Administrator Wheeler in the Bluegrass State today, and we are grateful for the good news he brings," **said Governor Matt Bevin.** "EPA approval of revisions to the Kentucky Regional Haze Plan will facilitate a commonsense, collaborative federal-state approach to successfully reducing haze. Also, the significant grant award to address leaking underground storage tanks will enable important environmental cleanup work across the state."

Administrator Wheeler also joined Kentucky Agriculture Commissioner Ryan Quarles to learn about the Kentucky Hunger Initiative, a first-of-its-kind effort at the Kentucky Department of Agriculture to bring together all parts of the food distribution chain to reduce hunger in Kentucky. Administrator Wheeler and Commissioner Quarles visited a Kroger Marketplace to learn more about the food retailer's "Zero Hunger | Zero Waste" program to end hunger and eliminate waste in their company by 2025. Earlier this week, the Administrator announced an interagency strategy with the U.S. Department of Agriculture and the U.S. Food and Drug Administration to promote the reduction in food waste.

As part of the Administrator's listening tour with the nation's agriculture community, Commissioner Quarles hosted Administrator Wheeler for a Farmers' Forum where Kentucky agricultural leaders were able to speak directly with the Administrator on issues related to EPA, including proposed revisions to the Waters of the United States rule. Congressman Andy Barr who represents the Lexington, Ky. area in the U.S. House also attended the event.

"We were honored to host Administrator Wheeler for a discussion with representatives of Kentucky's agricultural community," **Kentucky Agriculture Commissioner Ryan Quarles said**. "With this being the Administrator's second visit to Kentucky, it is clear that he and the EPA are in a listening mode. We were also grateful for the opportunity to highlight how Kentucky is working to reduce hunger with a 'farm-up' approach. It is an unfortunate reality that 1 in 6 Kentuckians are food insecure, and I appreciate Administrator Wheeler's willingness to collaborate on ways to reduce food waste."

"Thank you Administrator Wheeler for visiting the Sixth District of Kentucky and bringing the news of the EPA's investment in our infrastructure and environment," **said Congressman Andy Barr.** "The leaking underground storage tank cleanup program and the Kentucky Regional Haze State Implementation Plan are vital to ensuring the health and safety of our communities, and I applaud the Administrator for his efforts in these areas."

Visit The EPA's Newsroom

Kentucky Agriculture Commissioner Ryan Quarles speaks at a food waste reduction event on Friday in Lexington, Ky., as EPA Administrator Andrew Wheeler and Erin Grant, Corporate Affairs Director for Kroger's look on.

EPA Administrator Andrew Wheeler speaks with Kentucky farmers in Georgetown, Ky. on Friday.

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

**From:** Todd J Zywicki [tzywick2@gmu.edu]
**Sent:** 10/28/2018 11:58:49 AM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**CC:** Molina, Michael [molina.michael@epa.gov]
**Subject:** Re: Andrew Wheeler

Andrew:
It was great to meet you last weekend and I just realized that I was remiss in failing to acknowledge receipt of your email. I look forward to further conversations about a possible visit to Scalia Law School.

Also, the book I mentioned that you might find interesting is by Richard A. Harris and Sidney M. Milkis, "The Politics of Regulatory Change: A Tale of Two Agencies" originally published in 1996.

Best wishes,
-Todd Zywicki

Todd J. Zywicki
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Antonin Scalia Law School at George Mason University
Co-Author, *Consumer Credit and The American Economy* (Oxford 2014)
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Notice:
The Commonwealth of Virginia claims the right to monitor messages sent to and from this address at any time, without notice, and without my permission. In addition, messages sent to and from this address may be subject to disclosure under the Virginia Freedom of Information Act. For any non-GMU matters, you may reach me at Ex. 6 - Personal Privacy

---

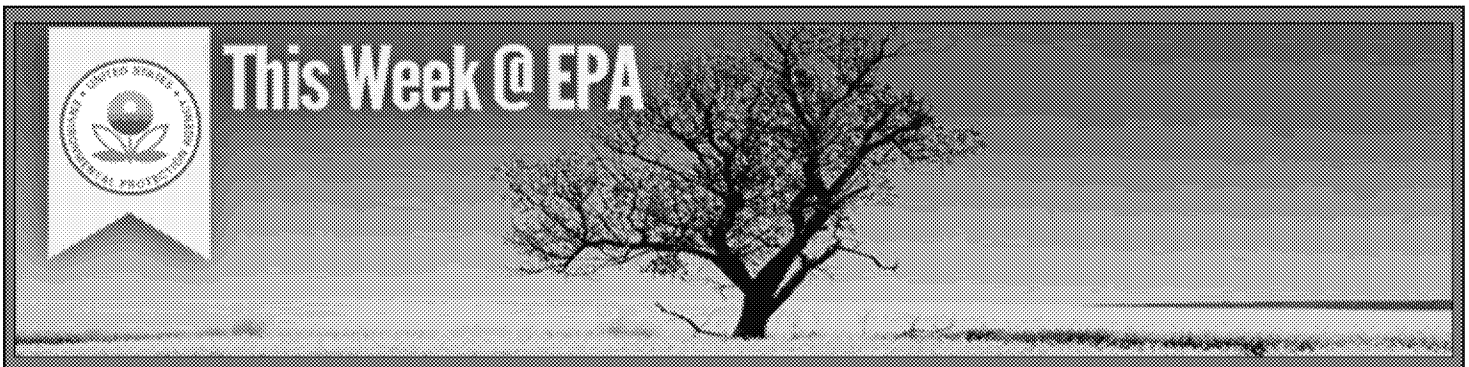
**From:** adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
**Sent:** Sunday, October 21, 2018 8:01 PM
**To:** Todd J Zywicki
**Subject:** Andrew Wheeler

Senior advisor Molina.michael@epa.gov

Sent from my iPhone

Message

**From:** This Week @ EPA [epanews@epa.gov]
**Sent:** 8/5/2019 4:57:21 PM
**To:** This Week @ EPA [epanews@epa.gov]
**Subject:** This Week @ EPA - August 5, 2019




**August 5, 2019** Taken by Gayle Hubert of Region 7 of Canola fields in Kansas

**Senior Leadership Update | Hot Topics | ELMS Update | Key Dates | Video Spotlight | Health & Wellness | IT Corner**

## Senior Leadership Update

### Last week Administrator Wheeler traveled to Pennsylvania and Missouri

On Monday, July 29, Administrator Wheeler joined Senator Pat Toomey (R-PA) to tour the Monroe Energy Refinery in Trainer, Pennsylvania.

On Tuesday, July 30, Administrator Wheeler recognized William Dewitt III, president of the St. Louis Cardinals, for "A Decade of Partnership in Sustainability" and presented a national award to Urban Chestnut Brewing Company as the "2018 Small Business Partner of the Year" for waste reduction achievements as a WasteWise Partner. Learn more.

On Wednesday, July 31, Administrator Wheeler joined Congressman Jason Smith (MO-8) to commemorate the 20th anniversary of the Superfund Redevelopment Initiative (SRI) at the Madison Mine/Anschutz Mine in Fredericktown, Missouri. The mine is sometimes referred to as the "Cobalt Mine." Learn more.

Pictured above, Administrator Wheeler, on the right, with William Dewitt III, president of the St. Louis Cardinals, for "A Decade of Partnership in Sustainability" and presented a national award to Urban Chestnut Brewing Company as the "2018 Small Business Partner of the Year."

Pictured above, Administrator Wheeler joined Congressman Jason Smith (MO-8) to commemorate the 20th anniversary of the Superfund Redevelopment Initiative (SRI) at the Madison Mine/Anschutz Mine in Fredericktown, Missouri. The mine is sometimes referred to as the "Cobalt Mine."

**Feds Feed Families reminder from Susan Parker Bodine Assistant Administrator for the Office of Enforcement and Compliance Assurance**

Last week Susan Parker Bodine shared a reminder message that there is still time to contribute to Feds Feed Families (FFF). Since we distributed her message, the FFF campaign ***deadline was extend until August 23***.

In her message Susan shared:

"Here are several ways in which you can help combat food insecurity by contributing to this year's campaign:

- Place non-perishable food items in the Feds Feed Families boxes located in your EPA building.
- Look for and participate in any food donation events that your office may be holding.
- Find opportunities to collect and donate fresh produce through a gleaning event.

Please note, if you are an employee located in EPA Headquarters or in Region 3's Philadelphia office, you have an option this year of using a food delivery service to order and deliver your donation, saving you the trouble of carrying it into the office yourself." *(Other Regions have now also set-up delivery addresses or opportunities to drop off deliveries. Please check with your Regional Coordinator on this.)*

feds feed families

## Hot Topics

**Superfund Redevelopment Initiative celebrates twenty years!**

In 1999, EPA launched the Superfund Redevelopment Initiative with the goal of returning formerly contaminated lands to safe and productive reuse. Over the last 20 years, EPA has helped Superfund sites be safely reused and redeveloped into commercial, recreation, ecological and residential spaces while remaining protective of human health and the environment. Today, about 1,000 Superfund sites support new and ongoing uses.

Redeveloping Superfund sites can transform communities. EPA has helped communities turn Superfund sites into new parks, shopping centers, athletic fields, wildlife sanctuaries, manufacturing facilities, solar farms, residences, and new roads and infrastructure centers, to name a few.

To mark this anniversary EPA created a 20th Anniversary Report on Superfund Redevelopment.

To learn more about the report and to see sites from before and after redevelopment, please see the associated press release.

View an infographic on the Benefits of Reuse at Superfund sites.

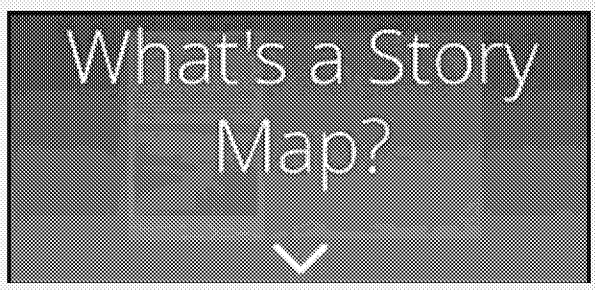
**Considering creating a story map?**

Have you ever seen an EPA story map and wondered how it got done? The EPA web communications team has a set of guidance along with examples of story maps ready for your review!

The site covers topics like:

- Story Maps Guidance.
- About Story Maps.
- Story Map Criteria: When to Use the Story Map Template vs. the Drupal WebCMS.
- Things to Consider Before You Develop.
- Choosing a Story Map Template.
- Examples of EPA Story Maps. These include examples under each style of a story map. Some examples listed are:
    - Story Map *Cascade* style examples include:
        - California Wildfire Response (Camp Fire, Paradise, 2018).
    - Story Map *Journal* style examples include:
        - EPA's Hurricane Maria Response.
        - EPA's Response to Hurricane Harvey.
    - Story Map *Series* (Tabbed Layout) examples include:
        - National Estuary Program.
        - EPA New England Success Stories.

Not sure how to start? Contact your GeoPlatform Administrator. *(Note: This is a SharePoint site and you may need to log-in with your EPA email and password.)*




ELMS Update

## New ELMS Success Story Video Features Region 9

The Office of Continuous Improvement is excited to share its latest success story video featuring the Region 9 Tribal, Intergovernmental & Policy Division. Check it out!

## Intern Spotlight #1

## Intern Spotlight #2

Ex. 6 - Personal Privacy

**School & State:** University of Virginia, Frank Batten School of Leadership & Public Policy, Charlottesville, Virginia.

**Major(s)/Minor(s):** Master of Public Policy Candidate with a concentration in energy, environment, and natural resources.

## Ex. 6 - Personal Privacy

**Host Office:** Office of the Administrator, Office of Congressional and Intergovernmental Relations.

**Intern Responsibilities:** Ex. 6 - Personal Privacy spends most of her time assisting in the development of a national oversight policy for federal environmental permitting by states and tribes. Ex. 6 - Personal Privacy has already met so many talented, driven people at EPA in just a few short months and is excited to get to know even more people as she completes her graduate thesis with the agency over the next year.

To learn more about Ex. 6 - Personal Privacy please see her Delve profile.

**School:** Bowdoin College, Brunswick, Maine.

**Major/Concentrations:** Majors in Government & Legal Studies, Biology; Minor in Environmental Studies.

## Ex. 6 - Personal Privacy

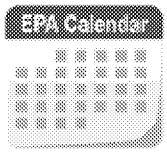
**Host Office:** Office of Air and Radiation/Office of Air Policy and Program Support.

**Responsibilities:** She is learning about the different facets of OAR by contributing to a variety of projects involving science policy, congressional relations, and the FOIA process. She is grateful for this comprehensive experience and am excited for the rest of my time at EPA.

To learn more about Ex. 6 - Personal Privacy please see her Delve profile.

**Do you have an intern you'd like us to feature?** If yes, please send a picture and responses to the above fields (name, school, majors, extracurriculars, host office, and responsibilities) to internalcomms@epa.gov

## Key Dates




Click on each event below to get more details. Click on the "Add to Calendar" button to add an event to your Outlook calendar.

If you see a log-in screen, please click on your EPA email, or if prompted, enter your email and network password.

### This week:

**Aug. 6:** Introduction to Accessible Meetings ADD TO CALENDAR
**Aug. 7:** Introduction to Accessible PDFs ADD TO CALENDAR
**Aug. 8:** Advanced Accessibility for PDFs ADD TO CALENDAR

### Coming soon:

**Aug. 23:** Feds Feed Families campaign until August 23 ADD TO CALENDAR
**Sept. 5:** ELMS Overview ADD TO CALENDAR
**September 30:** Mandatory Training deadline! ADD TO CALENDAR

## Feds Feed Families Spotlight

**Feds Feed Families extend until August 23!**

The Feds Feed Families (FFF) Campaign now ends on August 23. The FFF intranet page has been updated to include:

- Opportunities for gleaning.
- Donations by Delivery for Headquarters and some Regions.
- Special day fliers like, "Meat Lovers or Meat Free Mondays."

"Do Right Feed Everyone"

| Health & Wellness | IT Corner |
| --- | --- |
| **Stay current on electrical panel safety** | **Reminder: Google Chrome is EPA's new default web browser** |

Effective August 5, Google Chrome (Chrome) is the agency's

Circuit breakers within electrical panels control a building's flow of electricity via switches that can stop the electrical current from traveling to specific locations when a fault occurs (i.e., an abnormal *electric* current). Circuit breakers can prevent serious injury and electric shock by shutting off the source of power.

Tips for safe usage of electrical panels at work and home:

- Ensure easy access to electrical panels, with at least three feet of clearance.
- Label all circuit breakers to clearly identify equipment and appliances controlled by each.
- Confirm that there are no missing circuit breakers that leave openings in the panel.
- Ensure that all electrical panels have a cover that encloses the energized wires and components inside the panel box, protecting users from electric shock.
- Have all electrical panels routinely inspected by a licensed electrician.

If you observe unsafe electrical panel conditions or suffer an injury at work, immediately report it to your supervisor and Safety, Health and Environmental Management Program manager or call (877) 301-SAFE (7233). In the event of an emergency, always dial 911 first.

For more information, view the Fire Safety page on the Office of Mission Support's Safety and Sustainability Division's intranet site.

new default web browser for all systems. Chrome is a robust and easily-managed browser, which is flexible to EPA's business needs. Chrome has been automatically pushed to all users. Minor action from users is required (to migrate bookmarked sites and "favorites" from IE to Chrome); click here for instructions. Some of the reasons why EPA made this change include improvements in:

- ✓ Performance
- ✓ Security
- ✓ Compatibility with modern websites
- ✓ Compatibility with Office 365 (O365) services.

**Take Action:**

- Remember to migrate your Favorites/Bookmarks from IE to Chrome.
- For more information, go to Google Chrome Quick Reference Guide or visit the Enterprise Endpoint and Collaboration Services Tips and Tricks site.

Internet Explorer 11 (IE11) and Microsoft Edge (Edge) will remain on all systems as long as support is provided by Microsoft on the Windows 10 platform. If you notice a webpage is not loading in Chrome but worked in IE11 or Edge, please submit a service ticket to the Office of Mission Support (OMS), Office of Information Technology Operations (OITO) engineering staff via the Enterprise IT Service Desk (EISD) by emailing EISD@epa.gov or by calling 1-866-411-4EPA (4372).

Message

**From**: This Week @ EPA [epanews@epa.gov]
**Sent**: 4/1/2019 7:04:17 PM
**To**: This Week @ EPA [epanews@epa.gov]
**Subject**: This Week @ EPA - April 1, 2019

**April 1, 2019**

Photo taken by Kevin Shade, Region 6, in Dry Tortugas, Florida

**Senior Leadership Focus | Hot Topics | ELMS Update | Key Dates | Intern Spotlight | Health & Wellness | IT Corner**

## Senior Leadership Focus

### Administrator Wheeler visits Denver

Administrator Andrew Wheeler participated in a variety of activities during a Denver, Colorado, visit last week. He began his trip by delivering the keynote address to the American Bar Association's Environmental Law Conference, and then he held a roundtable discussion regarding air quality issues with the Western Energy Alliance. Later, the Administrator met with Region 8 officials to discuss risk communications and ongoing Superfund cleanups at the Silver Bow Butte and Anaconda sites in Montana. Last, he officially announced the newest round of funding available for the Water Infrastructure Financing and Innovation Act program while visiting the Denver Water Recycling Plant.

For more information on the Administrator's visit to Denver, read the press release.

**Message reminders**

In case you missed it, Administrator Wheeler delivered the following messages last week:

- Welcome message for Anne Idsal as Principal Deputy Assistant Administrator for the Office of Air and Radiation.
- Welcome message for Corry Schiermeyer as Associate Administrator for the Office of Public Affairs.
- Opening remarks for EPA Women's History Month event.

## Hot Topics

**Workshop: Increasing employment of people with disabilities at EPA**

The Office of Mission Support (OMS) welcomes Mr. Michael Murray - Director, Employer Policy Team, Office of Disability Employment Policy, U.S. Department of Labor - as its workshop presenter to discuss ways to increase the employment of people with disabilities at EPA. There are two ways to participate in this **April 10 workshop from 2-3 p.m. EDT**:

1. **In person** - Join the discussion at William Jefferson Clinton East Building, Room B316.
2. **Remotely** - Join the discussion via Adobe Connect. Phone lines are not available.

Sign Language Interpreters will be present, and captioning will be available via Adobe Connect.

People needing reasonable accommodations should contact Kristin P. Tropp at: 202-559-0006 or tropp.kristin@epa.gov.

If you have any questions about this event, please contact Anthony Napoli, Diversity and Inclusion Program Manager, at napoli.anthony@epa.gov.

Mark your calendar to join this event. ADD TO CALENDAR

*Workshop presenter Mr. Michael Murray, Director, Employer Policy Team, Office of Disability Employment Policy, U.S. Department of Labor.*

**Celebrate National Public Health Week**

EPA's Indoor Environments Division supports the American Public Health Association's National Public Health Week campaign (exit) April 1-7. Each weekday, the campaign highlights a specific health condition or risk.

| Monday April 1 | Tuesday April 2 | Wednesday April 3 | Thursday April 4 | Friday April 5 |
|---|---|---|---|---|
| Healthy Communities | Violence Prevention | Rural Health | Technology and Public Health | Climate Change |

Start the week with Monday's theme of "Healthy Communities." Healthy communities begin with healthy homes, and indoor air quality is an important component of any healthy home. Learn from EPA about how to protect your health from indoor air pollutants.

End the week with Friday's theme of indoor air quality and climate change. Protect building occupants by maintaining a healthy and safe indoor environment. Energy efficiency and sustainability are key considerations. Changes in outdoor conditions can also influence the indoor environment.

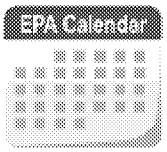
Do you want more local information about indoor air quality? Contact your state radon program or EPA regional office.

# ELMS Update

## OCI developing problem-solving training for EPA employees

Calling all EPA employees who are interested in the business of solving problems!

## Key Dates




Click on each event below to get more details.
Click on the "Add to Calendar" button to add an event to your Outlook calendar.

If you see a log-in screen, please click on your EPA email, or if prompted, enter your email and network password.

### This Week:

**April 1:** Webinar on How to Use the New STAA Nomination System ADD TO CALENDAR
**April 2:** CFC agency awards ADD TO CALENDAR
**April 3:** Webinar on How to Use the New STAA Nomination System ADD TO CALENDAR
**April 4:** ELMS Overview ADD TO CALENDAR

### Coming soon:

**April 10:** Increasing the Employment of People with Disabilities at EPA ADD TO CALENDAR
**April 30:** Federal Interagency Holocaust Remembrance Program: Two Journeys to Survival ADD TO CALENDAR

## Intern Spotlight

Name Ex. 6 - Personal Privacy

**School:** Marymount University, Virginia
**Majors:** Politics; philosophy

# Ex. 6 - Personal Privacy

**Host Office:** Office of Public Affairs
**Responsibilities:** compiling press clips; drafting the White House Report that details the press inquiries of the day; drafting content for Twitter posts; copyediting press releases.

For more information on Ex. 6 - Personal Privacy please read his Delve profile.

Do you have an intern you'd like us to feature? If yes, please send a picture and responses to the above fields (name, school, majors, extracurriculars, host office, and responsibilities) to internalcomms@epa.gov.

## Health & Wellness

### 2019 Walk to Wellness registration opens

In recognition of National Physical Fitness and Sports Month in May, EPA is hosting the seventh annual "Walk to Wellness" on Wednesday, May 1. This annual event occurs agency-wide with many EPA locations organizing a 1- to 2-mile walk and other wellness-related activities such as keynote speakers, information and displays from various vendors, and fitness center demonstrations.

Participants have the opportunity to join colleagues in an informal way while learning more about the benefits of regular physical activity. **Register today at the Walk to Wellness intranet site.**

Please note that some local events may occur on alternate dates. For additional information at your location, visit the Walk to Wellness page on the Safety and Sustainability Division's intranet site or contact your wellness coordinator. We look forward to another year of successful events across the agency!

## IT Corner

### Spam tip: How to improve security, protect EPA's IT assets

Follow the instructions below to reduce the effects of spam on yourself and EPA:

- **Periodically review your junk folder** - occasionally,

legitimate emails may erroneously be categorized as spam and end up relegated to the junk folder.

- **NEVER open spam messages** - email identified as spam or junk often contains malicious content, so NEVER open spam messages, click links inside, or download any attachments.
- **Report it immediately** - if you accidentally click a link, download, or open an attachment in a suspicious email. **Report it to** EPACALLCENTER@epa.gov**.**
- **Forward messages NOT already categorized as spam to EPA's spam team** - if you receive a suspicious message that has not been tagged with [SPAM-Sender] in the subject line. Do not open a service desk ticket. Simply forward the message to spam@epa.gov, and then delete it.
- **DO NOT report quarantined email or email already categorized as spam or junk (i.e., email sent from** quarantine@messaging.microsoft.com**)** - this means our spam filters are working correctly!

When in doubt, please contact the Enterprise IT Service Desk (EISD) with any IT-related questions. You can reach EISD at EISD@epa.gov or 1-866-411-4EPA (option 3). Regional customers should contact their local help desk.

We would love to hear your feedback about this newsletter. Please contact us at: **internalcomms@epa.gov** | **http://intranet.epa.gov/internalcomms**
Looking for previous editions of the Newsletter? Go to the **Newsletter Archive**

Workshop presenter Mr. Michael Murray, Director, Employer Policy Team, Office of Disability Employment Policy, U.S. Department of Labor.

Message

**From:** EPA Press Office [noreply-subscriptions@epa.gov]
**Sent:** 10/1/2018 8:15:41 PM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject:** The RESTORE Council Approves Florida's State Expenditure Plan providing $291M for 69 Projects

U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

# The RESTORE Council Approves Florida's State Expenditure Plan providing $291M for 69 Projects across 23 Coastal Counties

**WASHINGTON** (October 1, 2018) — Last week, U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler sent a letter to Mr. Noah Valenstein, Secretary of the Florida Department of Environmental Protection (DEP) and Designated Alternate for the Governor of Florida to the Gulf Coast Ecosystem Restoration Council (RESTORE Council), approving the State of Florida's State Expenditure Plan (SEP) developed by the Gulf Consortium (designated entity for Florida under the Spill Impact Component funding).

**"I applaud Florida and the Gulf Consortium on the development of this comprehensive and effective State Expenditure Plan that will provide $291 million for 69 projects spread across 23 coastal counties to restore water quality, protect wildlife, and revitalize the Gulf economy,"** said EPA Acting Administrator and RESTORE Council Chair Andrew Wheeler. **"Our collective efforts under the RESTORE Act will help protect and ensure the long-term health and resilience of the Gulf Coast ecosystem."**

**"Today, I am proud to announce the approval of Florida's robust plan to invest more than $290 million in critical projects along Florida's Gulf Coast,"** said Florida Governor Rick Scott. **"The communities impacted by the Deepwater Horizon Oil Spill have come so far since that tragic disaster and we will never stop fighting to protect our environment and make sure families and businesses along the Gulf Coast continue to grow. The approval of this funding is great news and I look forward to continuing our good work with all of our partners to take care of Florida's Gulf Coast."**

**"We are very excited about the approval of the Florida State Expenditure Plan. This is a culmination of 5 years of work and cooperation with and between federal, state and local governments. This ambitious plan implements environmental restoration projects across 23 counties from the Perdido River in my county of Escambia to Key West in Monroe County,"** said Gulf Consortium Chairman Grover Robinson. **"I am incredibly proud of the work that has been done and the goals that will be accomplished to make Florida better. Thank you to everyone who participated in this endeavor and all Floridians will benefit from this effort."**

**"I would like to thank the Gulf Consortium for developing a plan that includes a diverse suite of projects and programs that focus on environmental restoration and protection of water quality and**

**coastal resources and promotion of tourism along our Gulf Coast,"** said DEP Secretary Noah Valenstein. **"Florida's counties clearly recognize that healthy ecosystems, fisheries, marine and wildlife habitats, beaches, and wetlands are inextricably linked to our state's economy.**

The Florida SEP was submitted under the Spill Impact Component of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). With this approval, funding for activities in the SEP will be disbursed via federal grants between the Council and the Gulf Consortium. The approved SEP is posted on the RESTORE Council website.

**Background**

The RESTORE Act established the RESTORE Council and the Gulf Coast Restoration Trust Fund (Trust Fund). It dedicates 80 percent of Clean Water Act civil and administrative penalties resulting from the Deepwater Horizon oil spill to the Trust Fund, for restoration projects in the Gulf Coast region.

The RESTORE Council is responsible for administering 60 percent of the total funding allocated from the Trust Fund: 30 percent (plus interest) under the Council-Selected Restoration Component and 30 percent under the Spill Impact Component. The RESTORE Council is chaired by EPA, and members include the governors of: Alabama, Florida, Louisiana, Mississippi, and Texas, as well as the secretaries of the U.S. Departments of Agriculture, Commerce, Homeland Security, the Army and the Interior.

The RESTORE Council is responsible for helping restore the ecosystems and economies of the Gulf Coast region by developing and overseeing implementation of a Comprehensive Plan and carrying out other responsibilities. The Gulf Coast ecosystem is one of the most diverse environments in the world and home to a wealth of wildlife, valuable natural resources, abundant seafood, extraordinary beaches and recreational activities, and a rich cultural heritage.

Learn more about the RESTORE Council at www.restorethegulf.gov.

Contact Us to ask a question, provide feedback, or report a problem.

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

Message

**From**: Bodine, Susan [bodine.susan@epa.gov]
**Sent**: 9/20/2018 5:43:53 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**CC**: Jackson, Ryan [jackson.ryan@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]
**Subject**: Tonawanda Coke - ENFORCEMENT CONFIDENTIAL

Giving you a heads up that the sentencing hearing for Tonawanda Coke is tomorrow (Friday) morning.

The judge has already found them to be in violation of their March 2014 criminal parole, which required them to come into compliance. NY is seeking the shut them down. The posture of the U.S., as stated in the sentencing memo submitted by the U.S. Attorney for the Western District of NY, is to tell them to come into compliance, which means they need to temporarily stop making coke, run in "hot idle" mode, and rebuild their coke battery.

**Ex. 5 - Deliberative Process**

The owner has chosen **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

We don't know what the judge will do. If he takes the recommendation of the U.S. Attorney, we will have a press release that will emphasize that they still have the opportunity to come into compliance and direct inquiries to the US Attorney's office.

I spoke to Pete as our expert in NY politics. He thinks our posture is appropriate. There are 300 jobs at stake but the working conditions are not safe. Workers, and local community, are experiencing black soot like the 1950s, leaks of coke oven gas (a yellow-brown listed HAP), and elevated benzene emissions.

Message

**From**: Konkus, John [konkus.john@epa.gov]
**Sent**: 5/31/2019 2:56:20 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject**: This week's op-eds on ACE (Draft / Deliberative)

FYI: Starting to lay the messaging foundation for this action...

Rockland County Times (New York): Powe Plan Purposes new Approach on Climate
The Tribune-Democrat (Pennsylvania): New Power Plan Takes Sensible Approach on Climate
Salem News (Ohio): New Power Plan Presents Sensible Approach on Climate
Desert News (Utah): New Power Plan Takes Sensible Approach to Cleaner Energy
Farmington Daily Times (New Mexico): ACE Rule Gives Regulatory Power to the States
The Daily Review (Pennsylvania): New Power Plan Takes Sensible Approach on Climate
Count on Coal Blog: The Ace Rule is Right on Target

John Konkus
Environmental Protection Agency
Deputy Associate Administrator for Public Affairs
Mobile: (202) 365-9250

Message

**From**: EPA Press Office [press=epa.gov@cmail19.com]
on behalf of EPA Press Office [press@epa.gov]
**Sent**: 2/27/2019 7:04:51 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject**: EPA Statement on RVP/RIN market reform proposal

# EPA Statement on RVP/RIN market reform proposal

**WASHINGTON** (February 27, 2019) — Today, the U.S. Environmental Protection Agency (EPA) released the following statement on the Renewable Fuel Standard Reid Vapor Pressure (RVP) / Renewable Identification Number (RIN) market reform proposal:

"EPA is planning on releasing its RVP/RIN market reform proposal in March, and working expeditiously to propose and finalize the rule consistent with the President's direction before the start of the summer driving season."

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U.S. Environmental Protection Agency
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Washington, D.C. 20004

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Message

**From**: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
**Sent**: 8/20/2018 2:11:53 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**CC**: Molina, Michael [molina.michael@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Konkus, John [konkus.john@epa.gov]
**Subject**: OPED
**Attachments**: OPED ACE Clean_FINAL DRAFT 2018 08 20.docx

Can you please take a look at the attached and let us know your thoughts? This has gone through White House Staff Sec review (NEC/CEQ/DOE/OMB). OAR/OGC reviewed their edits this morning. For purposes of meeting the drop dead placement deadline, can you please get us your edits by noon (EST) or as soon as possible. Drop dead deadline for placement is 2 pm.

**Mandy M. Gunasekara**
Principal Deputy Assistant Administrator
Office of Air and Radiation
US Environmental Protection Agency

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Message

**From:** EPA Press Office [press@epa.gov]
**Sent:** 7/11/2019 6:46:14 PM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject:** EPA's Methane Challenge Partners Are Leading the Oil and Gas Industry in Efficiency and Emissions Reductions

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

# EPA's Methane Challenge Partners Are Leading the Oil and Gas Industry in Efficiency and Emissions Reductions

**WASHINGTON (July 11, 2019)** - Today, the U.S. Environmental Protection Agency (EPA) published new data showing that in 2017 oil and gas companies that participated in EPA's Natural Gas STAR Methane Challenge Program reduced methane emissions equivalent to nearly 1 million metric tons of carbon dioxide - all through voluntary actions to reduce emissions from key sources across their operations.

"We greatly appreciate the actions these companies are taking to lead the way in improving efficiency, reducing methane emissions, and improving air quality," **said Anne Idsal, EPA acting assistant administrator for Air and Radiation.** "These companies are showing that pollution prevention and profitability can go hand-in-hand—because less methane in the air means more natural gas product in the pipeline to deliver to customers."

The Natural Gas STAR Methane Challenge Program is a voluntary program launched in 2016 by the EPA in collaboration with oil and natural gas companies. It builds on the successes of the Natural Gas STAR program, through which partner companies have achieved cost-effective methane reductions for more than 20 years. The Methane Challenge Program provides partner companies a platform to make a company-wide commitment to cut methane emissions, track and report their actions, and be recognized by EPA for their achievements. More than 60 companies from all segments of the industry—production, gathering and boosting, transmission and storage, and distribution—are now program partners.

The extensive data provided by companies on their voluntary efforts provides important information to the public and serves as a guide for other companies looking to improve

efficiencies and reduce emissions. Highlights from the reported data include the following:

- Partners' 2017 methane reductions kept nearly $6 million worth of natural gas in the pipeline.
- Distribution segment companies reported replacement of mor than 1,400 miles of cast iron pipelines and more than 2,000 miles of unprotected steel pipelines. These actions reduced methane emissions from old, leaky pipes by over 230,000 metric tons of carbon dioxide equivalent.
- Transmission segment companies reduced methane emissions from pipeline "blowdowns" during planned pipe replacement/maintenance activities by nearly 650,000 metric tons of carbon dioxide equivalent.

To learn more about our Methane Challenge Partners, their commitments and their achievements to date, see: https://www.epa.gov/natural-gas-star-program/methane-challenge-partners

More information the Natural Gas STAR and Methane Challenge Program and how to join can be found at: https://www.epa.gov/natural-gas-star-program.

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Washington, D.C. 20004

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Message

**From**: Konkus, John [konkus.john@epa.gov]
**Sent**: 2/12/2019 10:39:13 PM
**To**: Lyons, Troy [lyons.troy@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Servidio, Cosmo [Servidio.Cosmo@epa.gov]; Stepp, Cathy [stepp.cathy@epa.gov]; Thiede, Kurt [thiede.kurt@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Block, Molly [block.molly@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Molina, Michael [molina.michael@epa.gov]
**Subject**: PFAS Clips 2/12/2019

Note KYW News Radio story from in Region 3 that contains quotes from two members of Congress on PFAS and Acting Admin. Wheeler + this statement from Congressman Boyle: https://boyle.house.gov/media-center/press-releases/congressman-boyle-condemns-epa-decision-not-regulate-pfas-drinking-water

I have called the radio station and am pushing back against the misinformation.

**National**

E&E News: Report blasts plan to house migrant kids at polluted base

Rewire News: The Trump Administration Wants to Detain Migrant Kids at Toxic Waste Sites

Bloomberg Environment: Denmark Mulls Ban on Fluorochemicals in Paper Food Wrappers

New York Times: Proposed U.S. Migrant Shelter May Be Polluted, Green Group Warns

**Region 3**

KYW News Radio: Water contamination at Philly-area military bases may be crucial as Senate considers EPA administrator nominee

**Region 5**

Michigan Radio: New data shows elevated PFAS levels around Flint's Buick City

## E&E News

**Report blasts plan to house migrant kids at polluted base**

https://www.eenews.net/eenewspm/2019/02/12/stories/1060120379

Cecelia Smith-Schoenwalder, **E&E News reporter**

**2/12/2019**

The Air Force base that the Trump administration proposed to host unaccompanied children detained after illegally crossing the Mexico-U.S. border is riddled with pollutants, according to a report from Earthjustice.

The report said, "The Trump administration plans to build the detention center on top of a former landfill, in an area filled with major potential health risks, particularly for children."

The Goodfellow Air Force Base in San Angelo, Texas, is the site the administration suggested for housing thousands of children.

Through a review of publicly available environmental records, Earthjustice found lead, arsenic, benzene, per- and polyfluoroalkyl substances, and other chemicals contaminating the area. The documents were written by the Air Force during Superfund investigations.

"If these plans go forward, approximately 7,500 migrant children will be detained in an area contaminated with lead, arsenic, benzene, PFAS, and myriad other harmful chemicals associated with increased risk of cancer and permanent neurodevelopmental damage," the report said.

Lead was previously recorded in the area at levels 27 times higher than EPA standards for soil in play areas for children.

The report argued it may be necessary for the contaminated soil to be removed.

"This is outrageous," Lisa Evans, Earthjustice attorney, said in a statement. "We urge the government to immediately turn over all documents related to this immoral plan so the public can get to the bottom of this."

Earthjustice sued the Trump administration recently for records on potential environmental hazards that could harm children at the base.

The Goodfellow Air Force Base, the Department of Health and Human Services, and the Defense Department did not respond to requests for comments on the report.

## Rewire News

**The Trump Administration Wants to Detain Migrant Kids at Toxic Waste Sites**

https://rewire.news/article/2019/02/12/the-trump-administration-wants-to-detain-migrant-kids-at-toxic-waste-sites/

**By** Tina Vasquez

**2/12/2019**

The Trump administration is moving forward with plans to detain as many as 7,500 unaccompanied migrant children "on top of and in close proximity to toxic waste sites," according to a new report.

In 2018, during the height of President Trump's family separation crisis at the U.S.-Mexico border, part of his broader "zero-tolerance" policy, the administration tasked the Department of Defense with identifying space in Texas to detain migrant kids. The federal government settled on two former military bases: Fort Bliss in El Paso and Goodfellow

Air Force Base (GAFB) in San Angelo. "Toxic Cages," released today by the environmental law organization Earthjustice, is based on documents developed by the Air Force during various investigations under Superfund, an Environmental Protection Agency (EPA) program established in 1980 to clean up some of the nation's most contaminated land.

The report reveals Goodfellow Air Force Base is home to "numerous hazardous Superfund sites" that are "riddled with toxic hazards from past military operations, spills, storage of toxic chemicals, unexploded ordnances, and firing ranges." Most of these sites were never fully investigated or remediated.

Goodfellow Air Force Base is contaminated with lead, arsenic, and volatile organic compounds, or VOCs, "which contaminate the air and threaten human health through vapor intrusion causing nausea, headaches, and damage to the nervous system, kidney, and liver."

On a press call Tuesday, Earthjustice attorney Lisa Evans said the Trump administration's plan to use the Goodfellow Air Force Base to detain children is "dangerous, unconscionable, and devoid of concern for migrant children."

"A public vetting of the plan in compliance with the laws must be done before one child spends one night in these contaminated areas," Evans said.

Michelle Dobson, a staff scientist at Earthjustice, said very young children, including infants who may be detained at the facility, are the most vulnerable and susceptible to becoming ill because of the arduous journey they've taken migrating to the United States. The Trump administration separated hundreds of infants from their parents during the family separation policy. In June, the *Associated Press* reported that migrant newborns were detained in so-called tender age facilities.

There are four "suspended sites" near the Trump administration's proposed housing site at Goodfellow Air Force Base, including the proposed location of the residential housing for children, which will be on top of and adjacent to an old GAFB dump known as the Southeast Landfill. From 1970 to 1982, when there were almost no regulations for addressing spilled chemicals, GAFB dumped toxic chemicals, fuels, and other wastes in the landfill. GAFB completed a partial cleanup of the landfill, but it was never properly closed, according to today's EPA standards. The site is not considered a safe building site. There has been recent dumping along the landfill's perimeter that was never investigated.

A fuel storage facility on the property is another suspended site. In the 1980s, "extremely high levels of VOCs and other chemicals" were found near the facility, likely the result of "extensive chemical spills" that began in the 1950s. No studies related to long-term groundwater monitoring or indoor air quality were ever conducted.

The Obama administration in 2016 detained children on Fort Bliss in response to an unprecedented number of Central American migrants seeking asylum at the U.S.-Mexico border. Evans told *Rewire.News* that at the time, children were detained in military barracks, structures intended to house people.

"That's not what we're looking at in terms of the Trump proposal for Goodfellow," Evans said. "They will use previously and currently contaminated property to place temporary housing on top of."

The only hurdle keeping the Trump administration from moving forward with its plan to detain children on the toxic waste site is funding. According to Raul Garcia, former immigration attorney and senior legislative counsel at Earthjustice, the Department of Homeland Security has approved the Department of Defense's petition for the detention center, but there is a dispute over which agency should cover the cost of building and maintaining the facility. Garcia said this is relevant given Trump has threatened to declare a national emergency at the border in order to divert government funds to build his border wall.

"A national emergency would allow the administration to use funds directed for other reasons to be used for so-called border security, which would include funding for the detention center at Goodfellow. Construction could begin very quickly," Garcia said.

Members of Congress reportedly struck a deal Monday night to avoid another government shutdown. Central to the deal was the number of detention beds Immigration and Customs Enforcement (ICE) has to detain immigrants, according to *Bloomberg*. The White House has sought to increase the number of beds to 52,000, while Democrats wanted a reduction to 35,520. *Bloomberg* reported that under the tentative deal reached by congressional negotiators, the average daily cap would be 45,274 beds, though "Trump would retain authority to expand the number of beds by transferring money from other security accounts."

Garcia said he's concerned Trump will utilize funding to carry out the plan to build children's detention centers on toxic waste sites.

"If these plans go forward, approximately 7,500 migrant children will be detained in an area contaminated with lead, arsenic, benzene, PFAS, and myriad other harmful chemicals associated with increased risk of cancer and permanent neurodevelopmental damage," according to the report.

"Essentially, instead of protecting children fleeing violence and extreme poverty, the government wants to detain them on top of a former landfill in a chemically polluted military base."

## Bloomberg Environment

**Denmark Mulls Ban on Fluorochemicals in Paper Food Wrappers**

https://news.bloombergenvironment.com/environment-and-energy/denmark-mulls-ban-on-fluorochemicals-in-paper-food-wrappers

**By Marcus Hoy**

**2/11/2019**

Denmark is considering a ban on per-and polyfluoroalkyl substances (PFAS) in all cardboard and paper materials that come into contact with food, the nation's environmental agency said Feb. 6.

PFAS provide waterproof and grease-resistant properties to food packaging that is typically used by fast-food outlets and producers of microwaveable products.

If implemented, Denmark would become the first nation in the world to introduce such a ban, the agency said.

PFAS chemicals have been associated with kidney cancer, testicular cancer, ulcerative colitis, thyroid disease, high cholesterol, and high blood pressure during pregnancy at sufficient levels of exposure.

However, Julius Moller Meilstrup, environmental consultant with the Confederation of Danish Industry (DI), told Bloomberg Environment Feb. 11 that his organization supported action at an European Union level as opposed to a domestic ban.

"While we generally support high legal standards for food contact materials, we strongly recommend legislation of this nature to be implemented at an EU level to ensure an even playing field," Moller Meilstrup said.

**More Risky Than Previously Thought?**

A December 2018 assessment from the EU-funded European Food Safety Authority (EFSA) concluded that PFAS in food packaging pose a greater risk than previously believed, the Danish agency said.

Not only did they possess potentially hormone-disrupting and carcinogenic qualities, it said, but their persistence in landfills and compost presented a major environmental challenge.

Because of a lack of action at the EU level, the agency said it had asked the Danish Veterinary and Food Administration to examine how a national ban on all PFAS in cardboard and paper food packaging could be implemented.

Such a ban would apply until the EU introduces more stringent rules, it said. However, the agency did not give any indication of when the proposed ban might take effect. Parts of the Danish retail sector have already phased out PFAS in food packaging completely, the Danish agency said.

If implemented, Moller Meilstrup said the measure would only outlaw the intentional use of PFAS chemicals. "As such it would not be a zero-tolerance policy, because PFAS are present even in materials not treated with the substance due to background levels," he said.

**Voluntary Measure Exists**

A voluntary Danish limit value is already in place, Moller Meilstrup pointed out. All DI members adhere to it, as far as he is aware, he said.

The current voluntary limit is 10 micrograms of PFAS per square centimeter of paper.

He added that he could not speak for global fast food chains such as McDonald's which have a presence in Denmark but are not represented by DI.

McDonald's didn't respond to a Feb. 11 request for comment.

On February 11, an official at the EFSA told Bloomberg Environment that its assessment had not identified any safer alternatives to PFAS.

The Danish environmental agency said it couldn't respond immediately to a request for comment.

## KYW News Radio (PA)

**Water contamination at Philly-area military bases may be crucial as Senate considers EPA administrator nominee**

https://kywnewsradio.radio.com/articles/news/water-contamination-philly-area-military-bases-may-be-crucial-senate-considers-epa

**By** KIM GLOVAS

**2/12/2019**

*PHILADELPHIA (KYW Newsradio)* — The acting administrator of the Environmental Protection Agency may be approved by the Senate soon and take over the agency. But nominee Andrew Wheeler is not winning any favor among local Congress members.

In December, Andrew Wheeler signed off on a plan that would not regulate PFAS or PFOAs, cancer causing chemicals that were used in firefighting foam at military bases. Those chemicals caused water contamination at military bases nationwide, including those at Horsham and Warminster.

"Many residents in suburban Philadelphia drank water with high levels of PFOAs and PFAS for years, possibly decades, before realizing that water was contaminated. That is a vital issue that absolutely needs to be addressed by the federal government," said Democratic Congressman Brendan Boyle, who represents part of that area.

Since December, Boyle, along with Republican Congressman Brian Fitzpatrick and Democratic Congresswoman Madeline Dean, have formed a bipartisan committee on the chemicals.

Fitzpatrick says pressure on Wheeler may have changed the nominee's position on the chemical limits in water. It is now voluntary, not mandatory.

"He may in fact be supportive of reclassifying it from an emerging contaminant to a hazardous substance, which is very, very important. But the second piece of that is that he be willing to establish MCLs, maximum contaminant levels," Fitzpatrick said.

Fitzpatrick says that with MCLs going from advisory to compulsory, that will allow liability to kick in.

He believes the chemical makers, which have profited all along, should be held responsible.

"These residents did nothing wrong. This problem was caused by no fault of their own. There were military installations who were using firefighting foams that they shouldn't have been, and ultimately, I believe that the manufacturers of these chemicals who profited to a great extent, for decades upon decades, ultimately should bear the financial burden," Fitzpatrick added.

## MLive (MI)

**PFAS found in Grand River next to blighted Jackson factory**

https://www.mlive.com/news/2019/02/pfas-found-in-grand-river-next-to-blighted-jackson-factory.html

**By** Paula Gardner | PaulaGardner@mlive.com

**2/12/2019**

State officials will continue to test a long-contaminated site in Jackson where PFAS chemicals now are confirmed in the Grand River.

Testing samples taken January 18 from 12 different locations at and around the former Michner Plating show high levels of the per- and poly-fluorinated compounds at all 12 sites.

The highest reading reached 6,952 parts per trillion (ppt) on a portion of the northwest edge of the property near Cooper and Garrison in central Jackson. The former factory borders the Grand River, which at 260 miles long is Michigan's largest river.

Five surface water tests yielded low results for both PFOA and PFOS, the two forms of the chemicals that trigger cleanup standards for lakes and rivers in Michigan.

However, overall totals in the Grand River ranged from 1,759- to 2,019-ppt, according to data from the state Department of Environmental Quality. That includes locations both upstream and downstream, raising questions about the origins of the contamination.

It also may raise questions about what happens when a spectrum of PFAS is found in the state's surface water. The combined PFAS results reflect a combination of all 24 compounds in the state's testing lineup. Of those, only PFOA and PFOS prompt action by the Department of Environmental Quality, while 22 do not fall under cleanup standards.

The initial focus is further outlining exactly what will be found near the site and how far it spreads.

"The DEQ through its Water Resources Division is planning to do some extensive water sampling in 2019 in the Grand River to track down the source or sources of the PFAS," said Don Hayduk, director of environmental health for the Jackson County Health Department.

So far, Hayduk said, the abandoned factory is the only active PFAS investigation in the Jackson area.

State drinking water tests in Jackson show the chemicals are not found in 37 of 39 public sources; a level of 3-ppt was found in the remaining two. That compares to the lifetime health advisory of 70-ppt issued by the EPA.

Across Michigan, broad state-level testing has shown that at least 1.5 million people are drinking water with some form of the per- and poly-fluorinated compounds. At the same time, the state continues to identify sources where the chemicals are flowing into surface water that could impact drinking water supplies.

"While the DEQ does not believe that contamination has affected any currently used drinking water aquifer, we are continuing to review records and are having discussions with others to confirm," according to the state.

Nearby properties are on municipal water systems, but residential wells are used both upstream and downstream beyond the water system boundaries.

The situation in Jackson carries some parallels to the investigation into PFAS in the Huron River, Hayduk said. In that situation, a factory in Wixom was found to be sending PFOS into the watershed through wastewater treatment.

One major difference, Hayduk noted: "The levels are significantly lower."

The contamination at the Michner also is found in multiple locations, including groundwater. Among the recent high combined results -each between 4,000- and 5,000-ppt - were three from water found in flooded basements of the abandoned buildings that went through tax foreclosure and now are controlled by the state.

The test results from the basements include a range of PFOS from 2,400- to 2,800-ppt. That much PFOS represents at least 200 times the amount of the chemical allowed in surface water.

The property's contamination was extensive enough that the Environmental Protection Agency came in to do an emergency cleanup in 2015. More recently, a DEQ spokesman said, no active mitigation is taking place.

But state officials will be evaluating the site further, for PFAS and other chemicals of concern, as well as to determine whether chemical vapors have traveled from the site to nearby buildings.

"The volatilization to indoor air pathway is the focus of our current investigation as we determine the potential that soil gas/soil vapor maybe migrating off-site leading to potential exposure," according to the state.

That off-site sampling will start in March, the state said.

| No. | Sample Type | Sample Name | Sample Date | PFOA (ng/L) | PFOS * (ng/L) | PFOA+PFOS (ng/L) | Total PFAS (ng/L) | Comment |
|---|---|---|---|---|---|---|---|---|
| 1 | Groundwater monitoring well sample | MW-3-18-011819 | 01/18/2019 | 36 | 20 | 56 | 1867.60 | |
| 2 | | MW-2-18-011819 | 01/18/2019 | 110 | 4500 | 4610 | 8952.00 | |
| 3 | | MW-1-18-011819 | 01/18/2019 | 9.7 | 1100 | 1109.7 | 2923.85 | |
| 4 | Surface water sample | SW-1-18-011819 | 01/18/2019 | 1.8 | 3.6 | 5.4 | 1943.32 | Upstream of site |
| 5 | | SW-2-18-011819 | 01/18/2019 | 1.6 | 2.5 | 4.1 | 1886.86 | Collected adjacent to MW-3-18 |
| 6 | | SW-3-18-011819 | 01/18/2019 | 1.7 | 2.8 | 4.5 | 1758.79 | Collected adjacent to MW-2-18 |
| 7 | | SW-4-18-011819 | 01/18/2019 | 3.1 | 3.3 | 6.4 | 2018.98 | Collected adjacent to MW-1-18 |
| 8 | | SW-5-18-011819 | 01/18/2019 | 1.9 | 5.2 | 7.1 | 1892.24 | Downstream of site |
| 9 | Basement water sample | Basement 1 | 01/18/2019 | 45 | 2800 | 2845 | 4732.03 | |
| 10 | | Basement 2 | 01/18/2019 | 39 | 2600 | 2639 | 4219.13 | |
| 11 | | Basement 3 | 01/18/2019 | 61 | 2500 | 2561 | 4383.29 | |
| 12 | Vault sample | Vault | 01/18/2019 | 11 | 74 | 85 | 2152.40 | |

Data from the DEQ shows test results from January 2019 for PFAS at the former Michner Plating in Jackson. *Paula Gardner | PaulaGardner@mlive.com*

## Michigan Radio

**New data shows elevated PFAS levels around Flint's Buick City**

http://www.michiganradio.org/post/new-data-shows-elevated-pfas-levels-around-flints-buick-city

**By** STEVE CARMODY

**2/12/2019**

New data shows elevated levels of PFAS in sewers passing through the old Buick City site in Flint.

PFAS are a family of chemicals that have been linked to serious health concerns.

The term PFAS refers specifically to per- and polyfluoroalkyl substances, (the term "PFCs," or perfluorinated chemicals is also sometimes used).

Testing showed elevated levels of PFAS in four of the five locations sampled in December. It's the latest evidence of PFAS contamination around the former auto industrial complex. Previous testing showed PFAS seeping into the Flint River near Buick City.

The property is now managed by the RACER Trust, which was created to dispose of a former General Motors property during its bankruptcy proceedings a decade ago.

Bill Callan is a RACER Trust spokesman. He says RACER has reported the testing results to the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality.

Callen says they are still trying to determine the source of the PFAS and any remediation plan will have to wait while their data gathering phase continues.

Message

**From**: Forsgren, Lee [Forsgren.Lee@epa.gov]
**Sent**: 1/23/2019 5:11:52 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Ross, David P [ross.davidp@epa.gov]
**CC**: Lyons, Troy [lyons.troy@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]
**Subject**: RE: PFAS Congressional Task Force

Sir,

We will take this for action and get a draft letter ASAP.

Respectfully,
Lee

**D. Lee Forsgren**
**Deputy Assistant Administrator**
**Office of Water**
**Environmental Protection Agency**
**1200 Pennsylvania, Avenue NW**
**Room 3219B WJC East Building**
**Washington, DC 20460**
**202-564-5700**

---

**From:** adm15.arwheeler.email
**Sent:** Wednesday, January 23, 2019 12:10 PM
**To:** Ross, David P <ross.davidp@epa.gov>
**Cc:** Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
**Subject:** Re: PFAS Congressional Task Force

Great idea. Let's do this soon.

Sent from my iPhone

On Jan 23, 2019, at 12:05 PM, Ross, David P <ross.davidp@epa.gov> wrote:

> FYI. I recommend that we send a letter to the new task force in the near future and offer to provide a technical briefing to the members on where things stand at EPA. I think we need to be more proactive with the Hill on this issue to ensure that they have access to the best available information.
>
> Sent from my iPad
>
> Begin forwarded message:
>
> > **From:** "Spraul, Greg" <Spraul.Greg@epa.gov>
> > **Date:** January 23, 2019 at 11:24:02 AM EST
> > **To:** "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Mclain, Jennifer" <Mclain.Jennifer@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>, "Wildeman, Anna"

<wildeman.anna@epa.gov>, "McDonough, Owen" <mcdonough.owen@epa.gov>
**Subject: FYI**

**PFAS TASK FORCE ASSEMBLES:** Reps. Dan Kildee of Michigan and Brian Fitzpatrick of Pennsylvania will hold a press conference today to announce the creation of a bipartisan congressional task force to address per- and polyfluoroalkyl substances. The task force aims to educate lawmakers and their staff on PFAS, and will craft legislation and fight for appropriations to address the chemicals.

Message

**From**: Abboud, Michael [abboud.michael@epa.gov]
**Sent**: 2/7/2019 4:46:16 PM
**To**: Ross, David P [ross.davidp@epa.gov]; adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]
**CC**: Drinkard, Andrea [Drinkard.Andrea@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Block, Molly [block.molly@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Konkus, John [konkus.john@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]
**Subject**: Augusta Media Clips

All –

Below are the clips from our Augusta trip, as well as additional clips from the nutrient policy announcement.

**WJBF: The EPA's is working to rescind the Obama Administration 2015 Clean Water Rule (Video Included)**
By Devin Johnson, 2/6/19
https://www.wjbf.com/news/csra-news/the-epa-s-is-working-to-rescind-the-obama-administration-2015-clean-water-rule/1761039284
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.

**WFXG: Acting EPA administrator Andrew Wheeler speaks on SOTU in Dearing**
By Destiny Burt, 2/6/19
http://www.wfxg.com/2019/02/07/acting-epa-administrator-andrew-wheeler-speaks-sotu-dearing/
The McCorkle Farm was where an acting member of the president's cabinet made a stop in the CSRA Wednesday. The Environmental Protection Agency's acting Administrator, Andrew Wheeler, was in Dearing, Ga. joined by other EPA officials promoting the president's State of the Union Address and other EPA plans. Some of the things Wheeler spoke about were the new nutrient reduction policy, water infrastructure and his main talking point, the Waters of the United States rule. Wheeler wants there to be a clear definition on the difference between federal and state waterways. With that clarification he will also speed up the process for farmers to use water collected their land. According to Wheeler, it has taken some farmers years for approval or rejection and now he wants to make sure it takes no more than a few months to reach a decision."We want to speed that up so people can identify for themselves whether or not they need a federal permit and then start that process. And at the other end of the process we want to try and reach decisions on permits much faster we want to get a decision made within 6 months so we don't have these projects taking years," Wheeler said.

**The Augusta Chronicle: Acting EPA chief Andrew Wheeler outlines deregulation (Video Included)**
By Susan McCord, 2/6/19
https://www.augustachronicle.com/news/20190206/acting-epa-chief-andrew-wheeler-outlines-deregulation
A Dearing plant nursery was the backdrop for acting Environmental Protection Agency administrator Andrew Wheeler to outline proposed changes to the "Waters of the U.S." rule that determines which waters are subject to federal regulation. Wheeler, a former coal industry lobbyist, has served as acting EPA administrator since the July resignation of Scott Pruitt amid various controversies related to excessive personal spending. The proposed changes, cheered by farmers in the audience, are intended to allow a landowner "to tell if water is federal without having to hire outside professionals," Wheeler said. "I say that as a former outside professional." The changes leave six categories of water

considered waters of the U.S.: navigable waters, tributaries, some ditches - used for navigation or affected by tides - certain lakes and ponds, impoundments and wetlands connected to the previous five, Wheeler said.

**Agri-Pulse: EPA pushing water quality trading to address nutrients**
By Steve Davies, 2/6/19
https://www.agri-pulse.com/articles/11880-epa-pushes-water-quality-trading-to-address-nutrients
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."

**Politico Morning Energy Newsletter**
By Kelsey Tamborrino, 2/7/19
https://www.politico.com/morningenergy/
I'LL TRADE YA: On a swing through Georgia Wednesday, acting EPA Administrator Andrew Wheeler and water chief David Ross unveiled a new policy on water quality trading aimed at dealing with the country's major pollution woes without a regulatory hammer. EPA has long backed such programs, which allow entities like farmers to implement practices that reduce pollution run-off and receive credits that can be sold to downstream players like wastewater treatment plants in order to meet permit requirements.

Message

**From:** EPA Press Office [noreply-subscriptions@epa.gov]
**Sent:** 12/20/2018 6:01:35 PM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject:** EPA Updates Key Tool for Communities

U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

# EPA Updates Key Tool for Communities to Use in Turning Current and Formerly Contaminated Lands into Renewable Energy Assets

**WASHINGTON** (December 20, 2018) — Today the U.S. Environmental Protection Agency (EPA) is announcing updates to a mapping tool under its RE-Powering America's Land Initiative, that will help communities, developers, and other stakeholders site renewable energy on current and formerly contaminated lands, landfills, and mine sites.

**"EPA is not only helping communities across the country clean up contaminated sites, but we are also helping them redevelop those sites for renewable energy production,"** said EPA Acting Administrator Andrew Wheeler. **"EPA's updated RE-Powering Mapper is a valuable tool for the public to use in transforming hazardous sites into assets that can serve the community for years to come."**

In addition to providing a pollution-free source of energy, siting renewable energy projects on contaminated properties can have a number of environmental and economic benefits. Through reuse of these sites, communities see a property that had been vacant or underutilized for many years turned into a facility that may help improve the local tax base, create jobs, and turn blight into an economic opportunity.

EPA's RE-Powering Mapper is an online interactive web application, that allows users to visualize key information on renewable energy potential at specific contaminated lands, landfills and mine sites. Using screening criteria developed in collaboration with the National Renewable Energy Laboratory (NREL), EPA has pre-screened more than 130,000 sites for their renewable energy potential. As part of this effort, EPA collaborated with state agencies from California, Colorado, Connecticut, Florida,

Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Oregon, Pennsylvania, Texas, Virginia, and West Virginia. The Mapper includes:

- 36,400 sites collected from EPA program databases, including: Superfund, Brownfields grantees, RCRA Corrective Action, and the Landfill Methane Outreach Program; as well as
- 97,500 sites collected from state programs in 17 partnering states.

Mapper features include:

- Screening results for more than 130,000 sites for solar, wind, biomass, and geothermal energy.
- Search options for a number of site attributes including state, acreage, renewable energy capacity, distance to nearest urban center, and more.
- Site-specific screening reports.
- Links to EPA or state program managing the site clean-up.

In addition to the updated Mapper, EPA has recently released other resources to help encourage the development of renewable energy projects on contaminated and under-used properties. These include:

- New Training Module, which educates stakeholders about the various land use considerations for pursuing renewable energy projects on contaminated lands, landfills and mine sites. Topics include: site control and ownership; liability concerns; site clean-up status and timeline, and environmental permitting requirements.
- Fall 2018 Benefits Matrix, which summarizes more than 200 reported benefits associated with completed RE-Powering projects. Commonly reported benefits include revenues from land leases and taxes, electricity cost savings associated with the reduced need to purchase power from the grid, job creation, and reduced greenhouse gas emissions.

**Background:**

Potentially contaminated land, landfills, and mine sites can offer communities and developers significant advantages over other sites, such as open space, for renewable energy development. Some of these sites have unique attributes that can lower development costs and shorten development timeframes. Many of these properties can offer developers a unique value proposition for renewable energy deployment and the ability to:

- Leverage existing infrastructure
- Reduce project cycle times through streamlined permitting and zoning
- Improve project economics with reduced land costs and tax incentives
- Gain community support through land revitalization efforts
- Protect open space

EPA's RE-Powering America's Land Initiative encourages renewable energy development on current and formerly contaminated lands, landfills, and mine sites when such development is aligned with the

community's vision for the site. The Initiative identifies the renewable energy potential of these sites and provides other useful resources for communities, developers, industry, state and local governments or anyone interested in reusing these sites for renewable energy development.

RE-Powering has facilitated redevelopment efforts to reuse abandoned industrial sites for wind farms and former landfills for solar arrays. These projects generate returns nationwide from Georgia to Massachusetts, New York to California.

Access the updated RE-Powering Mapper: https://www.epa.gov/re-powering/re-powering-mapper

Learn more about EPA's RE-Powering America's Land Initiative at: https://www.epa.gov/re-powering

Acting EPA Administrator Andrew Wheeler (middle) visits the Sullivan's Ledge solar project in New Bedford, MA, with Mayor Jon Mitchell (second from left) and EPA Region 1 Administrator Alex Dunn (second from right).

Visit the EPA's Newsroom

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

Message

**From**: This Week @ EPA [epanews@epa.gov]
**Sent**: 10/1/2018 8:13:02 PM
**To**: This Week @ EPA [epanews@epa.gov]
**Subject**: This Week @ EPA - October 1, 2018

*In case you missed it, Acting Administrator Wheeler participated in three events last week where official photos were taken: the signing of the Record of Decision amendment for the West Lake Landfill site, signing the framework document finalizing the last of four chemical safety framework rules, and speaking at EPA's Hispanic Heritage Month event. View the Office of Multimedia's photo gallery to see pictures from the events.*

## Hot Topics

**Children's Health Month**

In honor of Children's Health Month, EPA announced the availability of nearly $30 million to support safe drinking water and cleaner air, as well as an online booklet that highlights EPA's initiatives to protect children's health. EPA is making $20 million available for states and tribes to test for lead in drinking water at schools and childcare facilities. At the same time, EPA is announcing approximately $9 million in rebates to public school bus fleet owners to help them replace older school buses with cleaner, more modern vehicles. For more information, please read the press release.

In addition, there is a Presidential Proclamation for Children's Health Day, today, October 1.

**EPA honors award-winning environmental educators and students**

EPA recently announced the winners of the Presidential Innovation Award for Environmental Educators (PIAEE) and the most recent winners of the President's Environmental Youth Award (PEYA).

EPA honored these award-winning educators, students, and honorable mention recipients at a series of events in Washington, D.C. The day's events featured a ceremony with remarks by Matthew Z Leopold, EPA General Counsel, as well as special guest speaker National Park Service Office of Public Health Director and U.S. Public Health Service Captain Sara B. Newman. Winning teachers and students also presented their work at an afternoon poster session for all attendees as well as EPA leadership.

Ten educators and 49 students earned awards for their efforts from across the country. Through these programs, EPA recognizes the remarkable work of educators and students in the environmental education and stewardship field.

The PIAEE program recognizes innovative educators who bring environmental education into their classrooms through hands-on, experiential approaches. The PEYA program recognizes outstanding environmental projects by K-12 youth, promotes awareness of our nation's natural resources, and encourages positive community involvement.

For more information, please read the press release.

**FedTalent: A "one stop shop" for agency training**

FedTalent, EPA's new integrated learning management system, is now live. FedTalent will be accessible soon through One EPA Workplace under the EPA University dropdown and in the Quick Links gallery via the eLearning icon. FedTalent provides online access to mandatory, optional, and developmental training. Employees will have access to a robust catalog of online courses developed by:

- EPA
- OPM
- SkillSoft
- Other online training providers

The Department of Interior Business Center (IBC) will operate and maintain the FedTalent System. IBC is a designated Human Resources Federal Shared Service provider for EPA and other federal agency customers. If you need assistance with FedTalent, please call the IBC helpdesk at 1-888-367-1622.

Further information on FedTalent can be found on the EPA University SharePoint site.

**EPA celebrates Conflict Resolution Week**

Looking to reduce conflict and engage your stakeholders more meaningfully and more efficiently? Look to the Conflict Prevention and Resolution Center!

To learn more about conflict resolution, improve your skills, and learn how you can use EPA's conflict resolution services, please join us for one or more talks and trainings during the 12th annual Conflict Resolution Week from Oct. 15-19. Please join us for:

- ***Engaging Stakeholders for Program Success: Senior Leadership Panel***

Oct. 16 from 1-2 p.m. (EDT)
WJC South Room 6226 or https://epawebconferencing.acms.com/cr_panel/
Description: Learn from a panel of EPA leaders how you can use conflict resolution techniques to collaborate with stakeholders and advance your mission.

- **Featured Panelists:**
  - **Benita Best-Wong**, Acting Principal Deputy Assistant Administrator, Office of Water
  - **Barry Breen**, Acting Assistant Administrator, Office of Land and Emergency Management
  - **Felicia Wright**, Acting Director, American Indian Environmental Office
- Various events will take place in headquarters and the regions.

For more information about EPA's Conflict Resolution Week activities, please contact Jonah Richmond at 202-564-0210 or richmond.jonah@epa.gov. For more information about Alternative Dispute Resolution at the EPA, please contact the Conflict Prevention and Resolution Center Director Jeanne Briskin at 202-564-4583 or briskin.jeanne@epa.gov.

## EPA recognizes supermarkets across America for smart refrigerant management

EPA recently recognized 13 organizations in the supermarket industry, including Harris Teeter, Food Lion, and Whole Foods, for their achievements in protecting human health and the environment under the GreenChill Partnership Program. The GreenChill Partnership works with food retailers to reduce refrigerant emissions and decrease their impact on the ozone layer by supporting a transition to environmentally friendlier refrigerants, lowering charge sizes and eliminating leaks, and adopting green refrigeration technologies and best environmental practices.

Over the past decade, EPA's GreenChill Partnership has grown from 4,500 stores to over 11,000 stores nationwide, representing about 29 percent of the U.S. supermarket industry. If supermarkets nationwide reduced the amount of refrigerant they leak to the current average leak rate for GreenChill partner companies, they could avoid $212 million each year in the cost of refrigerant that needs to be replaced. For more about the GreenChill Partnership and winners' achievements, please read the press release or visit the GreenChill Partnership website.

## Employee Express to be offline Oct. 5-8

Due to system upgrades, Employee Express will be offline starting Oct. 5 at 12:05 a.m. (EDT) and is estimated to be completed no later than Oct. 8 at 12 a.m. (EDT).

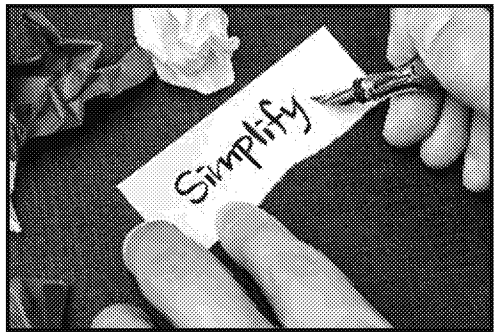
**Why:** Over the next few months, the Office of Personnel Management (OPM) will be implementing a series of major electrical power system improvements at its primary data center in Macon, Georgia. These planned upgrades will result in increased efficiency, safety, capacity, and full redundant emergency power operability to enable maximum uptime for applications and services hosted at the OPM Macon Datacenter. Due to the high voltage involved and the cross connection of core components, these maintenance activities require a full shutdown of all applications and services for the duration of the system upgrades.

We appreciate your patience as OPM takes concrete steps to improve the OPM electrical power system in an efficient, safe, and timely manner to ensure reliable services to our customers for years to come.

**Questions:** Please send an email to HRPayHelp@epa.gov. In the subject line, write: Employee Express question.

## ELMS Update

### Simplicity is key




Many teams across EPA have forged ahead with the development of visual management although their office has not received EPA Lean Management System (ELMS) training or deployment. We applaud this embrace of ELMS tools and hope that such teams' visual management is helping them identify and address problems in the delivery of their work products. A common challenge we see with flow boards and performance boards created without guidance, however, is a high level of complexity. Overengineered visual management can obscure the root cause of problems and confuse team members.

In all the tools associated with ELMS, we are striving for simplicity. We work to identify the information that helps us make decisions and use only that data in our flow boards, performance boards, bowling charts, A3s and other tools. Simplicity is difficult to achieve, as it requires us to decide what is truly essential for our work. "When you reach a point where you have achieved **transparency** (laying bare the underlying truth whatever it reveals), **clarity** (expressing meaning clearly and simply), and **usability** (making something fit for its purpose), you have likely achieved simplicity," write Alan Siegel and Irene Etzkorn in "Simple: Conquering the Crisis of Complexity."

Ensuring that our visual management tools meet these criteria is an important part of our success now and in the future.

## Key Dates

## Feds Feed Families

Click on each event below to get more details.

**There's still time to be a Hall of Famer!**

Click on the "Add to Calendar" button to add an event to your Outlook calendar.
If you see a log-in screen, please click on your EPA email, or if prompted, enter your email and network password.

### This Week:

**Oct. 4:** Lean Overview ADD TO CALENDAR
**Oct. 5-8:** Employee Express Offline/Unavailable ADD TO CALENDAR

### Coming soon:

**Oct. 11:** Introduction to Accessible PDFs ADD TO CALENDAR
**Oct. 16:** Engaging Stakeholders for Program Success: Senior Leadership Panel ADD TO CALENDAR
**Oct. 25:** Advanced Accessibility for PDFs ADD TO CALENDAR

The Feds Feed Families Hall of Fame provides special recognition to those who donate at

certain levels. There are just a few weeks left of this year's campaign, so you still have time to donate enough to join the hall of fame! You can participate in the hall of fame

challenge as an individual or as a group. Groups may include as many as five people.

Participants can earn recognition at one of three levels depending on the amount of food donated. For example, a group of EPA employees attended a farm gleaning event that produced 6,000 pounds of produce. Individually, each employee was attributed with 350 pounds, which automatically makes them silver level hall of famers. Learn more about the Hall of Fame, find your office's FFF coordinator, and learn about all the ways you can donate on the Feds Feed Families intranet site.

## Health & Wellness

### 2018 seasonal flu shots

## IT Corner

### October is National Cybersecurity Awareness Month

EPA is proud to observe its 15th year of participation in this annual initiative to increase awareness about cybersecurity. National Cybersecurity Awareness Month (NCSAM) is a collaborative effort between government and industry to ensure every citizen has the resources they need to stay safe and secure online. Each week this month will feature a different theme with Week 3 focusing on cybersecurity workforce education, training, and awareness while emphasizing risk management, resistance, and resilience. NCSAM 2018 also marks the 8th anniversary of the STOP. THINK. CONNECT.T campaign.

This year, the agency will be conducting a cybersecurity stand-down including a video available for review and discussion. More details on how to participate are coming.

Thank you for all you do to keep EPA's network and information safe and secure.

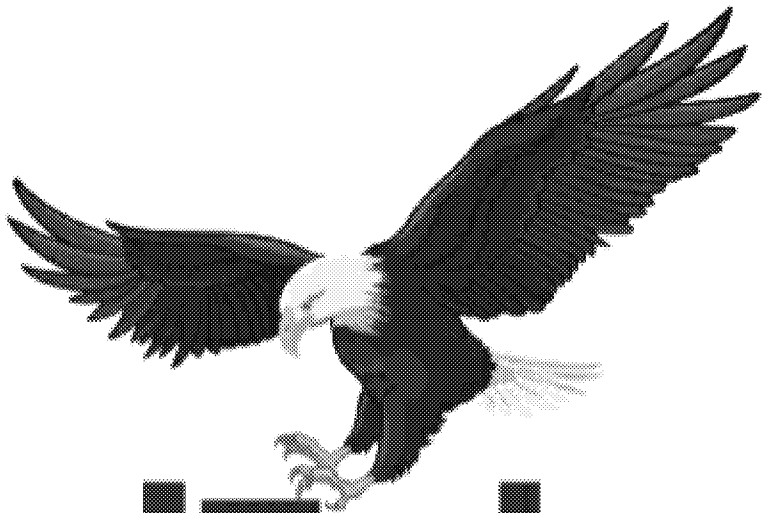
According to the Centers for Disease Control and Prevention, an

annual flu vaccination is the best way to prevent getting the flu during flu season (October through May). Ask your wellness coordinator if flu shots are available at your onsite health unit or a nearby health clinic. You can also contact your personal physician or check with your local pharmacy about flu vaccine availability.

Protect yourself and others from the flu by practicing good hygiene:

- Properly wash your hands.
- Cough and sneeze into your elbow. Alternately, cover your mouth with a tissue when you cough or sneeze, and wash or disinfect your hands afterward.
- Regularly clean and disinfect frequently touched surfaces at home and work, especially when someone is ill.
- Schedule an appointment with your personal physician if you have flu-like symptoms.
- Lead a healthy lifestyle by getting plenty of sleep, staying physically active, managing your stress, and eating healthy foods.

For more information, please visit the Immunizations site on the EPA intranet.



# FedTalent

Powered by IBC

Message

**From:** Abboud, Michael [abboud.michael@epa.gov]
**Sent:** 5/31/2019 2:40:10 PM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]
**CC:** Beach, Christopher [beach.christopher@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Konkus, John [konkus.john@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
**Subject:** E15 Clips
**Attachments:** E15 Clips 5.31.docx

So far.

The Wall Street Journal: Trump Administration Lifts Summer Ethanol Ban
The Trump administration has decided to approve expanded use of ethanol fuel, a move that will help corn farmers hurt by the trade conflict with China—and that might pay political dividends for President Trump in farm-belt states such as Iowa. Under the decision to be made public Friday, 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, effective as soon as it is published in the Federal Register, which officials expect to happen within days. The move has been opposed by oil companies and environmentalists, who object that it could lead to higher prices at the gas pumps and increase air pollution during the summer months when 15% ethanol fuels had been banned. They are expected to sue to try to block the move.

Reuters: Trump lifts curbs on E15 gasoline, delivering on promise to U.S. farmers
The Trump administration on Friday lifted restrictions on the sale of higher ethanol blends of gasoline, keeping a campaign promise to farmers suffering from the trade war with China but inviting a legal challenge from the oil industry. The announcement allows gasoline stations to sell blends containing up to 15 percent corn-based ethanol, called E15, year-round, ending a summertime ban that President Barack Obama's Environmental Protection Agency imposed in 2011 to reduce smog pollution. The action is a win for the U.S. farm lobby, which has argued that the Obama-era restrictions on E15 hurt growers by limiting demand for corn-based fuel, without providing tangible air quality benefits. Recent research has concluded there is little difference in smog risk between E15 and E10.

Houston Chronicle: EPA removes restrictions on higher ethanol content gasoline
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ABC News: EPA finalizes plan to expand ethanol use in gasoline this summer
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The Trump administration is following through on a plan to allow year-round sales of gasoline mixed with 15% ethanol. The Environmental Protection Agency announced the change Friday, ending a summertime ban imposed out of concerns for increased smog from the higher ethanol blend. The agency had proposed the change in March. The change also fulfills a pledge that President Donald Trump made to U.S. corn farmers, who see ethanol as an important driver of demand for their crops. Oil refineries have been seeking exemptions from government requirements to include ethanol

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The Washington Examiner: Trump's ethanol plan goes into effect
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Politico Pro: EPA Expands Sales of 15 Percent Ethanol
EPA today said it finalized a rule allowing year-round sale of 15 percent ethanol and made changes to the market in compliance credits for the Renewable Fuel Standard requested by independent oil refiners. The new rules grant a long-held wish of the corn and ethanol industries. By ending the previous summer restrictions on E15, biofuels backers hope retailers will invest in equipment that enables them to sell the higher ethanol blend, which ethanol producers say is cheaper and better for the environment. "Following President Trump's directive, today's action expands the market for biofuels and improves the RFS program by increasing transparency and reducing price manipulation," EPA Administrator Andrew Wheeler said in a statement. "As President Trump promised, EPA is approving the year-round sale of E15 in time for summer driving season, giving drivers more choices at the pump."

Bloomberg: Oil Industry Poised to Attack as Trump Boosts Ethanol in Fuels
Oil industry foes are preparing to go to court to fight the Environmental Protection Agency regulation issued Friday that allows year-round sales of higher-ethanol E15 gasoline nationwide. The agency's final rule offers ethanol producers and corn farmers the promise of greater market access and demand -- but the coming legal battle will be the true test of that potential.

## The Wall Street Journal

https://www.wsj.com/articles/trump-administration-lifts-summer-ethanol-ban-11559275260?mod=article_inline&mod=hp_lista_pos2

**Trump Administration Lifts Summer Ethanol Ban**

By Tim Puko, 5/31/19

WASHINGTON—The Trump administration has decided to approve expanded use of ethanol fuel, a move that will help corn farmers hurt by the trade conflict with China—and that might pay political dividends for President Trump in farm-belt states such as Iowa.

Under the decision to be made public Friday, 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, effective as soon as it is published in the Federal Register, which officials expect to happen within days.

The move has been opposed by oil companies and environmentalists, who object that it could lead to higher prices at the gas pumps and increase air pollution during the summer months when 15% ethanol fuels had been banned. They are expected to sue to try to block the move.

The decision could be a boon to farmers in places like Iowa, the No. 1 corn and ethanol-producing state that Mr. Trump won in the 2016 election and needs in the 2020 election. Mr. Trump plans to talk up the new policy in coming trips to Iowa and other farm-belt states, say people familiar with those plans.

EPA Administrator Andrew Wheeler said the changes weren't motivated by political considerations or to appease farmers who have lost crop sales as a result of retaliatory tariffs China imposed on U.S. crops. He framed the rule changes as a fix to a troubled program that will boost sales for farmers and ethanol producers.

"I think it is an effective compromise," Mr. Wheeler said in an interview. "What we're trying to do is maintain the integrity of the system, not play favorites on any one side."

Mr. Wheeler said the package also includes rule changes intended to reduce compliance costs for refiners, and that the agency backed away from other proposed changes because they might have the opposite effect, raising costs and volatility.

That is unlikely to be enough to satisfy the energy industry, which has promised to sue if the administration lifted the summer ban. The EPA in prior administrations has explicitly said it doesn't have the authority to allow summer sales. Mr. Wheeler and his team said their decision is a reinterpretation of the law.
What do you think about government subsidies for corn-based fuels, even though the price of oil and other types of energy has fallen in the past decade?
Refiners are planning to fight EPA on that very point. Their response is likely to come within two months, because Clean Air Act provisions give anyone who wants to challenge the decision 60 days to do so, according to trade groups.
"We're disappointed that EPA ignored our comments and the plain language of the Clean Air Act, which makes clear that EPA lacks authority," Chet Thompson, leader of refiners' trade group American Fuel & Petrochemical Manufacturers, said in an emailed statement. "EPA has left us no choice but to pursue legal action to get this unlawful rule overturned."
Some oil companies expect they may lose market share to ethanol, and refiners have asked for more cost protections.
That is setting up the most direct face-off yet between the administration and a typically staunch Republican ally that has already been rankled by White House positions on trade and shipping fuels.
Searching for a compromise, Mr. Trump hosted several Oval Office meetings on ethanol during his first two years in office. But, in exchange for ethanol expansions, refiners have asked for price caps or to throw speculators out of credit-trading markets that are part of the program. Both sides have publicly complained about and then rejected any deals.
The EPA decision is likely to expand ethanol sales by about 2% in the next five years, according to Growth Energy, an advocacy group for ethanol producers for which Mr. Wheeler formerly worked as a strategic consultant.
Former Trump administration trade negotiator Clete Willems talks about why it is in China's interest to sign a trade deal with the U.S.
ClearView Energy Partners LLC has forecast far less growth, but said sales may grow more in later years as year-round sales give more certainty to investors.
"We kind of look at it as a key that finally unlocks the door to greater demand opportunities in the long term," said Geoff Cooper, chief executive of the Renewable Fuels Association, another ethanol advocacy group. "I'd characterize this as a shot in the arm, but the farm economy and the ethanol industry are still very sick."
That sickness is largely from U.S. trade friction with China, Mr. Cooper said. China had been the third largest export market for U.S. ethanol, but it buys nothing now in response to U.S. tariffs on Chinese goods, he added.
Prices for commodities such as soybeans, corn and sorghum—already mired in a yearslong slump—fell this month to their lowest level in more than 10 years. Major U.S. agricultural exports to China have fallen by half in the past year, according to the Commerce Department. The administration has already offered $28 billion of aid in direct payments to farmers since last year.
Mr. Cooper sees the ethanol initiative as another White House effort to offset trade troubles.
Environmental groups opposed the change, pointing to studies in the past decade that suggest burning more ethanol can worsen air pollution. Subsidizing more corn production also causes environmental damage by encouraging farmers to plow over prairie and other wild areas, degrading water quality, shrinking wildlife habitat and raising the greenhouse-gas emissions that cause global warming, said David DeGennaro, policy specialist at the National Wildlife Federation.
"There's a couple of reasons this is good for [Mr. Trump] politically," Mr. DeGennaro said. "But the fact that this administration is continuing to ignore environmental consequences is extremely frustrating."
Mr. Wheeler said he doesn't expect an increase in smog from lifting the summer ban, and that fuels with higher ethanol content typically burn with the same effects as the lower-ethanol-content fuel already sold.

## Reuters

https://www.reuters.com/article/us-usa-biofuels-ethanol/trump-lifts-curbs-on-e15-gasoline-delivering-on-promise-to-u-s-farmers-idUSKCN1T11BN

**Trump lifts curbs on E15 gasoline, delivering on promise to U.S. farmers**

By Humeyra Pamuk, Jarrett Renshaw, 5/31/19

WASHINGTON (Reuters) - The Trump administration on Friday lifted restrictions on the sale of higher ethanol blends of gasoline, keeping a campaign promise to farmers suffering from the trade war with China but inviting a legal challenge from the oil industry.
The announcement allows gasoline stations to sell blends containing up to 15 percent corn-based ethanol, called E15, year-round, ending a summertime ban that President Barack Obama's Environmental Protection Agency imposed in 2011 to reduce smog pollution.

The action is a win for the U.S. farm lobby, which has argued that the Obama-era restrictions on E15 hurt growers by limiting demand for corn-based fuel, without providing tangible air quality benefits. Recent research has concluded there is little difference in smog risk between E15 and E10.
"We estimate this one change will generate over a billion new gallons of ethanol demand in the next five years," said Emily Skor, chief executive of biofuel trade group Growth Energy, adding it could also boost the market for American grain by some 2 billion bushels over time.
The decision marks a setback for the oil industry, which views biofuels as competition for its petroleum-based fuels and has threatened to sue.
The American Petroleum Institute, which represents the U.S. oil industry, has repeatedly said the administration lacks the authority to unilaterally lift the ban on E15 and that such a move should require an act of Congress.
U.S. President Donald Trump has struggled to please both Big Oil and Big Agriculture, two critical constituencies in his reelection effort that have frequently clashed over biofuels.
In a concession to the oil industry, the EPA also unveiled a plan to reduce market speculation for biofuel blending credits that some refiners must buy to comply with U.S. biofuels regulations - an effort to reduce their costs.
But the agency's plan omitted several elements that the oil industry had been seeking.

## Houston Chronicle

https://www.chron.com/business/energy/article/EPA-allows-higher-ethanol-content-fuel-year-round-13909296.php?cmpid=ffpolitics&utm_campaign=CMS%20Sharing%20Tools%20(Desktop)&utm_source=t.co&utm_medium=referral

**EPA removes restrictions on higher ethanol content gasoline**

By Jason Osborne, 5/31/19

WASHINGTON - Gasoline with a higher concentration of ethanol - branded E15 - can now be sold year round, the Environmental Protection Agency announced Friday.
The EPA had long restricted sales of the fuel during summer months to prevent against potentially dangerous increases in air pollution. But under pressure from Midwestern farmers, whose corn crops feed ethanol production, the Trump administration announced last year it planned to waive the restriction.
"As President Trump promised, EPA is approving the year-round sale of E15 in time for summer driving season, giving drivers more choices at the pump," EPA Administrator Andrew Wheeler said in a statement.
Within the ethanol industry, hopes are the end of the summer restriction will lead more gasoline stations to sell E15, which contain a 15 percent concentration of ethanol compared to the 10 percent in standard gasoline. So far, E15 remains a niche product primarily available in the Midwest.
"Year-round E15 will also provide a badly needed long-term demand boost for our industry and America's farmers, who face a number of daunting challenges today," Geoff Cooper, president of the Renewable Fuels Association said in a statement.
The expanded sales of ethanol deal a blow to U.S. oil refineries, who are already watching national gasoline sales stagnate under increased efficiency standards for cars and trucks.
Already representatives for the oil and gas industry are hinting they plan to challenge the rule change in court.
"The statutory language leaves no question that the EPA lacks authority to extend the E10 volatility waiver to E15. Finalizing this aspect of the proposed rule would clearly be unlawful, and we strongly oppose it," Chet Thompson, president of American Fuel & Petrochemical Manufacturers, said in a statement last month.
In its announcement, the EPA said it was also changing the rules for the trading of credits used to track that ethanol is being blended into the fuel supply - known as Renewables Identification Numbers or RINs. The price of those credits had skyrocketed in recent years amidst increased speculation from Wall Street investors.
Now traders that exceed a certain threshold of RINs will be required to disclose their holdings publicly. Also, EPA said it will improve its monitoring of the RIN market through increased data collection and work with the Internal Revenue Service to stamp out incidents of RIN fraud.

## ABC News

https://abcnews.go.com/Politics/epa-finalizes-plan-expand-ethanol-gasoline-summer/story?id=63397761

**EPA finalizes plan to expand ethanol use in gasoline this summer**

By Stephanie Ebbs, 5/31/19

Gasoline that contains a higher percentage of ethanol should be available to drivers around the country this summer, the Trump administration announced Friday.
The Environmental Protection Agency finalized a proposal to lift limits on the amount of ethanol in gasoline, saying it will expand the market for biofuels and generate a win for corn producers. Industry groups also said it will help the biofuel industry and give consumers more options at the pump.
"As President Trump promised, EPA is approving the year-round sale of E15 in time for summer driving season, giving drivers more choices at the pump," EPA Administrator Andrew Wheeler said in a press release.
Trump said he would ask for the change at a campaign rally last March, months before the midterm elections. Expanding ethanol is seen as a way to boost markets for corn produced in Midwestern states and benefit political candidates that support expanded ethanol production.
The head of EPA's air office, Bill Wehrum, said the proposal helps support renewable fuels and addresses concerns from the oil industry about the regulation of biofuels.
The EPA originally set limits on gasoline with 15% ethanol because of concerns the higher temperatures in the summer could lead to more air pollution. But Wehrum said he doesn't expect a noticeable impact because gasoline with 10% ethanol is already sold in the summer months.
"At the end of the day from an environmental standpoint this doesn't make any significant difference," he told reporters Friday.
Critics see the decision as an attempt by Trump to help farmers in the Midwest who have been hurt by the trade war with China and declining commodity prices. Corn growers have called for the administration to allow more ethanol and have opposed waivers from oil refineries exempting them from requirements to include a minimum amount of ethanol.
#E15YearRound is welcome news from the @EPA. @NationalCorn President Lynn Chrisp: "We thank President Trump for following through on his promise to rural America and @SecretarySonny and supporters in Congress for their outspoken commitment to year-round E15."
Agriculture Secretary Sonny Perdue also applauded the decision in a statement, saying it will help farmers and consumers while the administration looks to grow the market for American-produced ethanol both in the U.S. and in other countries.
Many farmers are facing historic delays in planting corn crops due to severe flooding. Other efforts to help struggling farmers in states impacted by natural disasters have stalled in Congress.

## The Associated Press

https://www.ksfy.com/content/news/Year-round-sales-of-gasoline-mixed-with-15-ethanol-OKd-510664631.html

**Year-round sales of gasoline mixed with 15% ethanol OK'd**

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The Trump administration is following through on a plan to allow year-round sales of gasoline mixed with 15% ethanol.

The Environmental Protection Agency announced the change Friday, ending a summertime ban imposed out of concerns for increased smog from the higher ethanol blend. The agency had proposed the change in March.

The change also fulfills a pledge that President Donald Trump made to U.S. corn farmers, who see ethanol as an important driver of demand for their crops. Oil refineries have been seeking exemptions from government requirements to include ethanol in their fuel mixes.

Environmental groups contend the U.S. Clean Air Act prohibits year-round sales of E15, and court challenges are expected.

## The Washington Examiner

https://www.washingtonexaminer.com/policy/energy/trumps-ethanol-plan-goes-into-effect?_amp=true&__twitter_impression=true

**Trump's Ethanol Plan Goes Into Effect**

By John Siciliano, 5/31/19

The Environmental Protection Agency on Friday officially opened up year-round sales of higher ethanol fuel blends, called E15, fulfilling a promise President Trump made to Iowa corn farmers.
Trump has firmly backed the year-round sale of 15% ethanol fuel, despite opposition by the oil industry and refiners who argue the fuel would harm vehicle engines.
The E15 rule, a boon to corn farmers, follows billions of dollars the administration has doled out to farmers as compensation for the losses they've suffered from tariffs imposed in the trade war with China.
Farmers and the ethanol industry have been calling for the reversal of EPA's Reid vapor restrictions on the fuel for years to allow E15 to be sold year-round, instead of just in the winter, spring and fall months.
Allowing E15 to be sold in the summer opens the ethanol market up to the largest driving season of the year, with farmers expecting to see demand rise for the corn-based fuel.
Most of the U.S. gasoline supply already contains 10% ethanol. The 15% blend is being sold by such large gasoline chain stores as Sheetz and KwikStop in anticipation of the rule's rollout.
Iowa Republican Sen. Chuck Grassley recently told the Washington Examiner that the ethanol rule would give Trump an edge over his Democratic rivals in the 2020 presidential election. He explained that it would be hard for his rivals to demonstrate the same commitment to farmers as Trump has in passing this new rule.
Nevertheless, Grassley and fellow Sen. Joni Ernst, R-Iowa, said that Trump's trade wars could cancel any of the gains the ethanol rule would provide for farmers.
EPA is also granting waivers to oil companies allowing them to forgo blending ethanol under the Renewable Fuel Standard program. The RFS requires refiners to blend renewable fuels in the nation's gasoline and diesel supplies. The ethanol industry argues that the refinery waivers are destroying demand for their product.
Industry lobbyists say allowing the sale of E15 year-round cannot make up for the effect of the waivers, which effectively reduce the amount of ethanol by over a billion gallons annually. Oil refiners say the ethanol industry's claims are exaggerated.

## Politico Pro

http://go.politicoemail.com/?qs=b564ba6d68356bf248f36775c1bc8a2b1b061424a3b5ab99824a190cfd7fe676dc9b61defec2b44180f75c735720653d

**EPA expands sales of 15 percent ethanol**

By Eric Wolff, 5/31/19

EPA today said it finalized a rule allowing year-round sale of 15 percent ethanol and made changes to the market in compliance credits for the Renewable Fuel Standard requested by independent oil refiners.

The new rules grant a long-held wish of the corn and ethanol industries. By ending the previous summer restrictions on E15, biofuels backers hope retailers will invest in equipment that enables them to sell the higher ethanol blend, which ethanol producers say is cheaper and better for the environment.

"Following President Trump's directive, today's action expands the market for biofuels and improves the RFS program by increasing transparency and reducing price manipulation," EPA Administrator Andrew Wheeler said in a statement. "As President Trump promised, EPA is approving the year-round sale of E15 in time for summer driving season, giving drivers more choices at the pump."

The final rule also requires public disclosure of Renewable Identification Number holdings that exceed certain thresholds.

Oil producers have promised to challenge the rule on the argument that the Clean Air Act expressly forbids the sale of E15 in summer, and EPA cannot overrule the law.

## Bloomberg

https://www.bloomberg.com/news/articles/2019-05-30/oil-industry-poised-to-attack-as-trump-boosts-ethanol-in-fuels

**Oil Industry Poised to Attack as Trump Boosts Ethanol in Fuels**

By Jen Dlouhy and Mario Parker, 5/31/19

Oil industry foes are preparing to go to court to fight the Environmental Protection Agency regulation issued Friday that allows year-round sales of higher-ethanol E15 gasoline nationwide.

The agency's final rule offers ethanol producers and corn farmers the promise of greater market access and demand -- but the coming legal battle will be the true test of that potential.

The regulation fulfills President Donald Trump's promise to unleash ethanol sales and is a potent show of support to Midwestern farmers who are suffering from Chinese tariffs on soybeans, flooding that destroyed stockpiled grain and a deluge of rain that has delayed plantings. With some 37% of America's corn production going to ethanol mills, any regulatory move lifting demand for the fuel could buttress farmers who helped propel Trump to the White House.

Iowa Republican leaders and biofuel industry boosters will celebrate the shift with EPA's Region 7 administrator, during an event at Elite Octane LLC's dry mill ethanol plant in Atlantic, Iowa later Friday.

The EPA rule waives E15 gasoline containing 15% ethanol from vapor pressure requirements that have blocked sales from June 1 to September 15 in areas where smog is a problem, said Bill Wehrum, the assistant administrator for the EPA Office of Air and Radiation. That should cause "a bump" in sales at the roughly 1,000 filling stations that already offer E15 today, while encouraging more of them to offer it, Wehrum told reporters on a conference call.

"Over time this is going to result in a substantial increase in the amount of E15 sold" and will allow more renewable fuel to be blended into the fuel supply, Wehrum said.

At Trump's direction, the EPA bundled the E15 shift with modest changes meant to boost transparency and prevent price manipulation in the trading of credits used by refiners to prove compliance with annual biofuel blending quotas. Large integrated oil companies, including ExxonMobil Corp., BP America Inc. and Chevron Corp., had argued against the EPA's initial proposal of more aggressive trading limitations.

Wehrum said the agency would continue examining allegations of market manipulation and respond to them if needed. "We're applying the theory of first do no harm," he said. While the agency takes the issue seriously, he said, the EPA has not yet found clear evidence of significant manipulation.

Ethanol is already a staple of America's fuel supply, accounting for about 10% of total consumption. Biofuel boosters who have lobbied for the regulatory shift are betting 15% will eventually emerge as the standard. Green Plains Inc. Chief Executive Officer Todd Becker said this month that the higher blend puts in play "year-round demand growth of at least 200 million gallons of annualized incremental demand as only the starting point."

That would come at the expense of the oil industry.

"This action by EPA makes no sense and is contrary to the law, congressional intent and decades of agency precedence," said Frank Macchiarola, a group director at the American Petroleum Institute. "We will challenge it vigorously."

The American Petroleum Institute previewed its legal argument in public comments, arguing that the agency is flouting the plain text of the Clean Air Act by extending an existing waiver to E15. Marathon Petroleum Corp. warned the EPA's move to consider E15 "substantially similar" to conventional E10 gasoline is "arbitrary and capricious" -- a fatal failing under a federal law governing rulemaking. And the American Fuel and Petrochemical Manufacturers insisted the EPA is taking action previously rejected by Congress.

Ethanol advocates argue the EPA is on solid legal footing. The agency's move to grant a waiver to E15 "reflects the best, most natural reading" of the Clean Air Act, and that higher-ethanol blend is substantially similar to E10, said Growth Energy Chief Executive Officer Emily Skor.

**[ HYPERLINK \l "_The_Wall_Street" ]**
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## The Wall Street Journal

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The decision could be a boon to farmers in places like Iowa, the No. 1 corn and ethanol-producing state that Mr. Trump won in the 2016 election and needs in the 2020 election. Mr. Trump plans to talk up the new policy in coming trips to Iowa and other farm-belt states, say people familiar with those plans.

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That is unlikely to be enough to satisfy the energy industry, which has promised to sue if the administration lifted the summer ban. The EPA in prior administrations has explicitly said it doesn't have the authority to allow summer sales. Mr. Wheeler and his team said their decision is a reinterpretation of the law.

What do you think about government subsidies for corn-based fuels, even though the price of oil and other types of energy has fallen in the past decade?

Refiners are planning to fight EPA on that very point. Their response is likely to come within two months, because Clean Air Act provisions give anyone who wants to challenge the decision 60 days to do so, according to trade groups.

"We're disappointed that EPA ignored our comments and the plain language of the Clean Air Act, which makes clear that EPA lacks authority," Chet Thompson, leader of refiners' trade group American Fuel & Petrochemical Manufacturers, said in an emailed statement. "EPA has left us no choice but to pursue legal action to get this unlawful rule overturned."

Some oil companies expect they may lose market share to ethanol, and refiners have asked for more cost protections. That is setting up the most direct face-off yet between the administration and a typically staunch Republican ally that has already been rankled by White House positions on trade and shipping fuels.

Searching for a compromise, Mr. Trump hosted several Oval Office meetings on ethanol during his first two years in office. But, in exchange for ethanol expansions, refiners have asked for price caps or to throw speculators out of credit-trading markets that are part of the program. Both sides have publicly complained about and then rejected any deals.

The EPA decision is likely to expand ethanol sales by about 2% in the next five years, according to Growth Energy, an advocacy group for ethanol producers for which Mr. Wheeler formerly worked as a strategic consultant.

Former Trump administration trade negotiator Clete Willems talks about why it is in China's interest to sign a trade deal with the U.S.

ClearView Energy Partners LLC has forecast far less growth, but said sales may grow more in later years as year-round sales give more certainty to investors.

"We kind of look at it as a key that finally unlocks the door to greater demand opportunities in the long term," said Geoff Cooper, chief executive of the Renewable Fuels Association, another ethanol advocacy group. "I'd characterize this as a shot in the arm, but the farm economy and the ethanol industry are still very sick."

That sickness is largely from U.S. trade friction with China, Mr. Cooper said. China had been the third largest export market for U.S. ethanol, but it buys nothing now in response to U.S. tariffs on Chinese goods, he added.

Prices for commodities such as soybeans, corn and sorghum—already mired in a yearslong slump—fell this month to their lowest level in more than 10 years. Major U.S. agricultural exports to China have fallen by half in the past year, according to the Commerce Department. The administration has already offered $28 billion of aid in direct payments to farmers since last year.

Mr. Cooper sees the ethanol initiative as another White House effort to offset trade troubles.

Environmental groups opposed the change, pointing to studies in the past decade that suggest burning more ethanol can worsen air pollution. Subsidizing more corn production also causes environmental damage by encouraging farmers to plow over prairie and other wild areas, degrading water quality, shrinking wildlife habitat and raising the greenhouse-gas emissions that cause global warming, said David DeGennaro, policy specialist at the National Wildlife Federation.

"There's a couple of reasons this is good for [Mr. Trump] politically," Mr. DeGennaro said. "But the fact that this administration is continuing to ignore environmental consequences is extremely frustrating."

Mr. Wheeler said he doesn't expect an increase in smog from lifting the summer ban, and that fuels with higher ethanol content typically burn with the same effects as the lower-ethanol-content fuel already sold.

## Reuters

[ HYPERLINK "https://www.reuters.com/article/us-usa-biofuels-ethanol/trump-lifts-curbs-on-e15-gasoline-delivering-on-promise-to-u-s-farmers-idUSKCN1T11BN" ]

**Trump lifts curbs on E15 gasoline, delivering on promise to U.S. farmers**

By Humeyra Pamuk, Jarrett Renshaw, 5/31/19

WASHINGTON (Reuters) - The Trump administration on Friday lifted restrictions on the sale of higher ethanol blends of gasoline, keeping a campaign promise to farmers suffering from the trade war with China but inviting a legal challenge from the oil industry.

The announcement allows gasoline stations to sell blends containing up to 15 percent corn-based ethanol, called E15, year-round, ending a summertime ban that President Barack Obama's Environmental Protection Agency imposed in 2011 to reduce smog pollution.

The action is a win for the U.S. farm lobby, which has argued that the Obama-era restrictions on E15 hurt growers by limiting demand for corn-based fuel, without providing tangible air quality benefits. Recent research has concluded there is little difference in smog risk between E15 and E10.

"We estimate this one change will generate over a billion new gallons of ethanol demand in the next five years," said Emily Skor, chief executive of biofuel trade group Growth Energy, adding it could also boost the market for American grain by some 2 billion bushels over time.

The decision marks a setback for the oil industry, which views biofuels as competition for its petroleum-based fuels and has threatened to sue.

The American Petroleum Institute, which represents the U.S. oil industry, has repeatedly said the administration lacks the authority to unilaterally lift the ban on E15 and that such a move should require an act of Congress.

U.S. President Donald Trump has struggled to please both Big Oil and Big Agriculture, two critical constituencies in his reelection effort that have frequently clashed over biofuels.

In a concession to the oil industry, the EPA also unveiled a plan to reduce market speculation for biofuel blending credits that some refiners must buy to comply with U.S. biofuels regulations - an effort to reduce their costs.

But the agency's plan omitted several elements that the oil industry had been seeking.

## Houston Chronicle

[ HYPERLINK "https://www.chron.com/business/energy/article/EPA-allows-higher-ethanol-content-fuel-year-round-13909296.php?cmpid=ffpolitics&utm_campaign=CMS%20Sharing%20Tools%20(Desktop)&utm_source=t.co&utm_medium=referral" ]

**EPA removes restrictions on higher ethanol content gasoline**

By Jason Osborne, 5/31/19

WASHINGTON - Gasoline with a higher concentration of ethanol - branded E15 - can now be sold year round, the Environmental Protection Agency announced Friday.

The EPA had long restricted sales of the fuel during summer months to prevent against potentially dangerous increases in air pollution. But under pressure from Midwestern farmers, whose corn crops feed ethanol production, the Trump administration announced last year it planned to waive the restriction.

"As President Trump promised, EPA is approving the year-round sale of E15 in time for summer driving season, giving drivers more choices at the pump," EPA Administrator Andrew Wheeler said in a statement.

Within the ethanol industry, hopes are the end of the summer restriction will lead more gasoline stations to sell E15, which contain a 15 percent concentration of ethanol compared to the 10 percent in standard gasoline. So far, E15 remains a niche product primarily available in the Midwest.

"Year-round E15 will also provide a badly needed long-term demand boost for our industry and America's farmers, who face a number of daunting challenges today," Geoff Cooper, president of the Renewable Fuels Association said in a statement.

The expanded sales of ethanol deal a blow to U.S. oil refineries, who are already watching national gasoline sales stagnate under increased efficiency standards for cars and trucks.

Already representatives for the oil and gas industry are hinting they plan to challenge the rule change in court.

"The statutory language leaves no question that the EPA lacks authority to extend the E10 volatility waiver to E15. Finalizing this aspect of the proposed rule would clearly be unlawful, and we strongly oppose it," Chet Thompson, president of American Fuel & Petrochemical Manufacturers, said in a statement last month.

In its announcement, the EPA said it was also changing the rules for the trading of credits used to track that ethanol is being blended into the fuel supply - known as Renewables Identification Numbers or RINs. The price of those credits had skyrocketed in recent years amidst increased speculation from Wall Street investors.

Now traders that exceed a certain threshold of RINs will be required to disclose their holdings publicly. Also, EPA said it will improve its monitoring of the RIN market through increased data collection and work with the Internal Revenue Service to stamp out incidents of RIN fraud.

## ABC News

[ HYPERLINK "https://abcnews.go.com/Politics/epa-finalizes-plan-expand-ethanol-gasoline-summer/story?id=63397761" ]

**EPA finalizes plan to expand ethanol use in gasoline this summer**

By Stephanie Ebbs, 5/31/19

Gasoline that contains a higher percentage of ethanol should be available to drivers around the country this summer, the Trump administration announced Friday.

The Environmental Protection Agency finalized a proposal to lift limits on the amount of ethanol in gasoline, saying it will expand the market for biofuels and generate a win for corn producers. Industry groups also said it will help the biofuel industry and give consumers more options at the pump.

“As President Trump promised, EPA is approving the year-round sale of E15 in time for summer driving season, giving drivers more choices at the pump," EPA Administrator Andrew Wheeler said in a press release.

Trump said he would ask for the change at a campaign rally last March, months before the midterm elections. Expanding ethanol is seen as a way to boost markets for corn produced in Midwestern states and benefit political candidates that support expanded ethanol production.

The head of EPA’s air office, Bill Wehrum, said the proposal helps support renewable fuels and addresses concerns from the oil industry about the regulation of biofuels.

The EPA originally set limits on gasoline with 15% ethanol because of concerns the higher temperatures in the summer could lead to more air pollution. But Wehrum said he doesn't expect a noticeable impact because gasoline with 10% ethanol is already sold in the summer months.

"At the end of the day from an environmental standpoint this doesn't make any significant difference," he told reporters Friday.

Critics see the decision as an attempt by Trump to help farmers in the Midwest who have been hurt by the trade war with China and declining commodity prices. Corn growers have called for the administration to allow more ethanol and have opposed waivers from oil refineries exempting them from requirements to include a minimum amount of ethanol.

#E15YearRound is welcome news from the @EPA. @NationalCorn President Lynn Chrisp: "We thank President Trump for following through on his promise to rural America and @SecretarySonny and supporters in Congress for their outspoken commitment to year-round E15."

Agriculture Secretary Sonny Perdue also applauded the decision in a statement, saying it will help farmers and consumers while the administration looks to grow the market for American-produced ethanol both in the U.S. and in other countries.

Many farmers are facing historic delays in planting corn crops due to severe flooding. Other efforts to help struggling farmers in states impacted by natural disasters have stalled in Congress.

## The Associated Press

[ HYPERLINK "https://www.ksfy.com/content/news/Year-round-sales-of-gasoline-mixed-with-15-ethanol-OKd-510664631.html" ]

**Year-round sales of gasoline mixed with 15% ethanol OK'd**

By The Associated Press, 5/31/19

The Trump administration is following through on a plan to allow year-round sales of gasoline mixed with 15% ethanol.

The Environmental Protection Agency announced the change Friday, ending a summertime ban imposed out of concerns for increased smog from the higher ethanol blend. The agency had proposed the change in March.

The change also fulfills a pledge that President Donald Trump made to U.S. corn farmers, who see ethanol as an important driver of demand for their crops. Oil refineries have been seeking exemptions from government requirements to include ethanol in their fuel mixes.

Environmental groups contend the U.S. Clean Air Act prohibits year-round sales of E15, and court challenges are expected.

## The Washington Examiner

[ HYPERLINK "https://www.washingtonexaminer.com/policy/energy/trumps-ethanol-plan-goes-into-effect?_amp=true&__twitter_impression=true" ]

**Trump's Ethanol Plan Goes Into Effect**

By John Siciliano, 5/31/19

The Environmental Protection Agency on Friday officially opened up year-round sales of higher ethanol fuel blends, called E15, fulfilling a promise President Trump made to Iowa corn farmers.

Trump has firmly backed the year-round sale of 15% ethanol fuel, despite opposition by the oil industry and refiners who argue the fuel would harm vehicle engines.

The E15 rule, a boon to corn farmers, follows billions of dollars the administration has doled out to farmers as compensation for the losses they've suffered from tariffs imposed in the trade war with China.

Farmers and the ethanol industry have been calling for the reversal of EPA's Reid vapor restrictions on the fuel for years to allow E15 to be sold year-round, instead of just in the winter, spring and fall months.

Allowing E15 to be sold in the summer opens the ethanol market up to the largest driving season of the year, with farmers expecting to see demand rise for the corn-based fuel.

Most of the U.S. gasoline supply already contains 10% ethanol. The 15% blend is being sold by such large gasoline chain stores as Sheetz and KwikStop in anticipation of the rule's rollout.

Iowa Republican Sen. Chuck Grassley recently told the Washington Examiner that the ethanol rule would give Trump an edge over his Democratic rivals in the 2020 presidential election. He explained that it would be hard for his rivals to demonstrate the same commitment to farmers as Trump has in passing this new rule.

Nevertheless, Grassley and fellow Sen. Joni Ernst, R-Iowa, said that Trump's trade wars could cancel any of the gains the ethanol rule would provide for farmers.

EPA is also granting waivers to oil companies allowing them to forgo blending ethanol under the Renewable Fuel Standard program. The RFS requires refiners to blend renewable fuels in the nation's gasoline and diesel supplies. The ethanol industry argues that the refinery waivers are destroying demand for their product.

Industry lobbyists say allowing the sale of E15 year-round cannot make up for the effect of the waivers, which effectively reduce the amount of ethanol by over a billion gallons annually. Oil refiners say the ethanol industry's claims are exaggerated.

## Politico Pro

[ HYPERLINK "http://go.politicoemail.com/?qs=b564ba6d68356bf248f36775c1bc8a2b1b061424a3b5ab99824a190cfd7fe676dc9b61defec2b44180f75c735720653d" ]

**EPA expands sales of 15 percent ethanol**

By Eric Wolff, 5/31/19

EPA today said it finalized a rule allowing year-round sale of 15 percent ethanol and made changes to the market in compliance credits for the Renewable Fuel Standard requested by independent oil refiners.

The new rules grant a long-held wish of the corn and ethanol industries. By ending the previous summer restrictions on E15, biofuels backers hope retailers will invest in equipment that enables them to sell the higher ethanol blend, which ethanol producers say is cheaper and better for the environment.

"Following President Trump's directive, today's action expands the market for biofuels and improves the RFS program by increasing transparency and reducing price manipulation," EPA Administrator Andrew Wheeler said in a statement. "As President Trump promised, EPA is approving the year-round sale of E15 in time for summer driving season, giving drivers more choices at the pump."

The final rule also requires public disclosure of Renewable Identification Number holdings that exceed certain thresholds.

Oil producers have promised to challenge the rule on the argument that the Clean Air Act expressly forbids the sale of E15 in summer, and EPA cannot overrule the law.

## Bloomberg

[ HYPERLINK "https://www.bloomberg.com/news/articles/2019-05-30/oil-industry-poised-to-attack-as-trump-boosts-ethanol-in-fuels" ]

**Oil Industry Poised to Attack as Trump Boosts Ethanol in Fuels**

By Jen Dlouhy and Mario Parker, 5/31/19

Oil industry foes are preparing to go to court to fight the Environmental Protection Agency regulation issued Friday that allows year-round sales of higher-ethanol E15 gasoline nationwide.

The agency's final rule offers ethanol producers and corn farmers the promise of greater market access and demand -- but the coming legal battle will be the true test of that potential.

The regulation fulfills President Donald Trump's promise to unleash ethanol sales and is a potent show of support to Midwestern farmers who are suffering from Chinese tariffs on soybeans, flooding that destroyed stockpiled grain and a deluge of rain that has delayed plantings. With some 37% of America's corn production going to ethanol mills, any regulatory move lifting demand for the fuel could buttress farmers who helped propel Trump to the White House.

Iowa Republican leaders and biofuel industry boosters will celebrate the shift with EPA's Region 7 administrator, during an event at Elite Octane LLC's dry mill ethanol plant in Atlantic, Iowa later Friday.

The EPA rule waives E15 gasoline containing 15% ethanol from vapor pressure requirements that have blocked sales from June 1 to September 15 in areas where smog is a problem, said Bill Wehrum, the assistant administrator for the EPA Office of Air and Radiation. That should cause "a bump" in sales at the roughly 1,000 filling stations that already offer E15 today, while encouraging more of them to offer it, Wehrum told reporters on a conference call.

"Over time this is going to result in a substantial increase in the amount of E15 sold" and will allow more renewable fuel to be blended into the fuel supply, Wehrum said.

At Trump's direction, the EPA bundled the E15 shift with modest changes meant to boost transparency and prevent price manipulation in the trading of credits used by refiners to prove compliance with annual biofuel blending quotas. Large integrated oil companies, including ExxonMobil Corp., BP America Inc. and Chevron Corp., had argued against the EPA's initial proposal of more aggressive trading limitations.

Wehrum said the agency would continue examining allegations of market manipulation and respond to them if needed. "We're applying the theory of first do no harm," he said. While the agency takes the issue seriously, he said, the EPA has not yet found clear evidence of significant manipulation.

Ethanol is already a staple of America's fuel supply, accounting for about 10% of total consumption. Biofuel boosters who have lobbied for the regulatory shift are betting 15% will eventually emerge as the standard. Green Plains Inc. Chief Executive Officer Todd Becker said this month that the higher blend puts in play "year-round demand growth of at least 200 million gallons of annualized incremental demand as only the starting point."

That would come at the expense of the oil industry.

"This action by EPA makes no sense and is contrary to the law, congressional intent and decades of agency precedence," said Frank Macchiarola, a group director at the American Petroleum Institute. "We will challenge it vigorously."

The American Petroleum Institute previewed its legal argument in public comments, arguing that the agency is flouting the plain text of the Clean Air Act by extending an existing waiver to E15. Marathon Petroleum Corp. warned the EPA's move to consider E15 "substantially similar" to conventional E10 gasoline is "arbitrary and capricious" -- a fatal failing under a federal law governing rulemaking. And the American Fuel and Petrochemical Manufacturers insisted the EPA is taking action previously rejected by Congress.

Ethanol advocates argue the EPA is on solid legal footing. The agency's move to grant a waiver to E15 "reflects the best, most natural reading" of the Clean Air Act, and that higher-ethanol blend is substantially similar to E10, said Growth Energy Chief Executive Officer Emily Skor.

Message

**From:** EPA Press Office [press=epa.gov@cmail20.com]
on behalf of EPA Press Office [press@epa.gov]
**Sent:** 2/27/2019 3:20:07 PM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject:** Acting Administrator Wheeler Completes Successful Bipartisan Meetings to Improve Environmental Outcomes

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

# Acting Administrator Wheeler Completes Successful Bipartisan Meetings to Improve Environmental Outcomes

*Wheeler met with the Western Governors Association to discuss PFAS and disaster response, Governor Kate Brown (D-OR) to discuss Superfund, and Maryland officials to discuss water infrastructure*

**WASHINGTON** (February 27, 2019) — U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler wrapped up successful meetings with bipartisan officials this week.

On Sunday, he hosted the Western Governors Association at EPA Headquarters in Washington to discuss issues facing our Western states and territories. The issues discussed included PFAS cleanup, disaster response, the Trump administration's new Waters of the United Stated (WOTUS) rule, and streamlining energy development. The event included 14 governors from states and territories, as well as Labor Secretary Alex Acosta and Interior Acting Secretary David Bernhardt.

Administrator Wheeler listens to Hawaii Governor and WGA Chairman David Ige.

Participants in the breakfast (Left to Right): Governor Ralph Torres (C.N.M.I.), Acting Interior Secretary David Bernhardt, Governor Brad Little (Idaho), Governor Lou Leon Guerrero (Guam), Governor Kristi Noem (S.D.), Labor Secretary Alexander Acosta, Governor Kevin Stitt (Okla.), Acting EPA Administrator Andrew Wheeler, Governor Doug Burgum (N.D.), Governor Gary Herbert (Utah), Governor Steve Sisolak (Nev.), Governor David Ige (Hawaii), Governor Kate Brown (Ore.), Governor Mark Gordon (Wyo.), Governor Michelle Lujan Grisham (N.M.), Governor Laura Kelly (Kan.), Not pictured: Governor Jay Inslee (Wash.).

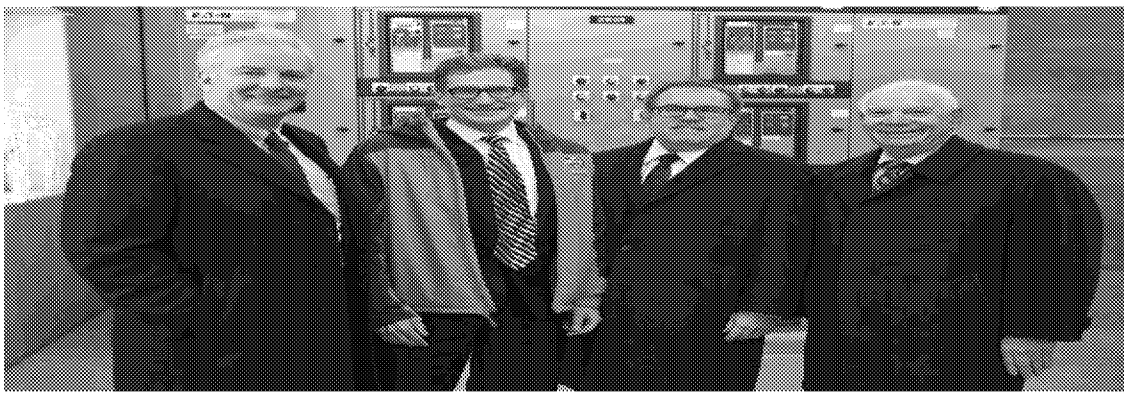
Administrator Wheeler met with Oregon Governor Kate Brown to discuss the ongoing work at the Portland Harbor Superfund site.

Administrator Wheeler meets with Governor Brown and her staff.

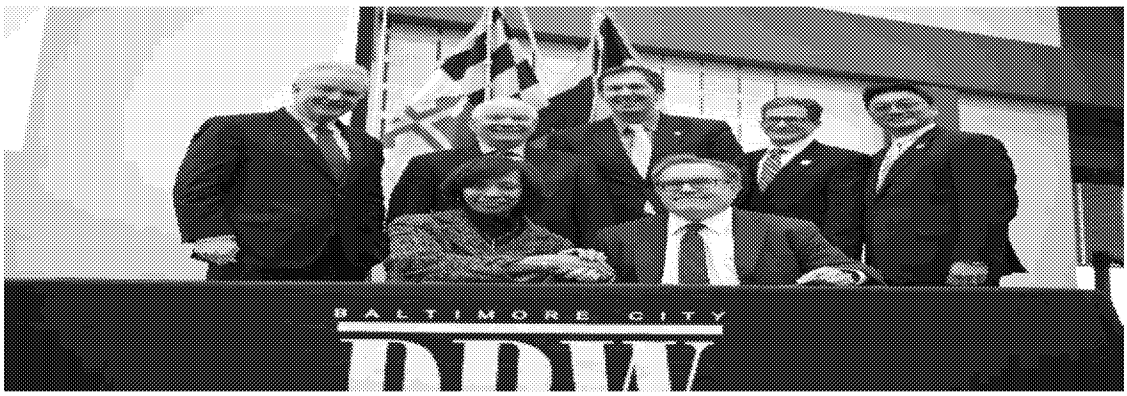
Administrator Wheeler shakes hands with Governor Brown.

On Monday, Administrator Wheeler traveled to Charm City to promote the newest loan awarded under EPA's Water Infrastructure Finance and Innovation Act. The loan worth $202 million will upgrade Baltimore's aging wastewater system and provide cleaner safer water to Marylanders. Administrator Wheeler signed the loan with Mayor of Baltimore Catherine Pugh, surrounded by U.S. Senators Chris Van Hollen (D-MD) and Ben Cardin (D-MD).

"Mr. Administrator first thing thank you very much. This is a big day, this is an important moment... Mr. Administrator, I really want to thank you for the way you are promoting clean water around the nation with the use of the WIFIA funds," **said Senator Cardin.**



Administrator Wheeler with Senators Chris Van Hollen (D-MD) and Ben Cardin (D-MD), as well as Maryland Department of Environment Secretary Ben Grumbles.




Back row left to right: Senator Chris Van Hollen (MD), Senator Ben Cardin (MD), Baltimore County Executive John A. Olszewski Jr., Maryland Department of the Environment Secretary Ben Grumbles

First row: Mayor of Baltimore Catherine Pugh, EPA Acting Administrator Andrew Wheeler

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Message

**From:** EPA Press Office [press@epa.gov]
**Sent:** 10/4/2019 3:43:00 PM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject:** EPA releases outreach materials to help keep children safe from environmental hazards

U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

# EPA releases outreach materials to help keep children safe from environmental hazards

WASHINGTON (October 4, 2019) — In celebration of Children's Health Month, the U.S. Environmental Protection Agency (EPA) today released a poster of tips to keep children and families safe from environmental hazards.

"Throughout Children's Health Month, EPA is highlighting our many programs and resources that state and local partners can use to protect the health and future of our nation's children," **said EPA Administrator Andrew Wheeler.** "The Children's Health Month poster outlines steps the public can take to eliminate asthma triggers, reduce lead exposure, and take other measures to keep children safe and healthy."

Protecting children's health is a top priority at EPA. The agency developed the poster to provide the public with tips to reduce exposures to lead, mercury, radon, pesticides, carbon monoxide and other hazards. The poster also highlights other recommendations to stay healthy and safe.

To view the poster in English: https://www.epa.gov/children/protecting-childrens-health-october-2019-tips

To view the poster in Spanish: https://espanol.epa.gov/espanol/mes-de-la-salud-infantil-calendario-de-consejos

Also, to kick off Children's Health Month, EPA released an updated report — *Protecting Children's Health, October 2019*, to highlight major local and national initiatives and accomplishments to promote children's health and healthy learning environments.

To view the report: https://www.epa.gov/children/protecting-childrens-health-october-2019-booklet.

To learn more about what EPA is doing to protect children's health: https://www.epa.gov/children.

Visit the EPA's Newsroom

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

Message

**From:** Purdy, Adele [Purdy.Adele@epa.gov]
**Sent:** 10/11/2019 6:47:57 PM
**To:** AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
**Subject:** Daily Clips Friday, Oct. 11

**Broadcast**

**WOLO- COL (ABC): Lead and Copper Rule**

10/11/19

http://mms.tveyes.com/MediaCenterPlayer.aspx?u=aHR0cDovL21lZGlhY2VudGVyLnR2ZXllcy5jb20vZG93bmxvYWRnYXRld2F5LmFzcHg%2FVXNlcklEPTc4NDkzNiZNREIEPTEyMzQ0MTE2Jk1EU2VlZD00MTgzJlR5cGU9TWVkaWE%3D

**WCBS-NY: Lead in Drinking Water**

10/11/19

http://mms.tveyes.com/MediaCenterPlayer.aspx?u=aHR0cDovL21lZGlhY2VudGVyLnR2ZXllcy5jb20vZG93bmxvYWRnYXRld2F5LmFzcHg%2FVXNlcklEPTc4NDkzNiZNREIEPTEyMzQ0MTYzJk1EU2VlZD0yMzg0JlR5cGU9TWVkaWE%3D

**Clips**

**Air**

Fired EPA scientists to release air pollution report they say agency unqualified to issue

Undeterred, Dismissed Scientists Plod Through Air Quality Reviews

**Lead**

Lead Pipes Are Safe From The EPA's New Drinking Water Rule

New E.P.A. Lead Standards Would Slow Replacement of Dangerous Pipes

EPA Proposes New Regulations For Lead In Drinking Water

For the first time in decades, EPA is overhauling how communities must test for lead in water

Trump EPA proposes overhaul of lead in drinking water rule, critics call plan weak

**EPA**

EPA sends final guidance for White House review

**NBC News**
**Fired EPA scientists to release air pollution report they say agency unqualified to issue**
Phil McCausland 10/11/19, 6:09 AM

Air pollution above Los Angeles on Oct. 17, 2017.Frederic J. Brown / AFP / Getty Images file

Oct. 11, 2019, 6:09 AM EDT

By Phil McCausland

Nearly one year ago, the Trump administration fired a panel of more than two dozen scientific experts who assisted the Environmental Protection Agency in its review of air quality standards for particulate matter.

Now, as the EPA prepares its report on those standards later this month, 20 of those scientists are meeting independently to release their own assessment of current air pollution levels, with a focus on the particles from fossil fuels that can make people sick.

These scientists and researchers, former members of the Clean Air Scientific Advisory Committee (CASAC) on particulate matter, said the EPA has stripped the panel down to its core seven members, who are ill-equipped to set air quality standards and don't have the time to do it.

"They fired the particulate matter review panel and they said the chartered CASAC would do the review," Chris Zarba, who served as the staff director of the Scientific Advisory Board at the EPA until 2018, said. "In the history of the agency this has never happened. The new panel is unqualified and the new panel has said they were unqualified."

In response, the group of former panel members reconvened at a meeting in Washington on Thursday and Friday that is open to the public — exactly one year after they were told that their expertise was no longer needed. This group of scientists, engineers and researchers have formed a nongovernmental committee called the Independent Particulate Matter Review Panel.

The new panel feels their work is necessary for the very reasons that particle pollution is regulated by the EPA: because extended exposure can cause premature death, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function and respiratory issues, according to the agency.

EPA said it is confident in its own panel and experts and said it "is committed to scientific integrity and transparency."

"EPA has the utmost confidence in its career scientist and the members on its science advisory boards and panels," an agency spokesperson said. "EPA routinely takes comments from the public and outside organizations, including those not employed or associated with EPA, and will continue to take into consideration those comments that meet our scientific standards."

Under previous administrations, because of health risks from particle pollution and the science's complexity, the EPA has enlisted the aid of outside experts to help them come to the strongest scientific consensus on air quality standards, said John Bachmann, the former associate director for science and policy in the EPA's Air Office. That work with outside help remained consistent for almost 40 years.

Those experts were helpful because the Clean Air Act requires that the standards of particle matter be re-examined every five years with the latest scientific evidence, which is challenging, explained Bachman. Oftentimes, the five-year deadline is not met to ensure the latest science is thoroughly reviewed and related to the new standard.

"Being only seven people, CASAC doesn't have enough people to cover the scientific issues that come up with the reviews," said Bachman, who explained that the panels would typically be filled with experts on epidemiology, toxicology, medicine and more.

The fear is that the EPA under the Trump administration is not willing or able to approach these new standards earnestly, which could lead to major health issues, but the other goal, these scientists say, is to broadcast that they believe this administration isn't taking science seriously — or even trying to block it.

"It's pretty clear in the context of this EPA there's a strong agenda to roll back regulations, and the science does not always lead to a conclusion that a rollback is the right thing to do," said Christopher Frey, the chair of this new panel and the former CASAC chair. "Rather than listen to the science and make an appropriate decision, science is being sidelined."

This new panel hopes to counter that by providing the scientific expertise they believe is lacking in the EPA's own consideration of these new standards.

"It's really heartening to see the comments that are already coming in to the (questions) we wrote and how people are taking them seriously," Bachman said. "They're providing

advice like we did in the past. Not all of these folks are going to agree with each other or the EPA, but this is something the EPA should really want to continue."

While many said it is inspiring that this group of scientists came together to release this report, it also highlights a troubling development in which the federal government is not participating in scientific dialogue, Gretchen Goldman, the research director for the Union of Concerned Scientists' Center for Science and Democracy, said.

The Union of Concerned Scientists is underwriting the meeting of scientists.

"There are other efforts like this where people outside of the government are picking up the slack," Goldman said. "There are opportunities to do that. But it's ultimately not our job, and we can't expect outside actors to pick up the slack. This is important work, but it's not a sustainable model."

That's not the only concern that some have in this arena.

Current and former EPA officials point out that enforcement and inspection of pollution standards have fallen under the current administration.

Nicole Cantello, an EPA attorney and president of American Federation of Government Employees Local 704, which represents hundreds of Midwest EPA employees, said that enforcement under the Trump administration has deteriorated because of a declining workforce and a recent agency reorganization.

An EPA spokesperson said enforcement numbers have fallen because they have pursued partnerships with some states, are "leveraging the efforts of the private sector by encouraging self-audits and self-disclosure" and has "focused its resources on areas important to the protection of public health and the environment."

The Obama administration averaged more than 18,000 EPA inspections related to the Clean Air Act, the Clean Water Act and a handful of other environmental regulations, according to the agency's own numbers.

That inspection figure has fallen to about 10,500 over three years under the Trump administration. Enforcement of administrative compliance, penalties and civil judicial reviews fell by nearly 1,000 cases from the almost 2,850 under the Obama administration from 2009 to 2016.

"Even if you get a new administration, (the level of enforcement) is going to kill anything that administration is able to do because there's no cases that you would have from the previous three or four years," Cantello said.

**Bloomberg Environment**
**Undeterred, Dismissed Scientists Plod Through Air Quality Reviews**
Amena H. Saiyid 10/11/19, 1:28 PM

The newly named Independent Particulate Matter Review Panel meets in Arlington, Va., Oct. 10. Photgrapher: Amena H. Saiyid

# Undeterred, Dismissed Scientists Plod Through Air Quality Reviews

Oct. 11, 2019, 1:28 PM

- Disbanded group meets anyway to discuss EPA policy assessments of pollution limits
- Scientists say they hope their comments will be considered by EPA

The researchers flew to the nation's capital this week from as far as Seattle for two days of technical, scientific, sometimes dry advice-giving to EPA on federal air pollution limits.

Just like old times.

Except this week's meeting came a year after EPA chief Andrew Wheeler disbanded the 20-member group—which had been charged with providing expert advice on particle pollution science to the agency's seven-member Clean Air Scientific Advisory Committee (CASAC).

So why would the group carry on with formal meetings despite no assurance that the Environmental Protection Agency will give its work any more credence than other unsolicited public comments?

"I know what is going on, and I am here because I care," said Christopher Zarba, who served as the head of the EPA Science Advisory Board Office until his retirement in 2018. "I couldn't, in good conscience, be out there playing golf when I knew I could be making a difference here."

The group calling itself the Independent Particulate Matter Review Panel met Oct. 10 and 11 in a Marriott across the Potomac River from the nation's capital. The nonprofit Union of Concerned Scientists offered to defray airfare and lodging costs, although some members paid their own way.

## Unprecedented Meeting

"Nothing like this has been done before," said Gretchen Goldman, research director for the Union of Concerned Scientists' Center for Science and Democracy. "Nothing like this has ever been necessary."

The independent panel is made up of 20 mostly academic scientists who were initially selected and vetted by the Obama administration's EPA to counsel CASAC. But Wheeler—who wants to complete a review of air quality standards of fine airborne particle pollution and ground-level ozone by the end of 2020—dismissed them last October, saying they took too long to deliberate.

Wheeler last month appointed a dozen ad hoc scientific consultants, which will respond to CASAC questions in writing—but not hold public meetings.
Christopher Frey, a North Carolina State University civil and environmental engineering professor who is chairing the informal panel, questioned the ad hoc group's expertise, noting that it lacks an epidemiologist who can analyze the latest studies and speak to the health effects of air pollution.

**Christopher Frey (left) is chairing the informal panel.**
Photographer: Amena H. Saiyid
"EPA is committed to scientific integrity and transparency," the agency said in response to questions. "EPA has the utmost confidence in its career scientist and the members on its science advisory boards and panels. EPA routinely takes comments from the public and outside organizations, including those not employed or associated with EPA, and will continue to take into consideration those comments that meet our scientific standards."

Frey said he hopes the EPA will take his panel's comments seriously, especially as it has the expertise in reviewing air quality standards that the agency advisers appear to lack.

## 'Cart Before the Horse'

Some of the informal advisers appeared via teleconference, but more than half met in person, including Lianne Sheppard, a University of Washington biostatistics professor, who said the group "is making sure the best possible science is used to protect the public."

The panel plans to write its own recommendations and submit them in letter form to CASAC before it meets Oct. 24-25 in North Carolina.

"There is no question there is a lack of regard for science under this EPA leadership," said Frey, who chaired the EPA panel between 2012 and 2015. "I don't think scientific review should be sacrificed to meeting deadlines."

Throughout sessions, the gathered scientists said the EPA staff has been placed in a quandary by the agency leadership that is forcing them to reach conclusions about the need to maintain or strengthen current standards for particulate matter pollution.

The policy judgments, still in draft form, are based on an earlier draft scientific assessment, which is yet to be finalized and on which questions still remain unresolved.

"This is like putting the cart before the horse," said Ron Wyzga, a retired senior technical executive with the nonprofit Electric Power Research Institute. "It is difficult to judge the policy assessments before we have the final integrated science assessment before us."

**HuffPost**
**Lead Pipes Are Safe From The EPA's New Drinking Water Rule**
Arthur Delaney 10/10/19, 6:04 PM

*POLITICS*
10/10/2019 06:04 pm ET **Updated** 12 hours ago

# Lead Pipes Are Safe From The EPA's New Drinking Water Rule

The regulation that was too weak to stop the Flint water crisis is getting some mild improvements — but lead pipes can stay.

By Arthur Delaney

City water systems face stricter standards under a new regulation from the Environmental Protection Agency, but they still won't have to replace lead pipes.

Utilities will have to do a better job of testing for lead in people's drinking water, according to the updated version of the Lead and Copper Rule — the same regulation that failed to stop the water crisis in Flint, Michigan, in 2014.

Bad water treatment decisions spiked the city's water with lead that year, resulting in confirmed higher lead levels in Flint children. The government didn't admit the crisis until late in 2015.

The new regulation has found some critics.

"The Trump administration's new Lead and Copper Rule is a step backwards and a slap in the face to the children in Flint," Rep. Dan Kildee (D-Mich.) said in a statement.

Lead is a brain-damaging neurotoxin. It also happens to be a pliable metal that is handy for making pipes. It has been mostly banned from use in plumbing materials, but millions of buildings across the country still get water from old lead service lines that could last for decades more.

In recent years, public health experts have learned that even tiny amounts of exposure can be dangerous. Many water regulation experts say the only way to make sure drinking water is safe from lead is to force cities to get rid of their lead pipes altogether.

But digging up lead pipes is expensive. Flint has only done so thanks partly to a $100 million infusion from the federal government in the wake of the crisis.

In a draft of its proposed regulation, the EPA said that "due to the financial and practical challenges of wide-spread replacement of lead pipes around the country, it is important to use our nation's resources wisely, and thus target actions where they are most needed and can provide the most good."

Instead of replacing pipes, both the current and proposed new rule tell cities to add chemicals to their drinking water to make it less corrosive and form a protective coating on the inside of service lines.

The new regulation will make more cities conduct corrosion control testing. It would also require cities to take an inventory of their pipes, since many were laid so long ago utilities aren't even sure where they are. And for the first time the rule will require utilities to check for lead in schools and daycares, which have been exempt even though children's brains are more vulnerable to lead exposure than adults.

"Today, the Trump administration is delivering on its commitment to ensure all Americans have access to clean drinking water by proposing the first major overhaul of the Lead and Copper Rule in over two decades," EPA administrator Andrew Wheeler said in a statement Thursday.

Under the current rule, utilities have to replace 7% of their lead pipes annually if samples taken from people's taps exceeds a certain threshold. The new rule would require them to replace only 3% of pipes annually if they exceed the threshold — which isn't getting stricter.

Marc Edwards, a Virginia Tech civil engineering professor who worked with Flint residents to blow the whistle on the city's water lead, said he thought the relaxed standard might actually lead to a better outcome.

"Doing 7% out of the blue was just considered so unthinkable that many utilities said they can't do it, they'd rather cheat and pretend their water's safe," Edwards said. (Flint, for instance, avoided taking samples from enough homes that were known to have lead pipes.)

Edwards believes it's unrealistic to expect the kind of public investment it would take to fix the problem nationally. If the Flint water crisis didn't make it happen, what would?

"Lead pipes are going to be there for my lifetime and my children's lifetime," he said. "You get the water you pay for."

**New York Times**
**New E.P.A. Lead Standards Would Slow Replacement of Dangerous Pipes**
Coral Davenport 10/10/19

# *New E.P.A. Lead Standards Would Slow Replacement of Dangerous Pipes*

Image
A water distribution point in Flint, Mich., in April 2018.CreditCreditJake May/The Flint Journal-MLive.com, via Associated Press

**By Coral Davenport**

- Published Oct. 10, 2019Updated Oct. 11, 2019, 12:05 a.m. ET

WASHINGTON — The Trump administration on Thursday proposed new regulations on lead and copper in drinking water, updating a nearly 30-year-old rule that may have contributed to the lead-tainted water crisis in Flint, Mich., that began in 2015.

The draft plan, announced by the Environmental Protection Agency administrator, Andrew Wheeler, at a news conference in Green Bay, Wis., includes some provisions designed to strengthen oversight of lead in drinking water. But it skips a pricey safety proposal advocated by public health groups and water utilities: the immediate replacement of six million lead pipes that connect homes to main water pipes. The proposed new rule would also more than double the amount of time allotted to replace lead pipes in water systems that contain high levels of lead.

Mr. Wheeler framed the new regulations as a major step forward in protecting water supplies.

"The water sector has known for years and years that the regulations governing lead and copper in our water need to be improved, but administration after administration has failed to get it done," Mr. Wheeler said, noting that the standards were last updated in 1991. "We are delivering on the president's commitment that all Americans have access to clean and safe drinking water."

Although the new proposal would extend the timetable for replacing lead pipes, it would include new requirements that schools and day care centers be tested for lead, and, if elevated lead levels are found, customers would have to be told within 24 hours, not the current standard of 30 days. It would also require water utilities to conduct inventories of their lead service pipes and publicly report their locations.

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Environmental activists said those moves forward would not make up for the relaxation of standards in other areas.

The slower timetable for the replacement of lead pipes is a "huge weakening change that will swallow up the few small improvements in the proposal," wrote Erik D. Olson, an expert in drinking water policy at the Natural Resources Defense Council, an advocacy group, in an email.

The new rule proposes changing a key element of the current rules, which requires that a water system that is found to contain lead levels higher than 15 parts per billion must replace 7 percent of its lead service lines each year for as long as the lead levels exceed that measurement. The new proposal would instead require water systems with those lead levels to replace 3 percent of lead service lines each year.

Image

Workers replacing lead pipes in Newark, N.J., in September. CreditBryan Anselm for The New York Times

Mr. Olson's group estimated that the loosening of standards could extend the length of time needed to replace dangerous lead water pipes from 13 years to 33 years.

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"It means that another generation of American kids will be exposed to dangerous levels of lead from their drinking water," he said.

President Trump has made the rollback of environmental regulations a hallmark of his administration, with initiatives to weaken or erase dozens of E.P.A. regulations on climate change, chemical pollution and water quality. At the same time, he has also called attention to the concerns about lead in water that were ignited by the discovery of high levels of lead and other contaminants that poisoned Flint's drinking water for more than a year. He also frequently emphasizes his desire to promote "crystal-clear water."

During a 2016 campaign stop in Flint, Mr. Trump said: "It used to be, cars were made in Flint and you couldn't drink the water in Mexico. Now, the cars are made in Mexico and you cannot drink the water in Flint."

"We shouldn't allow it to happen," he said.

Mr. Trump's first E.P.A. administrator, Scott Pruitt, announced that he would prioritize removing lead from water, saying that the agency was declaring "war on lead." Mr. Pruitt stepped down amid a corruption scandal in 2017.

A 2018 report from the E.P.A.'s Office of Inspector General said management weaknesses had hobbled the agency's response to the Flint crisis and that federal officials should have taken stronger action to correct repeated blunders by state regulators.

Mr. Pruitt's successor, Mr. Wheeler, announcing the plan, highlighted it as part of Children's Health Month, which falls in October.

But for Flint advocates, it fell well short.

"We need urgent action and bold investments to rebuild America's water infrastructure, not weakened policies that fail to protect the health and safety of our citizens," said Representative Dan Kildee, Democrat of Michigan, who was born and raised in Flint and represents it in Congress. "The Flint water crisis should have taught policymakers at all levels of government that we must get serious about removing lead from our water systems. Yet the president's policies have continuously put special corporate interests ahead of public health."

The draft plan will be open for public comment for 60 days, and Mr. Wheeler said that he expected to complete the final plan next summer.

**NPR**
**EPA Proposes New Regulations For Lead In Drinking Water**
Paolo Zialcita 10/11/19, 11:08 AM

# EPA Proposes New Regulations For Lead In Drinking Water

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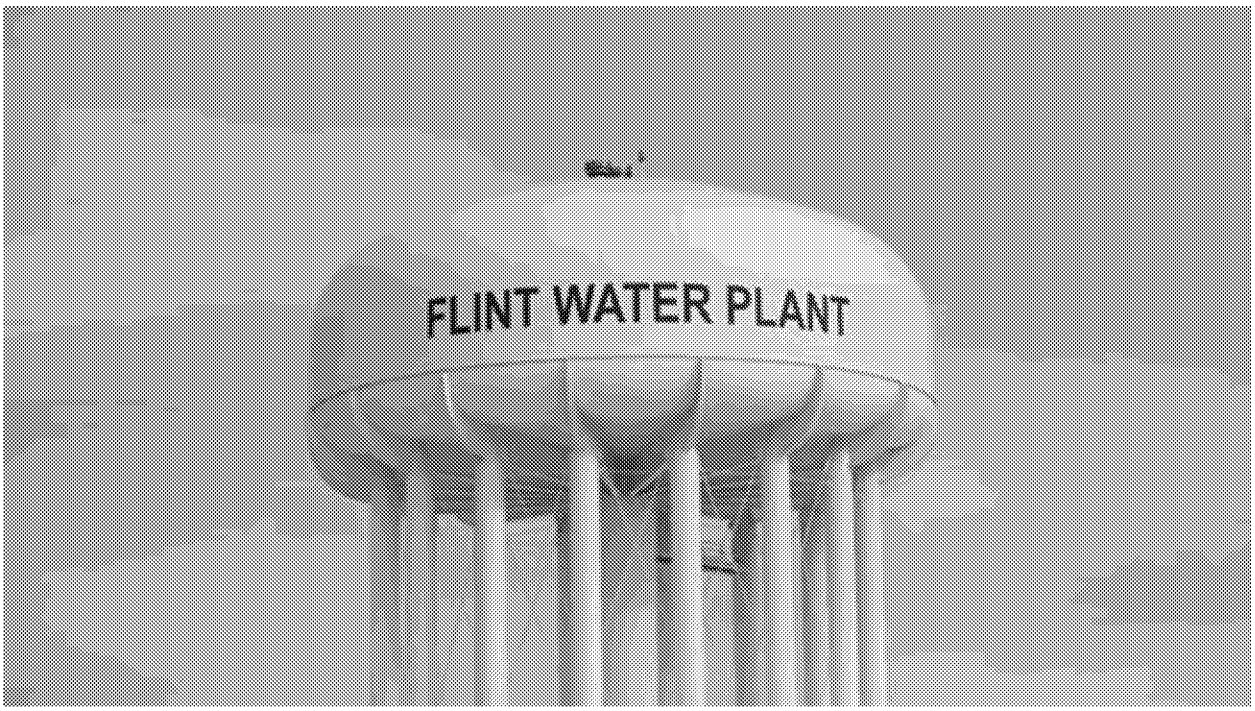
October 11, 2019 11:08 AM ET
PAOLO ZIALCITA




The Flint Water Plant tower in 2016.
*Paul Sancya/AP*

The Environmental Protection Agency has announced a new proposal that would change how communities test for lead in drinking water. It's the first major update to the Lead and Copper Rule in nearly 30 years, but it does not go as far as many health advocates had hoped.

The regulations are aimed at stopping people's water from being contaminated through lead pipes that connect public water supplies to homes. The EPA's website points out that ingesting lead "can be harmful to human health even at low exposure levels."

The proposal that was announced Thursday would require water systems to keep a public inventory of where those lead service lines are and help homeowners replace them if their water is found to be contaminated with lead.

If a water test shows dangerous lead levels, utilities would also have to notify their customers within 24 hours.

"By improving protocols for identifying lead, expanding sampling, and strengthening treatment requirements, our proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities," EPA Administrator Andrew Wheeler said.

But the EPA is not moving to require that all lead service lines be pro-actively replaced nationwide, as some environmental advocates had suggested. The new regulations propose that water systems must replace agency-owned portions of a lead service line only when a customer chooses to replace their own portion.

The proposal also would not change when officials have to take action. Currently, water systems are required to find and fix sources of lead when a sample in a home exceeds 15 parts per billion, even though health experts say no amount of lead is known to be safe.

However, the proposal would establish a lower "trigger level" of 10 ppb, "which would compel water systems to identify actions that would reduce lead levels in drinking water."

The proposal would also give communities more time to replace lead service lines, leading the Natural Resources Defense Council to criticize the new regulations as weaker than previous ones.

"Even low levels of lead can cause harm to developing brains and nervous systems, fertility issues, cardiovascular and kidney problems, and elevated blood pressure. Pregnant women and children are particularly vulnerable," the NRDC said in a statement.

As part of the proposal, the EPA and the Department of Housing and Urban Development launched a website that outlines federal funding and financing that can be used for lead service line replacement.

Lead levels in water was brought to national attention during the Flint water crisis, which started in 2014. Drinking water in the Michigan city was found to be unsafe for consumption, with residents being told to only drink bottled water. Officials have said the cost of the damage could reach hundreds of millions of dollars.
The EPA was subject to considerable criticism due to Flint's crisis. Many called for the action level to be lowered. Jeff Cohen, who was on the EPA team that decided on the 15 ppb action level, has told NPR the number shouldn't be used as a baseline for defining healthy water.
"It was never designed to identify a safe level of lead in drinking water," Cohen said in 2016. Instead, he said, the number was meant to give water agencies guidance about a lead level they could manage with treatment.

"It was based on the little data available at that time, from water utilities in the U.S. that had installed different levels of corrosion control treatment," he said.

Lead problems persist around the nation. Earlier this year, residents in Newark, N.J., were told their water exceeded 15 ppb, prompting the city to hand out bottled water.

**The Washington Post**
**For the first time in decades, EPA is overhauling how communities must test for lead in water**
Brady Dennis 10/10/19, 7:10 PM

# For the first time in decades, EPA is overhauling how communities must test for lead in water

"It's a national embarrassment," one expert says of the current rule, which has been in place since 1991.

Workers load bottled water into vehicles waiting in line at a water distribution site in Flint, Mich., in December. (Brittany Greeson for The Washington Post)
By
**Brady Dennis**
Oct. 10, 2019 at 7:10 p.m. EDT
The Environmental Protection Agency on Thursday issued a long-awaited proposal aimed at improving how communities around the nation test for lead in drinking water and forcing quicker action when problems arise. The overhaul comes nearly three decades after the federal government last updated its lead and copper rule — a regulation that has been criticized as complicated, poorly enforced and not tough enough when it comes to protecting Americans from a toxic metal that scientists say is unsafe at any level.
The EPA's revamped rule, which has been in the works since 2010, is meant to provide what the agency called a "proactive and holistic approach" to more reliably identify elevated lead levels across 68,000 public water systems and to force utilities to tackle problems faster.
*The EPA's lead-in-water rule has been faulted for decades. Flint might hasten a change.*

EPA Administrator Andrew Wheeler called the proposal "a major milestone" in a news conference Thursday afternoon in Wisconsin.
"President Trump is committed to ensuring that all Americans, regardless of their Zip code, have access to clean drinking water," Wheeler said. "Today's action goes a long way toward fulfilling that promise. "
However, while Thursday's sprawling proposal seeks significant changes to the status quo, environmental advocates said the agency's overhaul fails to take the most important step: requiring the steady removal of the estimated 6 million or more lead service lines that remain underground throughout the nation.
"Everything else is small potatoes," said Erik Olson, a senior director for the Natural Resources Defense Council. "From a public health standpoint, that's absolutely critical. There are going to be problems with lead contamination as long as you leave lead pipes in the ground."

*Facing pressure, more schools scramble to confront dangers of lead in water*

The new proposal does appear to address some of the widely acknowledged problems with the current rule. Local utilities will be required for the first time to test for lead in child-care facilities and schools. The EPA also said it will require utilities to create an inventory of lead service lines and to make those findings public. It also will require that all test samples be taken at homes with lead service lines, compared with only half under the current rule. When a water utility finds elevated lead levels, it now will have to notify homeowners within 24 hours.

In an effort to close loopholes that critics say have long allowed communities to avoid reporting troubling test results, the EPA also plans to strengthen existing testing protocols. The agency no longer will allow practices such as removing aerators from faucets before testing, giving residents small-necked bottles and instructions to fill them slowly or "pre-flushing" water from lines before taking samples. Each of those tactics can temporarily lower lead levels and mask potential violations.

The EPA also wants to create a new "trigger level" of 10 parts per billion of lead in the water, a standard more stringent than the existing "action level" of 15 parts per billion. If a utility detects lead exceeding 10 parts per billion in enough taps, it could be forced to reevaluate the chemicals it uses to treat the water and must work with state officials on a plan to replace outdated pipes. (Smaller systems serving fewer than 10,000 people will have more flexibility in how to respond to elevated lead levels.)

AD

*Newark begins giving residents bottled water amid ongoing lead problems*

In addition, water utilities would be required to replace their portion of a lead service line anytime a resident decides to replace the lead pipe leading to his or her home. In communities that exceed the 15 parts per billion federal action level, officials would be required to replace a minimum of 3 percent of lead service lines annually.

That's a more lenient standard than the current minimum requirement of 7 percent — and one unlikely to sit well with some public health advocates.

"That's just staggering to me," said Olson, noting that the amended requirement could more than double the time takes to rid a community of its lead pipes. "It's exactly the opposite of what we should be doing. That's exactly the wrong direction."

Asked about that change Thursday, Wheeler disagreed, saying the current rule has "offramps" that allow a utility to come back into compliance and avoid continual replacements. He argued the new rule will actually lead to steadier removal of lead pipes in troubled communities. "Once you hit that trigger, you can't stop the replacement. It's a permanent 3 percent per year," he said.

Although lead exposures have fallen since Congress banned the use of lead pipes in 1986, the toxic metal remains in plumbing fixtures around the country, as well as in millions of underground pipes. Replacing all those pipes could cost as much as $80 billion, according to one EPA estimate, an expense that could fall largely on homeowners and cash-strapped cities.

The EPA was already years into revamping the much criticized lead and copper rule when the water crisis in Flint first gained national attention in 2015. The episode exposed thousands of young children in the city to alarming levels of lead, which can cause irreversible cognitive damage and other health problems, and it put a public spotlight on officials at every level who had failed to prevent the catastrophe.

"It clearly needs to be strengthened," then-EPA Administrator Gina McCarthy said during a 2016 hearing, even as she insisted that the Flint debacle stemmed from Michigan's failure to enforce the existing law.

Environmental activists have long argued that the federal rules are too easy to evade and too seldom enforced, and that such shortcomings have contributed to water crises in the District, Flint and, more recently, in Newark. Some state and local officials in charge of implementing the rules have called the requirements too complex and unwieldy. The water industry and individual communities have fretted over the associated costs. And residents have felt misled and lied to about the safety of the water in their taps.

"It's a national embarrassment," said Marc Edwards, the Virginia Tech professor who helped to spotlight the lead crisis in Flint, Mich., of the existing rule, which has remained largely untouched since 1991.

The new proposal does not set one enforceable standard for lead, known as a "maximum contaminant level." Nor does it require that estimated 6 million lead service lines that remain underground around the country be replaced in the near term, as environmental activists had wanted.

The new rule, which will be open for comment for 60 days, also does not lower the agency's lead "action level," which remains more lenient than new regulations put in place by Michigan in 2018. There, lawmakers plan to

reduce the threshold to 12 parts per billion and require that all lead service lines in the state be replaced by 2040, unless a utility can demonstrate that it needs longer to implement the rule.
Edwards, who has seen water crisis after water crisis erode residents' trust in government, said none of the EPA's proposed changes will matter unless public officials do what they haven't always done in the past. "Enforcement," he said, "is everything."

**Reuters**
**Trump EPA proposes overhaul of lead in drinking water rule, critics call plan weak**
Timothy Gardener 10/10/19, 5:19 PM

# Trump EPA proposes overhaul of lead in drinking water rule, critics call plan weak

Timothy Gardner
3 MIN READ

WASHINGTON (Reuters) - The Trump administration on Thursday proposed retooling a 1991 rule on lead and cooper contamination in drinking water, but critics said the change slows by 20 years the timeline for removing aging lead service lines that could expose children to a toxin known to harm developing brains.

FILE PHOTO: U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler testifies before a House Energy and Commerce Environment and Climate Change Subcommittee in Washington, U.S., April 9, 2019. REUTERS/Yuri Gripas

Andrew Wheeler, the Environmental Protection Agency chief, said at an event in Wisconsin that the plan would "ensure all Americans have access to clean drinking water."

Under the rule, community water systems would be required among other things to identify the most impacted areas to find and fix sources of lead when a sample in a home exceeds 15 parts per billion.

The EPA said water systems would also have to follow new, improved sampling procedures and adjust sampling sites to better target locations with higher lead levels.

Critics say the rule slows down the removal of service lines where levels exceed 15 parts per billion to 33 years from the 13 years in the original rule.

Health advocates estimate that as many as 6 million or more lead water lines remain underground in U.S. cities and towns.

Lead is a neurotoxin that can damage brains and cause behavior and stomach problems. There is no safe level of lead in drinking water and children are particularly vulnerable, according to the Centers for Disease Control.

The plan is part of the EPA's policy of consulting with state and local officials, or national organizations that represent them, when developing regulations. While the administration is focused on easing regulations on mining and drilling and other industries, the EPA has said it is focused on tackling water pollution, which it calls a core duty of the agency.

Wheeler said the proposal would ensure that more local water systems would act to prevent lead exposure especially in schools and child care facilities. The rule establishes for the first time a 10 parts per billion "trigger level" that would compel water systems to identify those actions.

"There is no safe level of lead in water and we need to remove all lead service lines in our communities to protect families and children," said Representative Dan Kildee, a Democrat and native of Flint, Michigan, which suffered lead contamination crisis beginning in 2015.

"We need urgent action and bold investments to rebuild America's water infrastructure, not weakened policies that fail to protect the health and safety of our citizens," Kildee said.

Rob Hayes, a clean water associate at Environmental Advocates of New York, said the proposal is a step backward.

"Once again, the Trump administration has left public health out to dry."

Sean Reilly 10/10/19

# EPA sends final guidance for White House review

Sean Reilly, E&E News reporter

Published: Thursday, October 10, 2019

EPA's proposed New Source Review guidance is under White House review. Powhusku/Flickr

*This story was updated at 5:17 p.m. EDT.*

EPA has sent the final version of its technical guidance for the New Source Review program to the White House for review, more than a year after quietly releasing an initial draft.

The guidance seeks to narrow the definition of "adjacent" when regulators want to determine whether two or more industrial facilities qualify as a single source that would require a New Source Review pre-construction permit or a Title V operating permit. It would apply to all industries except the oil and gas sector.

EPA posted an initial **draft** online in September of last year; what may be a revised version was sent to the Office of Information and Regulatory Affairs yesterday, according to a government tracking **website**. Following standard practice, the text of that later version has not been made public.

But in previous attempts to decide whether two or more facilities qualified as adjacent, EPA "often looked beyond the physical proximity of the operations and took into consideration the functional relationship, or functional interrelatedness that existed between those facilities," in reaching an opinion, then-air chief Bill Wehrum wrote in the initial draft. After a review, however, the agency has decided its "original intent," focused only on physical proximity, "is the proper approach," Wehrum wrote.

For the oil and gas industry, EPA already addressed the adjacency issue in a 2016 regulation, according to a footnote. The draft guidance does not say why the agency is adopting a different approach for all other industries but specifies that "this revised interpretation is not a regulation subject to notice-and-comment rulemaking requirements."

Only yesterday, however, President Trump signed an executive order that puts modest checks on agencies' use of guidance, preceded by a rhetorical blast at the practice (***E&E News PM***, Oct. 9).

"All too often, guidance documents are a back door for regulators to effectively change the laws and vastly expand their scope and reach," Trump said at a White House ceremony. Because those materials are frequently "hidden and hard to find, many Americans learn of the rules only when federal agents come knocking on the door," he said.

Under the New Source Review program, manufacturers, power companies and other industries have to get permits when they undertake expansions or other major upgrades expected to result in a significant increase in air pollution.

While NSR permitting disputes typically don't involve federal law enforcement, EPA's handling of the draft guidance underscores how the process differs from that used in a formal rulemaking, which entails advance public notice as well as the opportunity for individuals and organizations to provide feedback.

EPA released last year's draft without a press release or a *Federal Register* notice, although a link was added to an agency website dedicated to New Source Review permitting developments. Although the agency sought comments on that draft, those have not been as public as they normally would be in the course of a formal rulemaking. Also lacking is a regulatory impact analysis that seeks to examine the potential impact of the proposed interpretation.

In an email late this afternoon, EPA spokesman Michael Abboud said the new executive order recognizes "the important role guidance plays in clarifying legally binding requirements on the public" and that the agency is following that policy in advancing the revised New Source Review interpretation.

"EPA fully supports the President's efforts to bring more transparency, public participation, and accountability to the development of guidance," Abboud said.

Already under OIRA review is another piece of proposed guidance that would rework EPA's definition of "ambient air" for permitting purposes (***Greenwire***, Sept. 27). Earlier this week, a federal appeals court heard oral arguments on a legal challenge to yet another guidance document intended to streamline one facet of NSR permitting (***E&E News PM***, Oct. 7).

Following Trump's announcement yesterday, Joseph Goffman, an Obama-era EPA official now at Harvard University, wrote on Twitter: "So does this mean that the letters, memos, and guidance through which EPA has weakened the Clean Air Act NSR and Good Neighbor programs are all going to be withdrawn?"

Message

**From**: Lyons, Troy [lyons.troy@epa.gov]
**Sent**: 7/30/2018 10:24:58 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**CC**: Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]
**Subject**: Follow Up Items
**Attachments**: FOIA one pager.docx; Reponsive Docs Stats 7-31-18.docx

Please find attached the requested items: 1) FOIA one pager, and 2) Statistics on Correspondence from EPW Minority. I will have hard copies for your binder tomorrow.

Also, I am finalizing the "master cheat sheet" which I will have for your review tomorrow.

Please let me know if you need additional information

**Troy M. Lyons**
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
202-309-2490 (cell)

# FOIA

## FOIA BACKLOG

- At the beginning of the current Administration (January 2017) the Agency had a FOIA backlog of almost 700 FOIA requests, including requests dating as far back as 2008.
- In October 2017, the Agency began working to clear the backlog and as of June 2018 has cleared over 80% of those prior Administration requests and is providing rolling productions to the remaining requestors.

## AO4 CENTRALIZATION

- Since January 2017, the Office of the Administrator has seen an unprecedented **415% increase** in the number of incoming FOIA requests.
- Chief of Staff requested that OGC's "FOIA Expert Assistance Team" ("FEAT") coordinate a Pilot Project aimed at centralizing the FOIA process in four offices in the AO (now known as the AO4), including AO Immediate Office (OEX), the Office of Public Affairs (OPA), the Office of Policy (OP) and the Office of Congressional and Intergovernmental Relations (OCIR). The expectation was that by centralizing and prioritizing the responsibility for FOIA requests, the office would produce more timely responses with fewer errors than with less resources.
- There are approximately 1,450 open FOIA requests pending with the AO4 offices, and the majority of requestors have received an update on their specific request, including a tracking number, information on where their request currently stands in the queue of pending requests, and an estimated response date.
- The AO4 Team is committed to making interim releases to requestors. The Team has identified every pending request as relating to one or more standardized subject areas and can now instantly identify all pending requests to which a document is responsive a send a production to each of those requestors—this means release to one requestor now means release to all.
- Since implementation, the AO4 Team has closed 124 requests and provided interim responses to 341 requests.

## INCREASED STAFFING

- Increased staffing is a priority –the FEAT has hired three new employees to support this effort and OEX is currently hiring seven additional employees to assist in the AO4.
- The Chief of Staff has requested that the offices in the AO detail at least 12 more individuals to serve on a "tiger team" to begin immediate training to assist the AO4 Team in reviewing records and respond more quickly to the approximately 1,450 open requests.

## AWARENESS REVIEW

- Awareness review is not unique to EPA or to this Administration.
- Provides senior officials an opportunity to review information that is to be released by the Agency.
- There are multiple benefits: OCIR can determine if documents are responsive to a Congressional request for information and, if so, ensure Congress receives the documents at the same time or slightly before a FOIA requestor; OPA can prepare any communications materials deemed necessary based on the documents to be produced; when the documents are from or about a particular employee, keeping that employee informed throughout the process where appropriate, including at the response stage, can significantly increase their confidence in and respect for the FOIA program.

## Office of Congressional & Intergovernmental Relations Statistics

Responses to EPW Minority

- EPA has responded to **54 of the 67** oversight letters sent by the minority member of EPW during this administration.

- Several of the unanswered letters are currently going through the approval process.

Responsive Documents

- EPA has delivered **23,430 pages of responsive documents** to the minority members of EPW.

- The documents have been on the following topics: *CPP, WOTUS, LCR, Ethics, Chlorpyrifos, Calendars, Methane ICR, Portable Generators, BOSC, Security, Italy, Morocco, Travel, PFAS, Rose Bowl Tickets, Sue & Settle, Condo / Williams & Jensen, Once In, Always In, Other*

- EPA has committed to provide additional responsive documents to the minority on a rolling basis.

Total Correspondence

- Since January 2017, EPA responded to **1019 of the 1220** correspondence received from elected officials (includes state and local officials).

Message

**From**: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
**Sent**: 8/20/2018 12:27:26 PM
**To**: Beach, Christopher [beach.christopher@epa.gov]; adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**CC**: Konkus, John [konkus.john@epa.gov]
**Subject**: RE: FINAL CPP Surrogate talkers_CEQedits.docx

To the extent you want some more, below are some additional points from the Trisko Study, which was based off of a survey by NEADA.

Residential electricity prices are rising due to the costs of compliance with U.S. EPA and other regulations. A survey of low-income households for the National Energy Assistance Directors Association (NEADA) highlights adverse health and welfare impacts of high energy costs. Minority and senior households are especially vulnerable to energy price increases. Surveyed households reported the following from the NEADA study:
- 24% went without food for at least one day
- 37% went without medical or dental care.
- 34% did not fill a prescription or took less than the full dose.
- 19% had someone become sick because their home was too cold.

-----Original Message-----
From: Beach, Christopher
Sent: Monday, August 20, 2018 8:02 AM
To: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: FINAL CPP Surrogate talkers_CEQedits.docx

The Trisco data are in there. We boiled it down so it's easier to read. It's this graph (sending from my phone so the formatting may be off):

According to a 2015 analysis that assessed the impact of high energy prices, middle-income Americans spend nearly 20% of their after-tax income on residential and transportation energy. Low-income Americans spend more than 20%.
· CPP would have hurt minorities and senior citizens disproportionally, since most live in low or middle-income households.

Sent from my iPhone

> On Aug 20, 2018, at 7:43 AM, adm15.arwheeler.email <adm15.arwheeler.email@epa.gov> wrote:
>
> Also where is the Gene Trisco data I asked about?
>
> Sent from my iPhone
>
>> On Aug 20, 2018, at 7:09 AM, Konkus, John <konkus.john@epa.gov> wrote:
>>
>> Here's what I have.
>>
>> <FINAL CPP Surrogate talkers_CEQedits.docx>
>>
>>
>> Sent from my iPhone

Message

**From**: Ross, David P [ross.davidp@epa.gov]
**Sent**: 2/15/2019 6:06:36 PM
**To**: Konkus, John [konkus.john@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Kramer, Jessica L. [kramer.jessical@epa.gov]
**CC**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
**Subject**: PFAS Follow-up

Folks, I know we have talked at a high level about FPAS follow-up, but I wanted to list a few of the key next steps for PFAS that we need to focus on:

1. Debrief of PFAS roll-out and development process to establish model that AAW wants for future use. Focus on identifying and maintaining clear lines of responsibilities and task closure, document/version control, etc.
2. Clear and coordinated Hill strategy for next few weeks, next month and longer term, focused on hearing coverage and prep, staff or member briefings, and oversight requests.
3. Clear communications strategy and control at HQ and Regions as storylines continue to develop.
4. Development of external (plan, fact sheets, etc) and internal (TPs, scripts, regional lists, etc) key document repository and master control process.
5. Transitioning leadership of agency wide effort to AO and establishment of core advisory group for program offices.
6. Clear implementation strategy, milestones, and task closure to ensure we implement plan as promised.

I'm sure there are other categories, but I wanted to get this down on paper. Thanks.

Regards,

Dave

David P. Ross
Assistant Administrator, Office of Water
U.S. Environmental Protection Agency
Office: (202) 564-5700
Ross.DavidP@epa.gov

Message

**From**: Jackson, Ryan [jackson.ryan@epa.gov]
**Sent**: 1/31/2019 10:53:41 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Konkus, John [konkus.john@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
**Attachments**: draft NC.DOCX

Since you're out tomorrow, I wanted to provide you this to see what you think. The program offices have seen and contributed to it. I'm calling to see if after the meeting today this is necessary so that's a big element, but I think it still could be.

Additionally, we are being asked to do something energy, deregulatory agenda wise in either New Orleans, San Antonio or Odessa, Pittsburg, or Augusta GA following the SOTU. We are internally talking about that, but I wanted to make you aware as soon as I became aware.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
(202) 564-6999

Message

**From**: Konkus, John [konkus.john@epa.gov]
**Sent**: 4/12/2019 8:20:29 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Walker, Mary [walker.mary@epa.gov]; Ashbee, Blake [ashbee.blake@epa.gov]
**CC**: McFaul, Jessica [mcfaul.jessica@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
**Subject**: AP: Expanded article - Kentucky plan to reduce Mammoth Cave haze approved by EPA

**Expanded article - Kentucky plan to reduce Mammoth Cave haze approved by EPA**

LOUISVILLE, Ky. (AP) — The U.S. Environmental Protection Agency has approved Kentucky's plan to meet federal air pollutant and visibility requirements around Mammoth Cave National Park.

EPA administrator Andrew Wheeler visited Kentucky on Friday to announce the approval of the state's regional haze plan. States develop plans in order to comply with a portion of the Clean Air Act that requires states to work toward reducing air pollution problems at national parks and wilderness areas.

The new approval replaces a federally imposed plan on Kentucky's haze requirements that dates back to 2012.

"EPA is removing burdensome, top-down federal requirements and approving the Commonwealth's own plan for clean air and visibility," Wheeler said.

A major factor in the reduction of haze has been the retirement of coal-fired power plants in recent years and the installation of pollution scrubbers at other coal plants in Kentucky.

Kentucky officials say emissions of sulfur dioxide and nitrogen oxide from Kentucky power plants are down 78% and 40% over the last 10 years.

Since 2015, more than a dozen coal-fired electric units in Kentucky have been retired, replaced by gas-burning units or are scheduled to close.

"Because of the number of closures as well as the shift to gas-fired electricity, you are seeing a reduction in the short and long range transport of pollutants that are involved with haze," said Tom Fitzgerald, who heads the Kentucky Resources Council, an environmental advocacy group.

Mammoth Cave National Park has also seen a reduction in pollution over the last decade. According to figures posted on the National Parks website, Mammoth Cave has had a 65 percent reduction in sulfate deposits in rain, snow and smog between 2006 and 2015.

Wheeler also announced a $1.1 million EPA grant to the Kentucky Department of Environmental Protection to help clean up petroleum contamination from commercial underground storage tanks.

Message

**From:** Ross, David P [ross.davidp@epa.gov]
**Sent:** 1/23/2019 5:11:36 PM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**CC:** Lyons, Troy [lyons.troy@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]
**Subject:** Re: PFAS Congressional Task Force

We'll prepare a draft and loop in the other AA ships for awareness.

Troy, Lee will coordinate with you directly on this. Thanks.

Sent from my iPad

On Jan 23, 2019, at 12:09 PM, adm15.arwheeler.email <adm15.arwheeler.email@epa.gov> wrote:

> Great idea. Let's do this soon.
>
> Sent from my iPhone
>
> On Jan 23, 2019, at 12:05 PM, Ross, David P <ross.davidp@epa.gov> wrote:
>
>> FYI. I recommend that we send a letter to the new task force in the near future and offer to provide a technical briefing to the members on where things stand at EPA. I think we need to be more proactive with the Hill on this issue to ensure that they have access to the best available information.
>>
>> Sent from my iPad
>>
>> Begin forwarded message:
>>
>>> **From:** "Spraul, Greg" <Spraul.Greg@epa.gov>
>>> **Date:** January 23, 2019 at 11:24:02 AM EST
>>> **To:** "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Mclain, Jennifer" <Mclain.Jennifer@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>, "Wildeman, Anna" <wildeman.anna@epa.gov>, "McDonough, Owen" <mcdonough.owen@epa.gov>
>>> **Subject: FYI**
>>>
>>> **PFAS TASK FORCE ASSEMBLES:** Reps. Dan Kildee of Michigan and Brian Fitzpatrick of Pennsylvania will hold a press conference today to announce the creation of a bipartisan congressional task force to address per- and polyfluoroalkyl substances. The task force aims to educate lawmakers and their staff on PFAS, and will craft legislation and fight for appropriations to address the chemicals.

Message

**From**: Konkus, John [konkus.john@epa.gov]
**Sent**: 8/20/2018 12:00:17 PM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**CC**: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]
**Subject**: Re: FINAL CPP Surrogate talkers_CEQedits.docx

I believe it's in there just not explicitly labeled as Trisco data. Chris?

Sent from my iPhone

> On Aug 20, 2018, at 7:43 AM, adm15.arwheeler.email <adm15.arwheeler.email@epa.gov> wrote:
>
> Also where is the Gene Trisco data I asked about?
>
> Sent from my iPhone
>
>> On Aug 20, 2018, at 7:09 AM, Konkus, John <konkus.john@epa.gov> wrote:
>>
>> Here's what I have.
>>
>> <FINAL CPP Surrogate talkers_CEQedits.docx>
>>
>>
>> Sent from my iPhone

Message

**From**: Beach, Christopher [beach.christopher@epa.gov]
**Sent**: 8/20/2018 11:31:45 AM
**To**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**CC**: Konkus, John [konkus.john@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
**Subject**: Re: FINAL CPP Surrogate talkers_CEQedits.docx

We will make those changes. And sorry for not getting it to you sooner. CEQ/WH sent us edits to this document last night. I sent the updated version to Michael Molina last night. I should have sent it to you as well.

Sent from my iPhone

> On Aug 20, 2018, at 7:21 AM, adm15.arwheeler.email <adm15.arwheeler.email@epa.gov> wrote:
>
> I don't want us talking about co-benefits. Also the new source review misses the point that nsr discouraged cleaner investments.
>
> Sent from my iPhone
>
>> On Aug 20, 2018, at 7:09 AM, Konkus, John <konkus.john@epa.gov> wrote:
>>
>> Here's what I have.
>>
>> <FINAL CPP Surrogate talkers_CEQedits.docx>
>>
>>
>> Sent from my iPhone

Message

**From**: Grantham, Nancy [Grantham.Nancy@epa.gov]
**Sent**: 7/31/2018 2:41:49 PM
**To**: Alexander Weiss [aweiss@politico.com]
**CC**: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject**: RE: change in information for an EPA subscriber

Thanks

**Nancy Grantham**
**Office of Public Affairs**
**US Environmental Protection Agency**
**202-564-6879 (desk)**
**202-253-7056 (mobile)**

---

**From:** Alexander Weiss [mailto:aweiss@politico.com]
**Sent:** Tuesday, July 31, 2018 10:41 AM
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>
**Cc:** adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
**Subject:** RE: change in information for an EPA subscriber

Hi Nancy,

Thank you for your note. I've made the necessary change and Administrator Wheeler may find his login information copied below:

- Login: Ex. 6 - Personal Privacy
- Password: Ex. 6 - Personal Privacy

Please let me know if you have any questions.

Best regards,
Alex

**Alex Weiss** | Account Management Associate | **POLITICO**PRO
1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209
Office: 703.672.2777 | Mobile: 734.680.7713
Email: aweiss@politico.com | Website: www.POLITICOPro.com

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**From:** Grantham, Nancy <Grantham.Nancy@epa.gov>
**Sent:** Monday, July 30, 2018 6:25 PM
**To:** Alexander Weiss <aweiss@politico.com>; Ashley Ryan <aryan@politico.com>
**Cc:** adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
**Subject:** RE: change in information for an EPA subscriber

Hi Alex,

I erroneously put the incorrect email address in the email below.

The correct email address for Acting Administrator Wheeler is:

Adm15.ARWheeler.email@epa.gov

I apologize for the confusion; if you could make this correction so the Acting Administrator will continue to get Politico Pro.

Thanks ng

**Nancy Grantham**
**Office of Public Affairs**
**US Environmental Protection Agency**
**202-564-6879 (desk)**
**202-253-7056 (mobile)**

---

**From:** Alexander Weiss [mailto:aweiss@politico.com]
**Sent:** Monday, July 30, 2018 9:39 AM
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Ashley Ryan <aryan@politico.com>
**Cc:** adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
**Subject:** RE: change in information for an EPA subscriber

Good morning Nancy,

I have changed Administrator Wheeler's login email as requested. He will be able to log in to his account using that address and his regular password and will receive his normal POLITICO Pro content pushed to that email.

Please let me know if he has any trouble accessing the account or notices any other issues and I will be happy to assist.

All the best,
Alex

**Alex Weiss** | Account Management Associate | **POLITICO**PRO
1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209
Office: 703.672.2777 | Mobile: 734.680.7713
Email: aweiss@politico.com | Website: www.POLITICOPro.com

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**From:** Grantham, Nancy <Grantham.Nancy@epa.gov>
**Sent:** Friday, July 27, 2018 6:33 PM
**To:** Ashley Ryan <aryan@politico.com>; Roger Jeannotte <rjeannotte@politico.com>; Alexander Weiss <aweiss@politico.com>
**Cc:** adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
**Subject:** change in information for an EPA subscriber

Hi Ashley, Roger and Alex,

Andrew Wheeler has recently been appointed as EPA Acting Administrator. We need to change his login information for his Politico Pro account.

His new email address (he is copied here) is adm.15.arwheeler.email@epa.gov

Please send him any new login information he may need. We also assume that Politico Pro updates will be sent to this new email address.

Please let me know if you have questions.

Thanks much.

ng

**Nancy Grantham**
**Office of Public Affairs**
**US Environmental Protection Agency**
**202-564-6879 (desk)**
**202-253-7056 (mobile)**

Message

**From:** Molina, Michael [molina.michael@epa.gov]
**Sent:** 10/1/2018 8:35:53 PM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject:** FW: The RESTORE Council Approves Florida's State Expenditure Plan providing $291M for 69 Projects

**From:** EPA Press Office [mailto:noreply-subscriptions@epa.gov]
**Sent:** Monday, October 1, 2018 4:16 PM
**To:** Molina, Michael <molina.michael@epa.gov>
**Subject:** The RESTORE Council Approves Florida's State Expenditure Plan providing $291M for 69 Projects

U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

# The RESTORE Council Approves Florida's State Expenditure Plan providing $291M for 69 Projects across 23 Coastal Counties

**WASHINGTON** (October 1, 2018) — Last week, U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler sent a letter to Mr. Noah Valenstein, Secretary of the Florida Department of Environmental Protection (DEP) and Designated Alternate for the Governor of Florida to the Gulf Coast Ecosystem Restoration Council (RESTORE Council), approving the State of Florida's State Expenditure Plan (SEP) developed by the Gulf Consortium (designated entity for Florida under the Spill Impact Component funding).

**"I applaud Florida and the Gulf Consortium on the development of this comprehensive and effective State Expenditure Plan that will provide $291 million for 69 projects spread across 23 coastal counties to restore water quality, protect wildlife, and revitalize the Gulf economy,"** said EPA Acting Administrator and RESTORE Council Chair Andrew Wheeler. **"Our collective efforts under the RESTORE Act will help protect and ensure the long-term health and resilience of the Gulf Coast ecosystem."**

**"Today, I am proud to announce the approval of Florida's robust plan to invest more than $290 million in critical projects along Florida's Gulf Coast,"** said Florida Governor Rick Scott. **"The communities impacted by the Deepwater Horizon Oil Spill have come so far since that tragic disaster and we will never stop fighting to protect our environment and make sure families and businesses along the Gulf Coast continue to grow. The approval of this funding is great news and I look forward to continuing our good work with all of our partners to take care of Florida's Gulf Coast."**

**"We are very excited about the approval of the Florida State Expenditure Plan. This is a culmination of 5 years of work and cooperation with and between federal, state and local governments. This ambitious plan implements environmental restoration projects across 23 counties from the Perdido River in my county of Escambia to Key West in Monroe County,"** said Gulf Consortium Chairman Grover Robinson. **"I am incredibly proud of the work that has been done and the goals that will be accomplished to make Florida better. Thank you to everyone who participated in this endeavor and all Floridians will benefit from this effort."**

**"I would like to thank the Gulf Consortium for developing a plan that includes a diverse suite of projects and programs that focus on environmental restoration and protection of water quality and coastal resources and promotion of tourism along our Gulf Coast,"** said DEP Secretary Noah Valenstein. **"Florida's counties clearly recognize that healthy ecosystems, fisheries, marine and wildlife habitats, beaches, and wetlands are inextricably linked to our state's economy.**

The Florida SEP was submitted under the Spill Impact Component of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). With this approval, funding for activities in the SEP will be disbursed via federal grants between the Council and the Gulf Consortium. The approved SEP is posted on the RESTORE Council website.

**Background**

The RESTORE Act established the RESTORE Council and the Gulf Coast Restoration Trust Fund (Trust Fund). It dedicates 80 percent of Clean Water Act civil and administrative penalties resulting from the Deepwater Horizon oil spill to the Trust Fund, for restoration projects in the Gulf Coast region.

The RESTORE Council is responsible for administering 60 percent of the total funding allocated from the Trust Fund: 30 percent (plus interest) under the Council-Selected Restoration Component and 30 percent under the Spill Impact Component. The RESTORE Council is chaired by EPA, and members include the governors of: Alabama, Florida, Louisiana, Mississippi, and Texas, as well as the secretaries of the U.S. Departments of Agriculture, Commerce, Homeland Security, the Army and the Interior.

The RESTORE Council is responsible for helping restore the ecosystems and economies of the Gulf Coast region by developing and overseeing implementation of a Comprehensive Plan and carrying out other responsibilities. The Gulf Coast ecosystem is one of the most diverse environments in the world and home to a wealth of wildlife, valuable natural resources, abundant seafood, extraordinary beaches and recreational activities, and a rich cultural heritage.

Learn more about the RESTORE Council at www.restorethegulf.gov.

Contact Us to ask a question, provide feedback, or report a problem.

Visit the EPA's Newsroom

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

Message

**From:** Bolen, Brittany [bolen.brittany@epa.gov]
**Sent:** 9/5/2019 12:27:13 PM
**To:** adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
**Subject:** Re: National Water Reuse Action Plan

Right. It went through the normal channels for documents like this.

Sent from my iPhone

On Sep 5, 2019, at 8:23 AM, adm15.arwheeler.email <adm15.arwheeler.email@epa.gov> wrote:

> Ok, so there are no process fouls then? The water office and OIRA have such a tense relationship I don't want to jeopardize Lead and Cooper or wotus.
>
> **From:** Bolen, Brittany <bolen.brittany@epa.gov>
> **Sent:** Thursday, September 5, 2019 8:20 AM
> **To:** adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
> **Subject:** Re: National Water Reuse Action Plan
>
> I just confirmed it did go through OMB but through the Mgmt side of house not OIRA. It's called the LRM process. That's what reports to Congress Go through and the lead strategy went through that process. PFAS originally went through that process but then OIRA pulled it in for their review because of the amount of novel regulatory actions included.
>
> Sent from my iPhone
>
> On Sep 5, 2019, at 8:05 AM, adm15.arwheeler.email <adm15.arwheeler.email@epa.gov> wrote:
>
>> How can we call this a National Action Plan but we couldn't do that for the PFAS plan?
>>
>> **From:** Bolen, Brittany <bolen.brittany@epa.gov>
>> **Sent:** Thursday, September 5, 2019 8:02 AM
>> **To:** adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
>> **Subject:** Re: National Water Reuse Action Plan
>>
>> There was no formal review. I will check on whether there was informal review.
>>
>> Sent from my iPhone
>>
>> On Sep 5, 2019, at 8:01 AM, adm15.arwheeler.email <adm15.arwheeler.email@epa.gov> wrote:
>>
>>> What type of OMB review did the action plan receive? Thanks.

Message

**From**: adm15.arwheeler.email [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F061A85B2E14828934C1A85CC4D5122-ADM15.ARWHE]
**Sent**: 12/10/2018 4:32:51 PM
**To**: Humphreys, Hayly [humphreys.hayly@epa.gov]
**Subject**: Fwd: Deliberative and FOIA Exempt
**Attachments**: DELIBERATIVE - PRIVILEGED AND CONFIDENTIAL Civil Penalties Memo.docx; ATT00001.htm

Can you make copies of this for my 12:30. Thanks.

Sent from my iPhone

Begin forwarded message:

> **From:** "Brooke, Francis J. EOP/WHO" Ex. 6
> **Date:** December 7, 2018 at 5:36:26 PM EST
> **To:** "Andrew Wheeler (adm15.arwheeler.email@epa.gov)" <adm15.arwheeler.email@epa.gov>
> **Subject: Deliberative and FOIA Exempt**

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Message

**From:** adm15.arwheeler.email [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F061A85B2E14828934C1A85CC4D5122-ADM15.ARWHE]
**Sent:** 12/7/2018 5:59:00 PM
**To:** Molina, Michael [molina.michael@epa.gov]
**Subject:** Re: FINAL: EPA Celebrates One Year Of New Source Review Modernization - Preview

I agree

Sent from my iPhone

On Dec 7, 2018, at 12:40 PM, Molina, Michael <molina.michael@epa.gov> wrote:

> I'm not a fan of you saying "latest and greatest". I think it sounds amateur.
>
> Thoughts? MM
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Beach, Christopher" <beach.christopher@epa.gov>
> > **Date:** December 7, 2018 at 12:29:15 PM EST
> > **To:** "Molina, Michael" <molina.michael@epa.gov>
> > **Subject: FW: FINAL: EPA Celebrates One Year Of New Source Review Modernization - Preview**
> >
> > Could you have AW review this when you get a chance? This is going out later today. Mandy helped with AW's quote. Thanks!
> >
> > **From:** Block, Molly
> > **Sent:** Friday, December 7, 2018 12:15 PM
> > **To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Harlow, David <harlow.david@epa.gov>
> > **Cc:** Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Konkus, John <konkus.john@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
> > **Subject:** FINAL: EPA Celebrates One Year Of New Source Review Modernization - Preview
> >
> > Just waiting on one last quote. Can we get this approved by Bill and Wheeler?

# EPA Celebrates One Year Of New Source Review Modernization

*EPA Highlights Actions Taken Within The Last Year To Update The NSR Process*

**WASHINGTON** (December 7, 2018) — Today, the U.S. Environmental Protection Agency (EPA) is highlighting the actions taken within the last year to update and modernize the New Source Review (NSR) process. In the past year EPA has taken a number of steps to provide more regulatory certainty for stakeholders while still achieving positive environmental outcomes.

"Previously, NSR regularly discouraged companies from investing in and deploying the cleanest and most efficient technologies. Through our NSR reforms, we are providing clarity to permitting requirements, improving the overall process, and incentivizing

investments in the latest and greatest energy technologies," **said EPA Acting Administrator Andrew Wheeler.** "NSR reform is a key part of President Trump's agenda to revitalize American manufacturing and grow our economy while continuing to protect and improve the environment."

"NSR is an extremely important program and key to achieving our clean air goals. Over the past few decades, the program has proven to be unnecessarily complicated and confusing, which has become an inadvertent barrier to investments in the most modern and efficient projects. We've made significant progress this past year fixing these problems and will continue to do so," **said EPA Assistant Administrator for Air and Radiation Bill Wehrum.**

"It has long been recognized that the NSR permitting program often imposes unnecessary costs, uncertainties, and delays on stakeholders that discourage investment and modernization of industrial facilities. EPA's ongoing efforts to reform the program are addressing these shortcomings, thereby enhancing America's manufacturing competitiveness and building upon historic improvements in the nation's air quality," **said Dan Byers, Senior Vice President—Policy, Global Energy Institute, U.S. Chamber of Commerce.**

"At the start of the Trump Administration, manufacturers asked the EPA to take a hard look at the NSR program, which can operate as a barrier to efficiency upgrades or environmentally beneficial projects. EPA responded to the challenge with a robust series of improvements to NSR. We are encouraged by EPA's progress in this area and look forward to another strong year in 2019," **said National Association of Manufacturers Vice President of Energy and Resources Policy Ross Eisenberg.**

"quote," **said Air Permitting Forum.**

"NSR modernization is a win for industry, the environment and the U.S. economy. It allows our companies to properly maintain and upgrade their facilities, without sacrificing the environment.=," **said American Fuel & Petrochemical Manufacturers (AFPM) Vice President for Regulator Affairs David Friedman.**

"Paper and wood products manufacturers welcome EPA's recognition that times and technology have changed by taking overdue actions to clarify permitting obligations, lift some unnecessary red tape and further efforts to adopt realistic assumptions and the best science. Reforming the cumbersome environmental permit system is essential to reviving the competitiveness of U.S. manufacturing. The multiple changes EPA made this year are a big step in the right direction to streamline the air permitting systems," **said American Forest & Paper Association President & CEO Donna Harman and American Wood Council President & CEO Robert Glowinski.**

"NEDA/CAP supports EPA's NSR actions protecting air quality while promoting economic growth," **said NEDA/CAP.**

Below are several actions the agency has undertaken over the past 12 months to improve the NSR process and related permitting programs:

- <!--[if !supportLists]--><!--[endif]-->In December 2017, EPA issued a policy memorandum clarifying that, under the existing regulatory language, so long as a company complies with the procedural requirements for making a preconstruction "projected actual emissions" analysis, then EPA will not "second guess" that analysis.
- <!--[if !supportLists]--><!--[endif]-->In January 2018, Assistant Administrator Wehrum issued a guidance memorandum withdrawing the 1995 "once-in-always-in" policy for classifying major sources of hazardous air pollutants (HAPs) under section 112 of the Clean Air Act, under which even sources that had curtailed HAP emissions entirely nevertheless remained subject for all time to the regulatory requirements (including recordkeeping and reporting for HAP emissions they no longer have) major sources of HAPs must meet. This memo is another step by which EPA is reducing unnecessary regulatory burdens that potentially discouraged sources from reducing or eliminating their HAP emissions and deterred other innovative efforts to improve the environment.
- <!--[if !supportLists]--><!--[endif]-->In March 2018, EPA issued a guidance memorandum titled, "Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program," providing EPA's interpretation of existing NSR regulations with respect to the accounting of emissions reductions from a project under Step 1 of the NSR applicability process. By clarifying the meaning of current regulatory requirements, the memo streamlines permitting without sacrificing environmental protections, and reduces burdens to develop and expand facilities while encouraging companies to reduce pollution.
- <!--[if !supportLists]--><!--[endif]-->In April 2018, EPA issued a guidance memorandum and supporting documents that recommended significant impact levels for ozone and fine particle pollution that may be used in the prevention of significant deterioration (PSD) permitting program. Permitting authorities may use the recommended values in the guidance to help determine whether a proposed PSD source or modification causes or contributes to a violation of the corresponding NAAQS or PSD increments.
- <!--[if !supportLists]--><!--[endif]-->In August 2018, EPA issued the proposed Affordable Clean Energy rule which proposed revisions to the NSR program to establish a new applicability test for electricity generating units (EGU).
- <!--[if !supportLists]--><!--[endif]-->In November 2018, EPA finalized the 2010 project aggregation reconsideration action which lifted the stay on the application of EPA's 2009 interpretation on project aggregation.
- <!--[if !supportLists]--><!--[endif]-->In September and November 2018, EPA issued for comment from stakeholders and other interested parties drafts of guidance memoranda addressing other issues of importance under the NSR program, including the matter of determining when two sources are sufficiently "adjacent" to one another that they should be considered a single source for purposes of permitting;

and what sort of measures taken to bar the general public's access to land can permitting authorities take account of in determining what is, and isn't, "ambient air." EPA intends to finalize this guidance in the New Year after considering the input received from stakeholders and other interested parties.

That is just the beginning. Informed by the feedback EPA received through the comments filed in response to Executive Order 13777, "Enforcing the Regulatory Reform Agenda" (February 2017), and drawing on its own understanding of where improvements to the NSR program are needed, the EPA intends to undertake a number of additional actions that will further modernize and streamline the NSR process, without impeding the Agency's ongoing efforts to maintain and enhance the Nation's air quality. Work on those new actions is already underway and will continue throughout 2019.

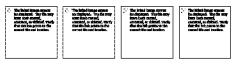
**Background**

Congress established New Source Review as a preconstruction permitting program in the 1977 Clean Air Act Amendments. The program serves to ensure the maintenance of air quality standards around the country and that innovative technology is installed at new plants or existing plants undergoing major modifications.

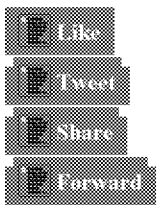
Under the NSR program, before constructing a new stationary emission source or major modification of an existing source, the source operator must determine whether the project will increase emissions above a certain threshold. If so, the operator may need to get a permit from a state government or EPA that may require installation of control technology or other measures.

Learn more at: https://www.epa.gov/nsr/nsr-regulatory-actions.

<!--[if !vml]--><image002.png><!--[endif]-->



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004




Unsubscribe

Message

**From:** adm15.arwheeler.email [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F061A85B2E14828934C1A85CC4D5122-ADM15.ARWHE]
**Sent:** 9/9/2018 3:07:52 AM
**To:** Konkus, John [konkus.john@epa.gov]
**CC:** Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]
**Subject:** Re: With a shrinking EPA, Trump delivers on his promise to cut government - The Washington Post

It's fine, thank you.

Sent from my iPhone

On Sep 8, 2018, at 9:07 PM, Konkus, John <konkus.john@epa.gov> wrote:

They're saying they changed the end of the quote for clarity b/c readers wouldn't understand what "FTE count" meant. I still complained to them but here's what they have now...really isn't much different than what we gave them...

In a statement Friday, Acting Administrator Andrew Wheeler said he was focused on right-sizing the EPA, which Republicans have argued overreached under President Barack Obama, burdening industry with regulations such as those focused on climate change.

"With nearly half of our employees eligible to retire in the next five years, my priority is recruiting and maintaining the right staff, the right people for our mission, rather than total full-time employees," he said.

Sent from my iPhone

On Sep 8, 2018, at 10:42 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Front page no less.

Masterful.

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

On Sep 8, 2018, at 7:23 PM, Konkus, John <konkus.john@epa.gov> wrote:

They left off the word "count" which I have asked them to correct. Good catch! The quote doesn't make sense w/o the word count.

Here is the full quote: "With nearly half of our employees eligible to retire in the next 5 years, my priority is recruiting and maintaining the right staff, the right people for our mission, rather than total FTE count."

They took the prerogative to spell out Full Time Employee.

Sent from my iPhone

On Sep 8, 2018, at 9:16 PM, adm15.arwheeler.email <adm15.arwheeler.email@epa.gov> wrote:

My quote isn't accurate is it?

Sent from my iPhone

On Sep 8, 2018, at 6:16 PM, Konkus, John <konkus.john@epa.gov> wrote:

For awareness...

Begin forwarded message:

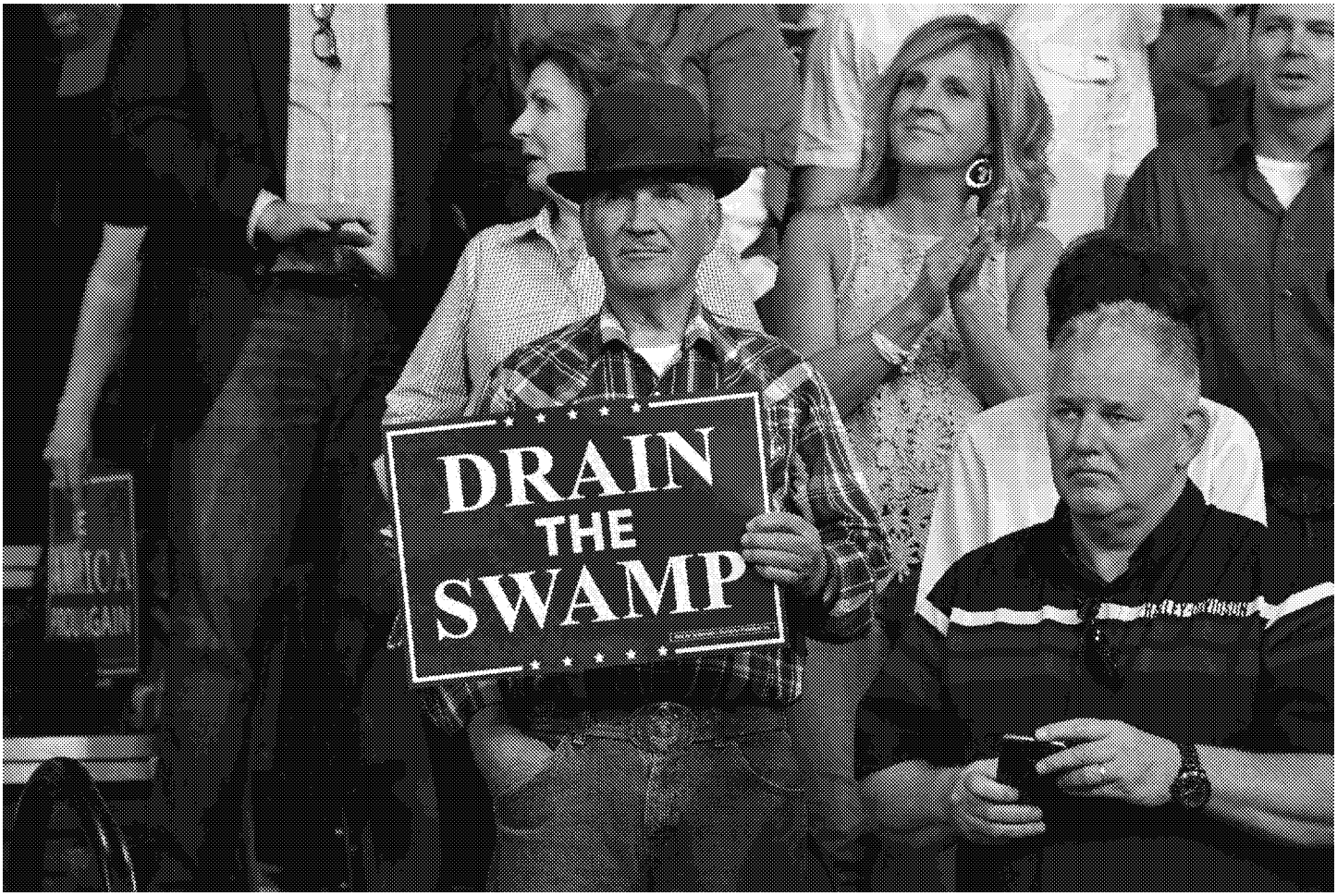
**From:** "Eilperin, Juliet" <Juliet.Eilperin@washpost.com>
**Date:** September 8, 2018 at 7:22:08 PM EDT
**To:** John Konkus <konkus.john@epa.gov>, Michael Abboud <abboud.michael@epa.gov>, "Dennis, Brady" <Brady.Dennis@washpost.com>
**Subject: With a shrinking EPA, Trump delivers on his promise to cut government - The Washington Post**

Dear John and Michael,
Here's the story, which is running on A1 tomorrow. Thanks for your help with it.
Best,
Juliet (and Brady)

https://www.washingtonpost.com/national/health-science/with-a-shrinking-epa-trump-delivers-on-his-promise-to-cut-government/2018/09/08/6b058f9e-b143-11e8-a20b-5f4f84429666_story.html?utm_term=.70d1809c0a74

# With a shrinking EPA, Trump delivers on his promise to cut government

Juliet Eilperin




A supporter of President Trump holds a sign reading “Drain the swamp” at a rally in Billings, Mont., on Thursday. (Nicholas Kamm/AFP/Getty Images)

**September 8 at 6:45 PM**

On the campaign trail, Donald Trump vowed to dismantle the Environmental Protection Agency “in almost every form. We’re going to have little tidbits left, but we’re going to take a tremendous amount out.”

As president, he is making headway on that promise.

During the first 18 months of the Trump administration, records show, nearly 1,600 workers left the EPA, while fewer than 400 were hired. The exodus has shrunk the agency’s workforce by 8 percent, to levels not seen since the Reagan administration. The trend has continued even after a major round of buyouts last year and despite the fact that the EPA’s budget has remained stable.

Those who have resigned or retired include some of the agency’s most experienced veterans, as well as young environmental experts who traditionally would have replaced them — stirring fears about brain drain at the EPA. The sheer number of departures also has prompted concerns over what sort of work is falling by the wayside, from enforcement investigations to environmental research.

According to data released under the Freedom of Information Act and analyzed by The Washington Post, at least 260 scientists, 185 “environmental protection specialists” and 106 engineers are gone.

Several veteran EPA employees, who have worked for both Republican and Democratic administrations, said the agency’s profound policy shifts under Trump hastened their departure.

“I felt it was time to leave given the irresponsible, ongoing diminishment of agency resources, which has recklessly endangered our ability to execute our responsibilities as public servants,” said Ann Williamson, a scientist and longtime supervisor in the EPA’s Region 10 Seattle office.

She left in March after 33 years at the agency, exasperated by having to plan how her office would implement President Trump’s proposed cuts and weary of what she viewed as the administration’s refusal to make policy decisions based on evidence. “I did not want to any longer be any part of this administration’s nonsense,” she said.

Ann Williamson left in March after 33 years at the agency, exasperated by having to plan how her office would implement President Trump’s proposed cuts and weary of what she viewed as the administration’s refusal to make policy decisions based on evidence. (Andrew Burton/for The Washington Post)

In a statement Friday, Acting Administrator Andrew Wheeler said he was focused on right-sizing the EPA, which Republicans have argued overreached under President Barack Obama, burdening industry with regulations such as those focused on climate change.

"With nearly half of our employees eligible to retire in the next five years, my priority is recruiting and maintaining the right staff, the right people for our mission, rather than total full-time employees," he said.

Congress has so far maintained the EPA's budget at just more than $8 billion, and while current proposals could shrink that amount, any cuts are likely to be modest.

"The Trump administration comes in and goes way, way beyond what the budget requires," said Rep. David E. Price (D-N.C.), a senior member of the House Appropriations Committee and whose district is home to a major EPA research center. Price said multiple constituents have told him that working at the EPA has become "intolerable" after seeing their findings sidelined.

"It is profoundly demoralizing, and I think, profoundly damaging in terms of the agency's mission," he said.

The EPA is not alone in shedding personnel under Trump, despite the fact that Congress passed a $1.3 trillion budget bill in March that boosted both military and domestic spending.

The State Department's total number of permanent employees, for instance, fell 6.4 percent between Trump's inauguration and March 2018, according to federal records, while the Education Department declined 9.4 percent during that time.

Part of the drop stems from a government-wide hiring freeze Trump imposed after his inauguration, which lasted nearly three months. The president has continued to press for a leaner federal payroll, asking Congress recently to withhold pay raises for federal workers in 2019.

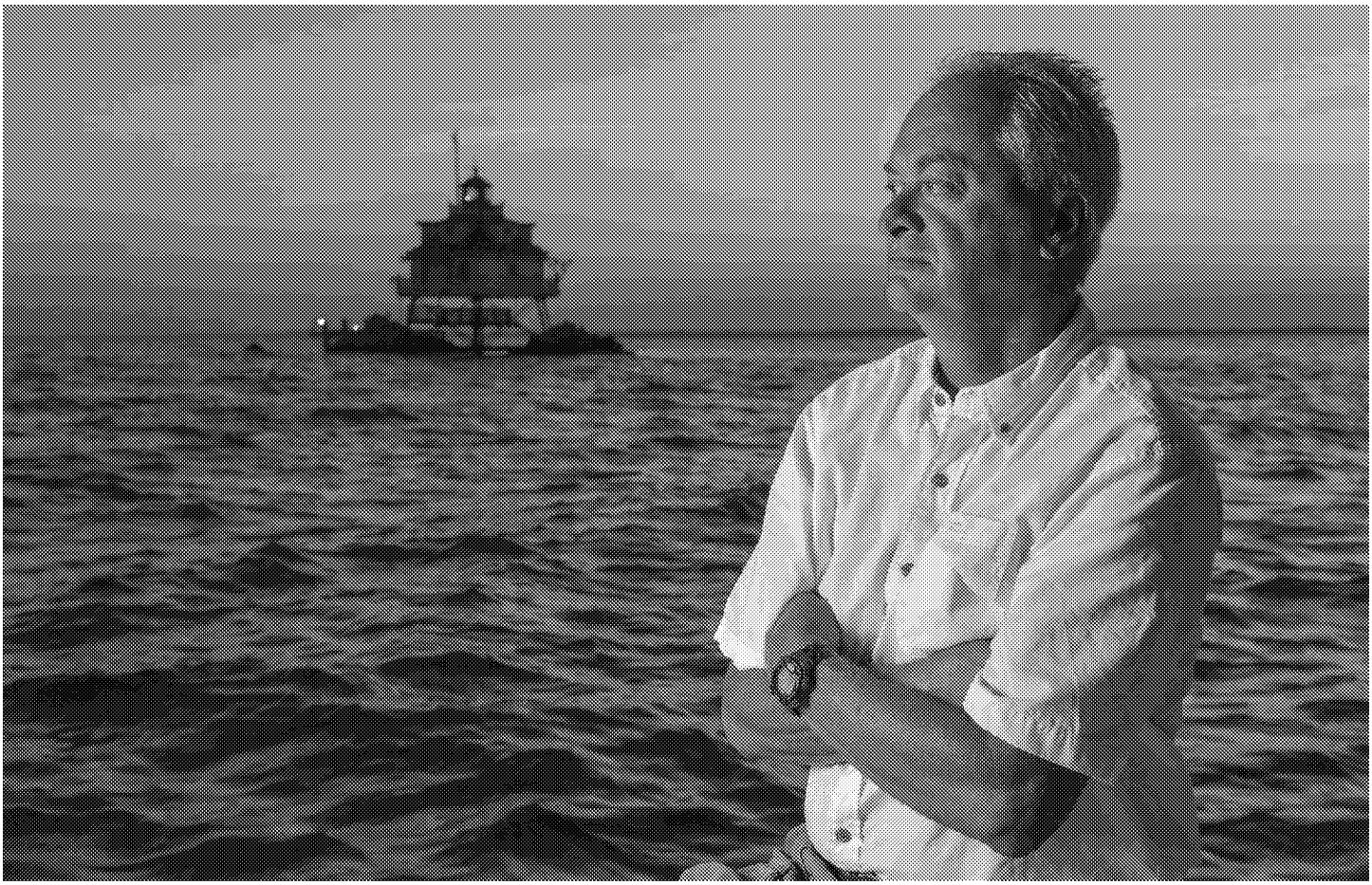
In a few instances, Trump's deputies are trying to fill the widespread vacancies in their department's ranks. Secretary of State Mike Pompeo recently began trying to staff the many senior positions that remained empty under his predecessor, Rex Tillerson. Meanwhile, Veterans Affairs is eager to hire doctors, nurses and other medical professionals to fill thousands of vacancies.

But at the EPA, it is largely a case of career staff members headed for the exits. Hundreds of employees accepted buyouts last summer, and records show that nearly a quarter of the agency's remaining 13,758 employees are now eligible to retire. At its peak in the late 1990s, the EPA employed more than 18,000 people.

Christopher Zarba, who retired in February after serving as director of the EPA's Scientific Advisory Board, disagreed with former administrator Scott Pruitt's decision last year to overhaul the board's membership. Zarba, a 38-year EPA veteran, said that for many staff

members, a belief in the agency's mission had compensated for less-than-ideal working conditions.

"That is the crazy glue that holds the place together, the idea, 'This is important. We're making a difference,' " he said. "And when that crazy glue begins to fall apart, things change."



Christopher Zarba retired in February after serving as executive director of the EPA's Scientific Advisory Board. He disagreed with former administrator Scott Pruitt's decision last year to overhaul the board's membership. (Doug Kapustin/For The Washington Post)

That sentiment played a role in Betsy Smith's decision to retire in June after 20 years with the EPA's Office of Research and Development — a department singled out for massive cuts in Trump's first budget proposal. She said officials largely shelved a project she was leading that aimed to help port communities deal with climate change and other environmental challenges.

"It's really awful to feel like you don't have any role to play, that there's not any interest in the work you're doing," said Smith, 62. "My feeling was I could do better work to protect the environment outside the EPA."

Troy Hottle, 32, arrived at the EPA in early 2016 as a research fellow after getting his doctorate in sustainable engineering at Arizona State University. He expected to forge a career there, as others like him had historically done.

"I really felt good about what I was doing and who I was working with," Hottle said.

But a year and a half into his time at the EPA, the future hiring prospects within the Office of Research and Development seemed uncertain at best. The career path he had "spent half a lifetime" pursuing, he said, no longer looked so appealing.

Last September, when he got a job offer from a national environmental consulting firm, he decided to make the leap.

After his arrival, Pruitt quickly gained a reputation for excluding career officials from key decisions and showing little regard for the agency's own research. He also took the president's desire to scale back the EPA to heart, repeatedly boasting about how a buyout and early retirement push last year reduced the agency workforce.

Other conservatives also have cheered the whittling down of EPA's size and reach as appropriate and overdue.

"It doesn't take a bigger bureaucracy to clean our environment," Rep. Ken Calvert (R-Calif.), who chairs the House subcommittee overseeing the EPA's budget, said in a statement. "A lean and efficient workforce at the EPA is a win for taxpayers and the environment by allowing more funding to go towards efforts to clean our water and air." The agency also underwent buyouts during the Obama administration, but EPA still had about 15,000 employees when he left office.

EPA officials last year launched a reorganization aimed at streamlining the agency, and Wheeler has struck a more measured tone as he has pursued it. A former EPA staff member himself, he praised career employees in a speech after his appointment, saying his "instincts" would be to defend their work and sympathizing about the stress that comes with the changes the agency is undergoing.

On Thursday, he sent an agencywide email announcing that regional offices would be redesigned to mirror the structure at headquarters.

As the departures continue, some EPA workers have voiced worries that the administration's refusal to fill vacancies with younger employees has effectively blocked the pipeline of new talent.

Dan Costa, 70, joined the EPA 34 years ago as a staff scientist, rising through the ranks to direct its national air, climate and energy research program in 2011. He stepped down from that post in January, and he said he spent part of the last year counseling younger researchers who saw no possibility of replicating his career path.

"I had young people come into my office, close the door and say, 'What should I do? Should I be looking for a job somewhere else?' " he said. He said he advised one young man to "test the waters" given the current regime. "These people are like termites, gnawing at the foundation."

Multiple current and former employees also say that the exodus at the EPA has left important work falling through the cracks. In Chicago, for instance, a civil investigator responsible for probing who is responsible for Superfund sites left earlier this year and has yet to be replaced, said Mike Mikulka, president of the local union that represents EPA employees.

Scott Pruitt, the former administrator of the Environmental Protection Agency, testifying before a House subcommittee in April. (Ricky Carioti/The Washington Post)

"You can talk all you want, but your actions speak far louder," he said, noting that Pruitt had held up Superfund as a top priority during his tenure. "What's happening is that the lowest priority work just doesn't get done. And some of that work is really critical."

One of the EPA divisions hardest hit by staff cuts is the Office of Enforcement and Compliance Assurance, whose numbers dipped 15.7 percent between January 2017 and August 2018. Several experts said that any cuts to that division have a major impact because the vast majority of its budget comes from personnel costs rather than grants or other expenditures.

Granta Nakayama, who headed the office from 2005 to 2009, said that it couldn't sustain that deep a staffing cut without curtailing some of its operations.

“If you don’t have people to enforce the regulations, you’re not going to get enforcement, and you’re not going to get compliance,” said Nakayama, now a partner at the law firm King & Spalding. “If you don’t have boots on the ground, it doesn’t happen.”

**Read more**

EPA proposes rule to relax carbon dioxide emissions on power plants

EPA lacked justification for Pruitt’s 24-7 security detail, IG finds

Pruitt told Trump in the Oval Office how he had cut EPA ‘down to Reagan-era’ levels

Message

**From**: adm15.arwheeler.email [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F061A85B2E14828934C1A85CC4D5122-ADM15.ARWHE]
**Sent**: 7/30/2018 8:47:56 PM
**To**: Alexander Weiss [aweiss@politico.com]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Ashley Ryan [aryan@politico.com]
**Subject**: RE: change in information for an EPA subscriber

**Importance**: High

Alex,

Sorry but the email below that Nancy sent you is incorrect. My correct email is:

Adm15.arwheeler.email@epa.gov

There is no period between Adm and 15. Thanks.

---

**From:** Alexander Weiss [mailto:aweiss@politico.com]
**Sent:** Monday, July 30, 2018 9:39 AM
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Ashley Ryan <aryan@politico.com>
**Cc:** adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
**Subject:** RE: change in information for an EPA subscriber

Good morning Nancy,

I have changed Administrator Wheeler's login email as requested. He will be able to log in to his account using that address and his regular password and will receive his normal POLITICO Pro content pushed to that email.

Please let me know if he has any trouble accessing the account or notices any other issues and I will be happy to assist.

All the best,
Alex

**Alex Weiss** | Account Management Associate | **POLITICO**PRO
1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209
Office: 703.672.2777 | Mobile: 734.680.7713
Email: aweiss@politico.com | Website: www.POLITICOPro.com

---

**From:** Grantham, Nancy <Grantham.Nancy@epa.gov>
**Sent:** Friday, July 27, 2018 6:33 PM
**To:** Ashley Ryan <aryan@politico.com>; Roger Jeannotte <rjeannotte@politico.com>; Alexander Weiss <aweiss@politico.com>
**Cc:** adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
**Subject:** change in information for an EPA subscriber

Hi Ashley, Roger and Alex,

Andrew Wheeler has recently been appointed as EPA Acting Administrator. We need to change his login information for his Politico Pro account.

His new email address (he is copied here) is adm.15.arwheeler.email@epa.gov

Please send him any new login information he may need. We also assume that Politico Pro updates will be sent to this new email address.

Please let me know if you have questions.

Thanks much.

ng

**Nancy Grantham**
**Office of Public Affairs**
**US Environmental Protection Agency**
**202-564-6879 (desk)**
**202-253-7056 (mobile)**

Message

**From**: adm15.arwheeler.email [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F061A85B2E14828934C1A85CC4D5122-ADM15.ARWHE]
**Sent**: 8/20/2018 11:31:21 AM
**To**: Konkus, John [konkus.john@epa.gov]
**CC**: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]
**Subject**: Re: FINAL CPP Surrogate talkers_CEQedits.docx

Thank you. For the record, I really wanted these yesterday.

Sent from my iPhone

> On Aug 20, 2018, at 7:29 AM, Konkus, John <konkus.john@epa.gov> wrote:
>
> Ok, we will work on these.
>
> Sent from my iPhone
>
>> On Aug 20, 2018, at 7:21 AM, adm15.arwheeler.email <adm15.arwheeler.email@epa.gov> wrote:
>>
>> I don't want us talking about co-benefits. Also the new source review misses the point that nsr discouraged cleaner investments.
>>
>> Sent from my iPhone
>>
>>> On Aug 20, 2018, at 7:09 AM, Konkus, John <konkus.john@epa.gov> wrote:
>>>
>>> Here's what I have.
>>>
>>> <FINAL CPP Surrogate talkers_CEQedits.docx>
>>>
>>>
>>> Sent from my iPhone

Message

**From**: D'Andrea, Anthony [dandrea.anthony@epa.gov]
**Sent**: 5/10/2019 8:49:45 PM
**To**: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
**Subject**: Daily Clips, 5/10/2019

Daily Clips
May 10, 2019

Daily Clips
May 5, 2019

**Air**
Sentry: EPA extends time to comment on settlement
The Post Star: EPA may deny New York's smog petition
WTTW: Congressional Members Urge EPA to Crack Down on Chicago Manganese Polluter

**Chemicals**
Bloomberg Environment: Companies Get More Time to Put Chemicals on Official EPA List
E&E News: Forum planned on pesticide effect on endangered species
KITV4-ABC: Hawaii lawmakers call for EPA to study effects of harmful chemicals in sunscreen
Mother Jones: California Defied Trump and Banned a Pesticide Linked to Brain Damage in Children

**Climate**
E&E News: Wheeler: Trump admin might 're-examine' climate science
Scientific American: Trump Administration Might "Re-Examine" Climate Modeling

**EPA**
E&E News: Trump fulfills most of trade group's wish list — report
Politico Morning Energy: Inside new EPA emails
Politico Afternoon Energy: Committing to Paris
Slate Magazine: Trump's Plans for Protecting Polluters Have Been a Devastating Success

**Food**
CBS 19 News: Applauding EPA selections for food access expansion program
The Times: Aliquippa to participate in federal program focusing on revitalization, food options

**Fuel**
E&E News: Industry groups miffed over expected 2020 RFS levels

**Litigation**
Bloomberg Environment: Maui Urges Supreme Court to Topple Groundwater Ruling
E&E News: Maui: Clean Water Act text goes only so far
Inside EPA: Despite Settlement Talks, County Presses Supreme Court Groundwater Suit
Mid-Hudson News: New York Attorney General targets EPA, briefs Dutchess lawyers

**Superfund**
San Francisco Chronicle: City, state partner to deal with Portland Superfund site
St. Louis Public Radio: EPA To Conduct More Testing At West Lake Landfill, Delay Cleanup
Waste 360: EPA to Conduct Additional Testing of West Lake Landfill

**Transportation**

Inside EPA: To Comply With New Law, EPA Eyes Early 2020 For Vessel Discharge Plan
Inside EPA: Industry Asks EPA For Additional Flexibility Under Airbag Waste Rule

**TSCA**

Chemical Watch: Data concerns fuel controversy over TSCA PV29 risk evaluation

**Water**

The Inquirer: PFAS water-contamination bills will get a hearing in Congress. Read up on what's proposed
The Post Star: Hudson River community advisory group holds next meeting in Saratoga Springs
Transport Topics: EPA Announces $2.6 Billion in Availability for Water Improvement Projects

**AIR**

**Sentry**
**EPA extends time to comment on settlement**
https://sentry.mainelymediallc.com/articles/epa-extends-time-to-comment-on-settlement/
**Kelley Bouchard**
**Friday, May 10, 2019**

SOUTH PORTLAND — City residents and others will have two additional months to comment on a controversial proposed settlement between the U.S. Environmental Protection Agency and Global Partners LP over alleged violations of the federal Clean Air Act at its petroleum storage facility on the Fore River.

The deadline to submit comments to the U.S. Department of Justice has been extended from May 1 to July 1, according to a notice published Thursday in the Federal Register.

The EPA filed a federal lawsuit against Global on March 25, charging that the Massachusetts-based company has for several years emitted higher levels of volatile organic compounds, or VOCs, than allowed under its emissions license from the Maine Department of Environmental Protection.

City officials were surprised by the lawsuit and sought an extension to the comment period after residents complained that the EPA failed to notify the city about Global's alleged air quality violations and didn't include the city in negotiating a settlement that many say is insufficient.

Mayor Claude Morgan said he was glad the EPA granted the extension because it indicates that the agency is now paying attention to the city's concerns. However, he said, the city sought the extension when the City Council feared it couldn't meet the May 1 deadline.

"Now we're in a 60-day holding pattern we don't need," Morgan said, though he acknowledged it will allow more people to weigh in on the proposed settlement.

Filed in U.S. District Court in Portland, the lawsuit came with a consent decree negotiated between EPA officials and Global representatives. City officials and others had until May 1 to submit comments on the proposed settlement that would be taken into consideration by federal officials before the consent decree became final.

Under the proposed settlement, Global would pay a $40,000 fine and invest at least $150,000 in a program to upgrade or replace wood stoves in Cumberland County with cleaner-burning, more efficient heating equipment. Global also must apply for a revised license from the Maine DEP and take steps to reduce VOC emissions at the facility.

The city submitted comments by the May 1 deadline, asking for an alternative settlement that would make Global pay to establish a citywide air quality monitoring program, conduct a public health survey, hire a public health officer and help city residents install solar panels and heat pumps to reduce fossil fuel emissions. The city didn't specify a total dollar amount but said Global should be assessed daily civil penalties as outlined in federal law, ranging from $32,500 per day for each violation after March 15, 2004, to $97,229 per day for each violation after Nov. 2, 2015.

Meanwhile, the City Council in neighboring Portland, across the Fore River, is expected to consider a resolution Monday asking that the consent decree provide a similar air quality monitoring program in that city.

Global is charged with storing liquid asphalt and No. 6 heavy residual fuel oil in huge heated tanks that have the potential to emit more than 50 tons of VOCs into the air each year. That's more than double the 21.9 tons allowed under its emissions license issued in 2013 by the Maine DEP.

However, Maine DEP officials say Global hasn't violated its emissions cap based on data submitted by the company. Instead, state officials say, the EPA's Northeast office changed the way VOCs were measured in emissions tests conducted at the South Portland facility in 2012 and 2013.

Given the disagreement between the two agencies, and the EPA's refusal to publicly explain its testing, the city has asked the EPA to provide documents explaining the basis of its complaint against Global. Global representatives have said they intend to work with the city and environmental officials to reach an agreement.

VOCs are chemicals that become gases at ambient pressure and temperatures. Major sources are industrial processes that use solvents, vehicle emissions, evaporation from petroleum storage facilities and forest fires. Many are hazardous to human health and some, including benzene, are classified as carcinogenic, according to the World Health Organization and other health agencies.

VOCs contribute to smog and can produce adverse health effects such as eye, nose and throat irritation, headaches, nausea, and damage to the liver, kidneys and central nervous system, the EPA said. VOCs also contribute to ground-level ozone, which can trigger a variety of health problems, particularly for children, senior citizens and anyone with lung conditions such as asthma.

**The Post Star**
**EPA may deny New York's smog petition**
https://poststar.com/news/local/epa-may-deny-new-york-s-smog-petition/article_3911df9a-74b3-5853-ad1b-5ff9792be403.html
**Gwendolyn Craig**
**Friday, May 10, 2019**

The U.S. Environmental Protection Agency has released a "proposed decision" that denies New York's petition requesting a finding that industrial sources in downwind states contribute to the poor air quality in New York City and Chautauqua County.

New York officials assert that hundreds of pollution sources in Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania and West Virginia are in violation of the "Good Neighbor" provision of the Clean Air Act.

EPA administrator Andrew Wheeler signed the document, released May 6, which proposes to deny New York's petition because "the EPA has not independently found relevant air quality problems."

Gov. Andrew Cuomo said in a news release the EPA's proposal is another example of the Trump administration's "frontal assault on our environment and public health."

"Unfortunately, the Trump Administration, once again, proved they do not care what kind of air we are leaving our kids and grandkids to breathe and announced their proposed decision to deny New York State's petition."

The public may submit comments on the matter on or before July 15. The EPA will also hold a public hearing on the proposal on June 11 in Washington D.C. To submit a comment go to regulations.gov and type in the docket number EPA-HQ-OAR-2018-0170.

**WTTW**
**Congressional Members Urge EPA to Crack Down on Chicago Manganese Polluter**
https://news.wttw.com/2019/05/09/congressional-members-urge-epa-action-chicago-manganese
**Alex Ruppenthal**
**Thursday, May 9, 2019**

Illinois congressional members are calling on the U.S. Environmental Protection Agency to take "immediate action" against Southeast Side industrial facilities for emitting potentially harmful levels of brain-damaging manganese dust.

U.S. Sens. Dick Durbin and Tammy Duckworth and U.S. Rep. Robin Kelly sent a letter to the agency Monday urging it to "seek injunctive relief and secure civil penalties" from any facilities that are in violation of federal pollution standards.

Named in the letter are two companies, Watco Transloading and S.H. Bell Co., both of which have been required to install air monitors at their facilities after being cited for violations by the EPA related to elevated levels of manganese emissions.

Watco announced in February that it plans to stop handling bulk amounts of manganese at its Chicago facility along the Calumet River, where data from air monitors has shown consistently high levels of manganese emissions. At the time, a Watco executive told WTTW News there was no timeline in place for the change, but that it was working on a transition plan.

Late last year, EPA air monitoring data showed that average manganese concentrations near Watco's storage terminal were nearly twice the federal limit. The most recently available data shows that in March, emissions near the facility were still in excess of the federal health safety limit for manganese.

Manganese is a heavy metal used in steelmaking that can cause brain damage at high exposures and is especially harmful for children. A recently published study of children in Ohio found a significant link between higher concentrations of manganese in hair samples and declines in IQ, mental processing speed and working memory.

According to the EPA, 3,780 people live within a mile of Watco's facility, including nearly 1,000 residents under the age of 18, and 234 children ages 5 and younger.

"EPA should require Watco to address any remaining manganese on its site built up from years if not decades of handling the material to ensure the material does not continue blowing into the surrounding area," Durbin, Duckworth and Kelly wrote in their letter to the EPA.

Watco representatives could not immediately be reached for comment.

The EPA is in the process of collecting soil samples from homes near Watco's facility to analyze them for levels of manganese and other metals, according to the agency's website.

EPA staff will hold an open house for residents next week to provide information about the soil collection and obtain access agreements from homeowners interested in having their yards sampled. The event is scheduled for 5 to 7 p.m. May 16 at the Chicago Public Library's Hegewisch Branch, 3048 E. 130th St.

**CHEMICALS**

**Bloomberg Environment**
**Companies Get More Time to Put Chemicals on Official EPA List**
https://news.bloombergenvironment.com/environment-and-energy/companies-get-more-time-to-put-chemicals-on-official-epa-list
**Pat Rizzuto**
**Friday, May 10, 2019**

- EPA extends deadline for companies to correct official chemicals list from May 19 to Aug. 5
- List shows compounds that can be made in or imported into the U.S.

Companies that make chemicals or mix them into products like paint, detergent, and wax have until Aug. 5 to let the EPA know if a compound they make or use was omitted from an official EPA list, the agency announced May 9.

The notice extends the time the Environmental Protection Agency is giving companies to get chemicals on a list of compounds that can legally be made in or imported into the U.S. The deadline originally was May 19.

The EPA released the list, the Toxic Substances Control Act inventory of chemicals active in commerce, on Feb. 19. After Aug. 5, it will be illegal for any company to make, import, or use any chemical not on the active list.

The original deadline of May 19 was based on a deadline the agency described in a final 2017 TSCA inventory rule (RIN: 2070-AK24). That rule, however, required the agency to issue a "signed action" specifying the deadline for inventory corrections, said Steve Owens, an attorney with Squire Patton Boggs in Phoenix.

"EPA apparently just realized that it had not really complied with its Inventory Reset regulation, since it never issued a 'signed action' (as required by the rule) when it posted the reset inventory," Owens said in a May 9 email.

Clarifying Confusion
The EPA's notice is that signed action, said Owens, who previously served as the agency's assistant administrator for chemical safety and pollution prevention under former President Barack Obama.

The agency's announcement may clarify some confusion. Owens and other TSCA attorneys recently told Bloomberg Environment that some chemical producers and processors didn't know the precise date by which corrections for the active inventory had to be filed. The notice provides that deadline and specifies the form that companies must provide the EPA.

The EPA didn't immediately reply to a question about its reason for extending the deadline.

**E&E News**
**Forum planned on pesticide effect on endangered species**
https://www.eenews.net/eenewspm/stories/1060310209/search?keyword=epa
**Maxine Joselow**
**Friday, May 10, 2019**

This story was updated at 4:31 p.m. EDT.

EPA will hold a public meeting next month on the framework for evaluating how pesticides affect endangered species, the agency announced this afternoon.

The June 10 meeting will take place in Arlington, Va., and will focus on draft revisions to the framework under the Federal Insecticide, Fungicide and Rodenticide Act.

"EPA's draft framework allows the agency to consider real-world data that will better reflect where pesticides are actually used, and which species could be affected and those that are not likely to be affected," Alexandra Dapolito Dunn, assistant administrator of EPA's Office of Chemical Safety and Pollution Prevention, said in a statement.

"Making these revisions to the framework will follow through on EPA's commitments under the 2018 Farm Bill and will help EPA target environmental protections where they are needed, and ensure that pesticides can continue to be used safely without impacting endangered species," Dunn added.

Language in the 2018 farm bill calls for the creation of an interagency working group to issue recommendations on improving the pesticide registration process to account for endangered species.

Among other things, EPA is proposing to use "probabilistic methods to determine the likelihood of a species to be adversely affected by a pesticide," the agency plans to announce in a Federal Register notice. "The goal of the probabilistic analysis is to more fully capture and characterize the variability in the range of potential exposures and toxicological effects to listed species and to better inform the biological opinion."

In addition to the June 10 meeting, the public will have 45 days to comment on the draft revisions once the notice is published.

The proposal is based on EPA's experience evaluating the impacts of three commonly used pesticides on animals and plants protected under the Endangered Species Act. The agency's notice argued that process had "major limitations," including an inability to "meaningfully distinguish species that are likely to be exposed to and affected by the assessed pesticides from those that are not likely."

That Obama-era review determined that 97% of protected species are probably being harmed by malathion and chlorpyrifos. Another pesticide, diazinon, is "likely to adversely affect" 1,416 listed species, or 79 percent of all protected animals and plants, the agency found (Greenwire, April 7, 2016).

Reporter Corbin Hiar contributed.

**KITV4-ABC**
**Hawaii lawmakers call for EPA to study effects of harmful chemicals in sunscreen**
https://www.kitv.com/story/40453710/hawaii-lawmakers-call-for-epa-to-study-effects-of-harmful-chemicals-in-sunscreen
**KITV Web Staff**
**Friday, May 10, 2019**

HONOLULU - Hawaii lawmakers want the environmental protection agency to study how chemicals in sunscreen impact coral reefs.

U.S. Senators Mazie Hirono and Jeff Merkley introduced legislation on Wednesday that would require the EPA to study the effects of ozybenzone and octinoxate on the environment and human health -- the two chemicals are common in sunscreen.

The bill would also require the EPA to complete the research and report the findings to Congress within 18 months.

Hawaii Congresswoman Tulsi Gabbard introduced a similar bill in the House.

Last year, Hawaii became the first state in the country to ban those harmful sunscreens.

Despite the move, scientists say they have discovered "extremely high' concentrations of oxybenzone in Kahalu'u Bay.

The National Oceanic and Atmospheric Administration says levels are 262 times more than what the EPA classifies as 'high risk' for marine life.

**Mother Jones**
**California Defied Trump and Banned a Pesticide Linked to Brain Damage in Children**
https://www.motherjones.com/environment/2019/05/california-defied-trump-and-banned-a-pesticide-linked-to-brain-damage-in-children/
**Sam Levin**
**Friday, May 10, 2019**

This story was originally published by the Guardian and is shared here as part of the Climate Desk collaboration.

California is banning a widely used pesticide that has been linked to brain damage in children, a major victory for public health advocates who have long fought to outlaw the toxic chemical in the agricultural industry.

The state ban on chlorpyrifos, a pesticide used on almonds, citrus, cotton, grapes, walnuts and other crops, follows years of research finding the chemical causes serious health effects in children, including impaired brain and neurological

development. The US Environmental Protection Agency (EPA) had moved to ban the chemical under Barack Obama, but the Trump administration reversed that effort, rejecting the scientific conclusions of its own government experts.

"A lot of people live and work and go to school right next to fields that are being sprayed with chlorpyrifos...It's an issue of environmental health and justice."
"Countless people have suffered as a result of this chemical," the California EPA secretary, Jared Blumenfeld, said in an interview on Wednesday. "A lot of people live and work and go to school right next to fields that are being sprayed with chlorpyrifos...It's an issue of environmental health and justice."

The move in California, home to a vast agricultural sector responsible for growing a majority of the nation's fruits and nuts, is the latest example of the state resisting Trump's conservative agenda and policies. Environmental activists, however, have been pushing to stop chlorpyrifos use in the state for years in the wake of overwhelming evidence of harms caused by exposure.

"This is a very important and pivotal moment," said Angel Garcia, the chair of the Coalition Advocating for Pesticide Safety, who has worked with families affected by chlorpyrifos. "It sends the message to communities that they are starting to be heard...People will now have a safer future."

Epidemiological studies have linked chlorpyrifos to a number of health conditions. Pregnant women living near fields and farms that use the chemical have an increased risk of having a child with autism. Exposure to low to moderate levels of chlorpyrifos during pregnancy have also been associated with lower IQs and memory problems. California officials cited a recent review by a state panel on toxic air contaminants, which found the effects in children could occur at lower levels than previously understood.

"The science is definitive," said Blumenfeld, adding that he hoped the move would spur the federal government to take action. "This job really should have been done by the US EPA."

After environmental groups sued the Trump administration for reversing the Obama-era ban, a judge ordered the federal EPA to prohibit use of chlorpyrifos last year. But the government appealed that decision, and the courts have ordered the EPA to make a final decision about chlorpyrifos by July.

Activists have accused the Trump administration of backing the interests of DowDuPont, a chlorpyrifos manufacturer whose predecessor donated to the president.

DowDuPont is now "evaluating all options to challenge" California's ban, spokesman Gregg Schmidt said in a statement, adding that eliminating chlorpyrifos would "remove an important tool for farmers and undermines the highly effective system for regulating pesticides that has been in place at the federal level and in the state of California for decades." He also noted that the chemical is currently approved for use in roughly 100 countries.

The US banned chlorpyrifos for residential use back in 2001. An expert panel of toxicologists last year recommended a ban on all organophosphates, the class of pesticides that includes chlorpyrifos. More than 10,000 tonnes of organophosphates are sprayed in 24 European countries each year.

In California, the process of banning chlorpyrifos use across the Central Valley agricultural regions could take up to two years, officials said. In 2015, the state implemented tighter restrictions on the use of chlorpyrifos, but critics have argued that a full ban was the only way to protect the health of farming communities.

The California governor, Gavin Newsom, has also proposed $5.7 million in new funding to support the transition from chlorpyrifos to "safer, more sustainable alternatives."

Climate change is expected to worsen pest challenges in agriculture, which means the need to find alternatives to toxic chemicals is urgent, said Blumenfeld: "It's not just about chlorpyrifos. It's making sure we have a more holistic and nature-based approach."

CLIMATE

**E&E News**
**Wheeler: Trump admin might 're-examine' climate science**
https://www.eenews.net/climatewire/stories/1060305525
**Jean Chemnick**
**Friday, May 10, 2019**

EPA Administrator Andrew Wheeler used an overseas gathering of environment ministers this week to hint that the United States might overhaul the way it uses climate data and modeling. Five days after his assertion was included in an official document from the Group of Seven meeting in Metz, France, it remains unclear if Wheeler revealed a potential policy to reexamine climate modeling.

It's become common for the United States to have its own climate and energy paragraph in multilateral statements, and on Monday, Wheeler broke away from the six other nations on issues like the Paris Agreement, providing support for poor and climate-affected countries, and overseas investments in fossil fuels.

That much was normal. It's happened ever since President Trump took office in January 2017.

But Wheeler added something new that's raising concern among some environmentalists that the United States might be formally questioning climate science inside federal agencies.

"The United States reaffirms its commitment to re-examine comprehensive modeling that best reflects the actual state of climate science in order to inform its policy-making decisions, including comparing actual monitored climate data against the modeled climate trajectories on an on-going basis," says the U.S. portion of the communiqué.

Greens who follow the G-7 process were dismayed.

Alden Meyer, director of policy and strategy at the Union of Concerned Scientists, called the language "pretty troubling," and Luca Bergamaschi of the Britain-based E3G called it "a major step back."

They read Wheeler's language as an attempt to undercut a report last year by the U.N. Intergovernmental Panel on Climate Change. The report drew on thousands of peer-reviewed studies to warn of the importance of holding postindustrial warming to no more than 1.5 degrees Celsius.

Wheeler has been critical of the IPCC's conclusions and of the National Climate Assessment, a U.S. report that issued similar warnings last year. He's not alone in the Trump administration. In December, U.S. delegates to the U.N. climate talks in Katowice, Poland, joined Russia and Saudi Arabia to block language to "welcome" the IPCC's findings.

It's unclear if Wheeler meant to slight the IPCC on Monday. In fact, he joined his counterparts from France, Canada, the United Kingdom, Italy, Germany and Japan in praising the international body's work to "strengthen the science-policy interface on the environment including by providing reliable assessments of the state of knowledge in response to the requests of policy makers and build capacity to use science effectively in decision-making at all levels."

The statement leaves little to "re-examine" from the IPCC's work.

So, was he announcing an alternative climate modeling initiative, either at EPA or another federal agency?

"Currently, there are no specific efforts underway at EPA," said agency spokesman James Hewitt. He didn't respond to follow-ups about future plans or initiatives at other agencies.

Meyer and others suggested that Wheeler might be referring to plans within the White House to convene a task force within the National Security Council to undermine the scientific underpinnings of the National Climate Assessment. But that proposal — to be spearheaded by William Happer, a senior director on the National Security Council — has yet to be accepted by Trump. NSC didn't respond to inquiries (Climatewire, Feb. 21).

Myron Ebell, a senior fellow at the Competitive Enterprise Institute, said a White House meeting last week to brief the president on the Happer proposal "went well." But he said the concept remains controversial among some senior officials.

"The president is enthusiastic about setting up the Happer commission," said Ebell, who oversaw the EPA transition team before Trump's inauguration. But he noted that Wheeler would have been unlikely to reference a program that Trump has yet to bless at an international forum.

**Scientific American**
**Trump Administration Might "Re-Examine" Climate Modeling**
https://www.scientificamerican.com/article/trump-administration-might-re-examine-climate-modeling/
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**EPA**

**E&E News**
**Trump fulfills most of trade group's wish list — report**
https://www.eenews.net/greenwire/stories/1060309319/search?keyword=epa
**Niina Heikkinen**
**Friday, May 10, 2019**

The Trump administration has taken action to fulfill most of the National Association of Manufacturers' deregulatory wish list over the past two years, a report has found.

On a list of 132 actions proposed by NAM to the Department of Commerce in 2017, federal agencies have acted on implementing 85% of the rulemaking requests and overall have responded to 64% of all the items on the wish list, according to a new report by the left-leaning group Public Citizen.

"I think it's a very clear indication of how captured the Trump administration is by corporations," said Amit Narang, Public Citizen's regulatory policy advocate and co-author of the report.

While the group has been closely tracking interactions between the Trump administration and industry, Narang said they were still surprised by the level of responses.

"We think this is fairly unprecedented," he said.

The group based its analysis on a comparison of NAM's wish list to major rulemakings listed on the Unified Agenda, the semiannual report of the regulations federal agencies are working on in the near and long term. They also analyzed requests that were not official rulemakings.

They considered the administration's action as "responsive" if a federal agency was taking action toward completing a request, such as delaying, modifying or repealing a rule.

For example, EPA's request for information on ozone emissions standards was considered a responsive action to NAM's request for change in how the agency calculated and enforced the standards.

A number of NAM's requests included prominent rulemaking.

For example, NAM favored replacing Council on Environmental Quality's Obama-era guidance on greenhouse gas emissions under the National Environmental Policy Act with a version that would lead to fewer project delays.

The White House Office of Information and Regulatory Affairs is currently reviewing the Trump administration's proposed replacement for that guidance.

At EPA, NAM asked EPA to draft a replacement for the Clean Power Plan. EPA recently sent its proposal, the Affordable Clean Energy rule, to OIRA for review.

At the Department of the Interior, NAM called for the repeal of Interior's methane rule on oil and gas that was completed under the Obama administration. The agency revised the rule last September. The trade association had also sought a repeal of the moratorium on coal leasing on public lands, which Interior did in March 2017.

A spokesperson for NAM responded to the report, saying that "in virtually every instance" the trade association asked the administration to review a regulation, it also called for a replacement.

"There's no denying that we've been effective advocates for our members and have had a great partner in the Trump Administration, but what too often gets lost in this conversation is that we aren't simply saying 'no' to regulation — what we are pushing for is smarter, better regulation," said Michael Short, senior director of strategic communications at NAM, in an email.

Short added that manufacturers don't see a "reasonable regulatory environment" and environmental and climate protections as mutually exclusive.

Not an outlier
This is the first time Public Citizen has conducted this sort of analysis on a trade association wish list, so there are no comparative figures for how federal agency actions under previous administrations compare to NAM's requests or those from other industry groups.

And while the report focuses on just one trade association, Public Citizen does not consider the group as an outlier.

"We don't think NAM has been any more influential or effective for their members than other trade associations, we think they have all been getting essentially what they wanted from this administration," said Narang. He called for other groups to launch similar analyses into other trade associations' requests.

Public Citizen chose to focus on NAM's wish list because it was one of the most comprehensive in terms of its policy requests made public by a trade association.

The requests were also easier to line up with specific rulemaking actions taken by the Trump administration.

**Politico Morning Energy**
**Inside new EPA emails**
https://www.politico.com/newsletters/morning-energy/2019/05/10/inside-new-epa-emails-435125
**Kelsey Tamborrino**
**Friday, May 10, 2019**

QUICK FIX

— New documents shared with POLITICO offer a glimpse into the interactions between companies, conservative groups and EPA officials.

— Secretary Rick Perry is in Las Vegas today to tour the site that's housing a controversial shipment of plutonium, and will be joined by the senators who vocally opposed it.

— House appropriators will today consider a spending bill in subcommittee that would bar the U.S. from leaving the Paris climate accord and once again permit contributions to the Green Climate Fund.

**A message from Biodiesel – America's Advanced Biofuel: Biodiesel – An American Innovation Driving More than 60,000 US Jobs
America's biodiesel producers turn the nation's surplus soybean oil, used cooking oil, and recycled fats into an $11.4 billion economic opportunity. Biodiesel is an American-made, cleaner-burning fuel that keeps transportation moving, drives our economy forward, and supports jobs across the country. Biodiesel: America's Advanced Biofuel **

GOOD MORNING, IT'S FRIDAY! I'm your host, Kelsey Tamborrino. House Natural Resources Committee's Adam Sarvana gets the trivia win for naming Thomas Hendricks as the first former governor from Indiana to serve as vice president. Hendricks was VP under Grover Cleveland. For today: How many former state governors are currently serving in the Senate? Send your tips, energy gossip and comments to ktamborrino@politico.com. Follow us on Twitter @kelseytam, @Morning_Energy and @POLITICOPro.

DRIVING THE DAY
NEW EMAILS SHOW WHEELER COAL LUNCH, ALLY IN CWA FIGHT: A cache of emails obtained by the Sierra Club and provided to POLITICO show interactions between EPA officials and certain outside groups. ME has been reading through those emails. Here are some key takeaways:

Contura lunch: In late June 2018, Andrew Wheeler set up a lunch with Jay Martin, vice president for government affairs at coal company Contura Energy. The pair had served together on the board of the National Energy Resources Organization as late as 2017, and their emails indicate they ran into each other at an event, apparently hosted by the National Association of Manufacturers. Wheeler and Martin planned to meet for lunch on July 12, 2018, which coincidentally turned out to be Wheeler's first week as acting administrator. EPA said the lunch was redacted from Wheeler's previously released calendar because it was a personal outing.

Groundwater pitch: Jeff Holmstead, the Bush-era EPA air chief, emailed EPA in June 2017 in an effort to get the agency to support pipeline giant Kinder Morgan in an ongoing lawsuit. The case dealt with whether the Clean Water Act has jurisdiction over pollution that flows through groundwater and reaches waters that are under federal purview. "Given EPA's effort to redo the [Waters of the U.S.] rule, and the potential impact that a bad decision from the 4th Circuit might have on this effort, we thought that EPA might want to submit an amicus brief in this case," Holmstead wrote. EPA ultimately did not get involved in the case, which on its own became something of a blockbuster for the water law world when the 4th Circuit ruled against Kinder Morgan. Now that issue is headed to the Supreme Court, which is taking up the same question in a similar case while keeping Kinder Morgan's case on hold.

Brain trust: In January 2018, James Hewitt, a top official in the EPA public affairs office, wrote to Patrick Hedger at FreedomWorks, a conservative group, about a meeting he had with the Heritage Foundation, the Competitive Enterprise Institute, the Conservative Partnership Institute and what appears to be conservative PR firm CRC Strategies. The gatherings appeared designed to get the word out on EPA's accomplishments, and Hewitt also shared a link to a new EPA webpage tracking deregulatory actions. "I think that is a great group to meet with and I look forward to attending and helping however I can," Hedger replied.

There are only two episodes of Game of Thrones left, and it's still anyone's game. POLITICO's Westeros Playbook is the must-read guide to what's happening in the realm. Sign up to receive a detailed breakdown every Monday for the duration of the final season.

AROUND THE AGENCIES

PERRY HEADS TO NEVADA: Energy Secretary Rick Perry will today tour the Nevada National Security Site — home to a controversial recent shipment of weapons-grade plutonium. Perry will be joined today by Lisa Gordon-Hagerty, the administrator of the National Nuclear Security Administration, and Democratic Sens. Catherine Cortez Masto and Jacky Rosen, a DOE spokesperson confirmed to ME.

The trip was teased last month in a letter from Perry to Cortez Masto, in which he committed to removing the plutonium shipped to Nevada beginning in 2021 and completing the removal by the end of 2026. Cortez Masto previously said she wanted to tour the facility to ensure the plutonium is "safely stored until it is moved out of Nevada."

In a January disclosure from DOE, the department said it had shipped the plutonium from South Carolina to Nevada, causing a stir in the state and resulting in Cortez Masto's placing holds on all pending Energy Department nominees. The senator has since lifted those holds.

— DOE also confirmed Perry will next head to Bogotá, Colombia, for the Concordia Americas summit, where he'll be speaking.

OH, WE WERE LISTENING: Perry made light of recent concerns over political influence at FERC during the swearing-in ceremony for DOE's new general counsel, Bill Cooper, on Thursday.

Perry made sure to highlight that FERC Chairman Neil Chatterjee, who is aligned with him on greenlighting LNG terminals from the independent agency, was in the audience. "Every morning, Neil gets up and I call him and tell him what to do," Perry said. "I did that just to see if I can get that in Politico today. We'll see if they're paying attention, Neil." (We were.) Watch.

ON THE HILL

ON TAP TODAY: The House Appropriations State-Foreign Operations Subcommittee will consider a spending bill this morning that would bar the U.S. from leaving the Paris climate accord and permit federal contributions to the Green Climate Fund, the UNFCCC financial mechanism designed to help developing nations adapt to climate change.

The legislation excludes a policy rider that was in this year's appropriations law that bars the U.S. from contributing to that fund, Pro's Anthony Adragna reports. The U.S. committed to providing $3 billion to the fund under former President Barack Obama, but stopped payments to it under President Donald Trump. The bill also includes language aimed at blocking the sale of nuclear technology to Saudi Arabia. If you go: The subcommittee markup begins at 8 a.m. in H-140.

MARK YOUR CALENDARS: The Senate Environment and Public Works Committee will hold an oversight hearing May 15 on the activities of the White House Council on Environmental Quality, according to a notice. Chairman Mary Neumayr will testify, a committee aide told Anthony, marking her first appearance on Capitol Hill since her confirmation in January.

BEYOND THE BELTWAY

INSLEE CALLS FOR CLIMATE CORPS: Presidential hopeful and Washington Gov. Jay Inslee called for the creation of a "Climate Conservation Corps" in a blog post Thursday to help fight climate change in the U.S. and internationally. The purpose of the corps, he pitched, would be to "help mobilize the American people to rise to the defining challenge of our time: defeating climate change." The idea is modeled after the Civilian Conservation Corps formed during the Great Depression under President Franklin Delano Roosevelt.

Inslee's Climate Corps is broken down into three programs — the so-called National Climate Service Corps to give "young Americans the opportunity to serve in creating sustainability solutions in their own communities"; the "Global Climate Service Corps," which would allow Americans to join an overseas service working in "climate mitigation and resilience, clean water, and sustainable economic development"; and a "Green Careers Network," which would focus on the "challenge of permanent job creation in a clean energy economy."

MICHIGAN PFAS LITIGATION BREWING: The state of Michigan on Thursday took steps toward suing PFAS manufacturers, distributors and others responsible for the state's widespread PFAS problem. Attorney General Dana Nessel put out a nationwide call Thursday for law firms with the expertise and resources for such lawsuits, and also those against opioid manufacturers. "These manufactured chemicals — both opioids and PFAS — are having a devastating effect on our residents and on our entire country," Nessel said in a statement.

MOVERS AND SHAKERS
— Labor Secretary Alexander Acosta named Erica Clayton Wright acting director of the Women's Bureau at DOL. Wright previously was vice president of communications and membership for the Marcellus Shale Coalition, where she vigorously disputed allegations that workers were harmed by fracking, as Pro's Ian Kullgren reports.

— Sen. Angus King (I-Maine) and Rep. Mike Gallagher (R-Wis.) are co-chairs of the newly launched Cyberspace Solarium Commission. The commission will hold hearings to review cyber threats and study strategic options, including to defend the energy sector. The CSC is made up of lawmakers, federal officials and executives, including Chairman, President and CEO of Southern Company Tom Fanning.

— Hannah Blatt has started as communications manager, political action for EDF Action. She previously was deputy communications director for Rep. Doris Matsui (D-Calif.).

THE GRID
— "Trump to Iran: Call me, maybe," POLITICO.

— "BP gets into the startup biz with its new Lytt company," Houston Chronicle.

— "EPA proposes hike in biofuel mandate to 20.04 billion gallons in 2020: sources," Reuters.

— "Bernhardt referred complaint over IG staff for outside probe," E&E News.

— "Iranian crude shipments slump as U.S. oil sanctions bite deeper," Bloomberg.

— "U.S. working 'very hard to build a future for coal,' DOE official says," S&P Global Market Intelligence.

THAT'S ALL FOR ME!

**Politico Afternoon Energy**
**Committing to Paris**
https://subscriber.politicopro.com/newsletters/afternoon-energy/2019/05/committing-to-paris-618170
**Sarah Cammarta**
**Friday, May 10, 2019**

COMMITTING TO PARIS: The House spending bill that would prevent the U.S. from leaving the Paris climate accord was approved today by a House Appropriations subcommittee, Pro's Anthony Adragna reports. The State and Foreign Operations subcommittee advanced the measure, which permits contributions again to the Green Climate Fund, also includes a provision that aims to block the sale of nuclear technology to Saudi Arabia.

Story Continued Below

— House appropriators approved the $56.4 billion bill by a voice vote today, which also calls for spending increases for dozens of programs, including steady increases for international environmental efforts. The bill would fund the Global Environment Facility, a partnership that includes 183 countries and other stakeholders focused on environmental issues around the world, and improve biodiversity, and stop wildlife trafficking, Pro Budget and Appropriations' Jennifer Scholtes reports. Read more here.

Welcome to Afternoon Energy! Happy Friday from a visitor we had in the office today. I'm your host Sarah Cammarata. Send suggestions, news and tips to mparthasarathy@politico.com, scammarata@politico.com, mdaily@politico.com and njuliano@politico.com, and keep up with us on Twitter at @m_parthas, @sarahjcamm, @dailym1, @nickjuliano, @Morning_Energy and @POLITICOPro.

**A message from Biodiesel – America's Advanced Biofuel: Biodiesel – An American Innovation Driving More than 60,000 US Jobs
America's biodiesel producers turn the nation's surplus soybean oil, used cooking oil, and recycled fats into an $11.4 billion economic opportunity. Biodiesel is an American-made, cleaner-burning fuel that keeps transportation moving, drives our economy forward, and supports jobs across the country. Biodiesel: America's Advanced Biofuel **

ON THE HILL
$17 BILLION FOR DISASTER RELIEF: Despite fierce opposition from President Donald Trump, House Democrats pushed through a revamped disaster relief package today that would provide $17 billion in assistance to communities struck by hurricanes, extreme flooding, tornadoes and wildfires, Pro's Budget and Appropriations'' Jennifer Scholtes and Caitlin Emma report. In a Twitter missive hours before the roll call, the president raised the political stakes, urging GOP lawmakers to "not vote for the BAD DEMOCRAT" aid package. While 150 Republicans voted against the bill, 34 voted in support. Following passage, Trump praised his party for a "great Republican vote," saying on Twitter that "we will now work out a bipartisan solution that gets relief for our great States and Farmers" and urging Congress to "get me a Bill that I can quickly sign!"

— For months, the president has been chiming in with insults against Puerto Rican officials, during the months after House Democrats passed their first disaster aid offer in January that languished in the Senate. Trump has been hostile toward giving the territory more aid, and claims the federal government has already given them enough money. However, today's passage of H.R. 2157 (116) allows House Democrats to formally stake their latest negotiating position. Until Democrats and Trump hash out their dispute over funding for Puerto Rico, the measure is not expected to become law. Read more here.

WATER
PHASE IT OUT: Sixty-five environmental and military veterans' groups today asked the leaders of the House and Senate Armed Services committees to phase out the Defense Department's use of firefighting foam that contains toxic PFAS chemicals, which have leached into water supplies around the country. "Until the Department of Defense replaces these firefighting foams with safer alternatives, DoD unnecessarily endangers drinking water for both service members and the civilians they protect," they wrote ahead of the committees' markups of the 2020 National Defense Authorization Act.

SEE IT: A slate of bills in the House and Senate are seeking solutions to water contamination from PFAS, a group of chemicals found in many everyday products, like food wrappers and nonstick cookware. Pro DataPoint's Patterson Clark and Energy's Annie Snider break down the measures that aim to survey, regulate and mitigate the cancer-causing chemicals in a graphic.

Legislation to mitigate PFAS | POLITICO
POLITICO

View the full DataPoint graphic here. Want to add DataPoint to your Pro account? Learn more.

CLIMATE CHANGE
FLOOD INSURANCE EXTENSION: Legislation introduced Thursday would extend a program that helps protect millions of homeowners from the financial risks of flooding, Pro Financial Services' Zachary Warmbrodt reports. House Financial Services Chairwoman Maxine Waters (D-Calif.) and ranking member Patrick McHenry (R-N.C.) brought up the bill to extend the National Food Insurance Program past its expiration date at the end of the month. Read more here.

COST OF CLIMATE CHANGE: Companies across the world are facing up to $1.2 trillion in costs for delays in combating climate change in the next 15 years, according to the United Nations, Bloomberg's Mathew Carr reports. Twenty global fund managers measured the impact of climate change on 30,000 of the largest listed companies as a part of the UN's Environment Finance Initiative project. More details here.

OIL AND GAS

NORTH DAKOTA TO SUE OVER NEW OIL TRAIN RULE: North Dakota is planning to sue Washington state over a new law that targets oil shipped by rail, AP reports. The Washington state law requires oil shipped by rail to have more of its volatile gases removed by lowering the vapor pressure limit for crude shipped by rail. The limit is less than what's required in North Dakota, the nation's No. 2 crude producer. North Dakota officials argue that the law would make Pacific Northwest refineries off-limits to the energy industry in their state. The Washington bill's sponsor, however says the bill will protect communities from explosive derailments. North Dakota plans to garner support for the suit from other oil-producing states, and expects to file the suit within weeks in federal court. The full story here.

RIG COUNT DOWN: The oil rig count is down for the third time in four weeks, Reuters reports. Drillers cut two oil rigs this week, in line with the steady decline over the past five months as independent exploration and production companies focus more on earnings growth.

MOVERS AND SHAKERS

Dave Solan, the acting policy director for DOE's Office of Policy, will become the new second in command at DOE's Office of Energy Efficiency and Renewable Energy, according to a Department source. Solan previously worked at the Center for Advanced Energy Studies at the Idaho National Labs and he worked for 18 months as a senior advisor at EPA in the George W. Bush administration, according to his LinkedIn page. E&E News first reported Solan's appointment.

ON THE CALENDAR

— The Senate Energy and Natural Resources Committee holds a hearing on Tuesday, May 14 on mineral security and related legislation.

— The House Natural Resources Committee holds a hearing on Tuesday, May 14 on Interior's budget and fiscal 2020 policy priorities.

— House Appropriations subcommittees hold a meeting on Wednesday, May 15 to separately mark up the Energy and Water and Interior and Environment funding bills for fiscal year 2020.

— The House Natural Resources subcommittee on National Parks, Forests and Public Lands holds a hearing on Wednesday, May 15 on the impact of climate change on public lands recreation.

QUICK HITS

— "Escalating U.S.-China Trade Fight Stings Companies World-Wide," The Wall Street Journal

— "Facing Democratic resistance, Interior secretary promotes oil and gas drilling," The Washington Post

— "Presidential hopeful Biden looking for 'middle ground' climate policy," Reuters

— "Wheeler: Trump admin might 're-examine' climate science," E&E News

WIDE WORLD OF POLITICS

— Trump looks to project calm as trade war heats up

— Congress' Syria panel warns against Trump withdrawal plan

— Another $1.5B in military funds to be diverted to border, top Democrat says

**Slate Magazine**
**Trump's Plans for Protecting Polluters Have Been a Devastating Success**
https://slate.com/news-and-politics/2019/05/trump-bannon-administrative-state-epa-rosenstein-polluters-win.html
**Mekela Panditharatne**
**Friday, May 10, 2019**

In the first days of the Donald Trump presidency, former White House chief strategist Steve Bannon famously described the administration's plans for the "deconstruction of the administrative state." Despite the constant apparent chaos in parts of the West Wing, Trump officials throughout the executive branch have lived up to this promise to use bureaucratic tools to throttle federal law enforcement of polluters and corporations with an almost zealous meticulousness.

Across the Trump administration, top agency officials have been busy building a bureaucratic scaffolding to stymie federal enforcement actions against the nation's wealthiest and most powerful players. Officials in the Justice Department, Environmental Protection Agency, and the Consumer Financial Protection Bureau, among others, have been moving to muzzle agencies' fact-finding powers, add layers of bureaucratic control, complicate chains of command, and strip power from regional officers and enforcement specialists. The result has been historic declines in enforcement actions against banks, corporations, and corporate executives—precisely as Bannon promised.

The Trump administration has more than lived up to that initial slashing tone. Through its tenure, the administration has ramped up immigration enforcement, while presiding over a precipitous drop in enforcement of environmental and civil rights laws, and of regulating corporate crime. For polluters and corporations, the administration has doled out a handful of meager reprisals, wielding bureaucratic tools such as memoranda and fortified top-down structures to chill agencies' enforcement powers.

Across the agencies, enforcement actions against polluters, banks, and corporations have dwindled. The Environmental Protection Agency collected a mere $69 million in civil and administrative penalties from polluters in 2018, the lowest amount levied by the agency in more than a decade. Criminal fines collected by the EPA from polluters plunged to $88 million, the lowest total for such penalties assessed in a decade. In 2018, EPA referred the fewest new criminal cases to the Justice Department in any year since 1988.

The nation's financial sectors also received a reprieve. Corporate penalties imposed in Justice Department prosecutions plummeted by 72 percent during the first 20 months of the administration, compared to those levied during the final 20 months of the Obama presidency. Meanwhile, penalties imposed and illicit profits ordered returned by the Securities and Exchange Commission fell by 62 percent. The volume of publicly announced enforcement actions by the Consumer Financial Protection Bureau under Donald Trump's tenure has also steeply declined.

Often, the enforcement decline is less a product of slash-and-burn practices than slow bloodletting and bureaucratic sandbagging. Staffing reallocations, buyouts, and mass resignations have diminished parts of the Justice Department and Environmental Protection Agency, including the divisions responsible for civil rights and environmental enforcement. Several agencies have curbed their fact-finding activities, ensuring there is little grist for the enforcement mill. Formal guidance issued by top officials has sewed confusion and injected additional supervision and control over lower-level investigators and enforcement lawyers. And reporting relationships between boots-on-the-ground staff and senior agency officials have, at times, been replaced by commands to seek approval from political appointees.

At the EPA, a 2017 memo signed by the agency's former director for civil enforcement instructed regional enforcement officers to seek permission from Washington before ordering certain air and water pollution tests. These tests are often necessary to determine whether companies violated environmental laws. The result was to clog the case-building pipeline, causing such fact finding activities to decline in at least two of the agency's most active regional offices. The messaging has caused confusion and dampened spirits among many of the agency's investigators. The agency additionally inspected fewer industrial facilities during 2018 under Trump than at any time in the preceding decade.

Across the agencies, enforcement actions against polluters, banks, and corporations have dwindled.

Again, the dismantling project has been virtually across the board. As one example, last year the Trump administration softened its stance on an Obama-era Justice Department memo prompting companies to report on individuals involved in corporate misconduct. As a result, the agency now requires fewer details to be produced by companies to secure government leniency when misconduct occurs. Though the impact of the decision on prosecutions is disputed, it capped off a series of policy changes weakening the agency's corporate prosecution program. Rod Rosenstein, the outgoing deputy attorney general, ordered federal prosecutors to avoid "piling on" penalties against companies being investigated for the same wrongdoing by multiple regulators and countries, lessening the financial penalties businesses can expect to pay. The agency also issued guidance scaling back the deployment of corporate monitors in criminal matters.

The CFPB, an agency created during the Obama administration to police predatory lending by financial institutions, meanwhile, announced last year that it would no longer perform routine examinations of financial lenders for possible violations of the Military Lenders Act, baffling lawmakers and the Defense Department. Under Mick Mulvaney, the bureau's former acting director who has since been promoted to chief of staff, lawyers in the enforcement office were instructed to write summaries justifying every active enforcement matter. Mulvaney also severed channels of communication between enforcement officials and the senior career officials in charge of divisions, requiring employees to present their cases to newly established intermediary directors appointed by Mulvaney himself.

All of these issues have been compounded by resource constrictions and staffing shortages. High-level signaling has seeded doubt and demoralization among lower-level officials who typically collect the kindling to spark enforcement actions.

All administrations shuffle enforcement priorities, and some observers have posed contextual quibbles over the data documenting the decline. But the overall scale at which the Trump administration is pulling back on enforcement actions against corporate actors, banks, and polluters would be shocking under any other administration. As fewer cases gestate within the agencies' ranks, companies will be emboldened to violate with greater impunity laws meant to protect public health, safety, and financial well-being. That's bad news for all of us.

**FOOD**

**CBS 19**
**Applauding EPA selections for food access expansion program**
https://www.cbs19news.com/content/news/Applauding-EPA-selections-for-food-access-expansion-program-509755091.html
**News Staff**
**Friday, May 10, 2019**

WASHINGTON (CBS19 NEWS) -- Senators Mark Warner and Tim Kaine are applauding assistance that will expand food access in two Virginia communities.

Earlier this week, the U.S. Environmental Protection Agency announced that Charlottesville and Pulaski will receive federal assistance to support revitalization strategies to improve quality of life and develop local food economies.

The program is called Local Foods, Local Places, a federal initiative the supports communities looking to improve the access to nutritious foods, boost economic opportunities for local producers, preserver open space and farmland, protect aid and water quality, and promote childhood wellness.

"With an estimated one million Virginians living in food deserts, we are thrilled to know that Charlottesville and Pulaski will be receiving federal help to develop plans that increase food access for families," said the senators in a release. "We look forward to seeing these communities continue to build healthier, stronger neighborhoods."

The two Virginia communities are among 15 that were selected this year for the program, out of a pool of more than 70 applicants.

The Charlottesville Food Justice Network will work on developing a strategy to use affordable food markets and urban agriculture to advance food equity in low-income neighborhoods.

**The Times**
**Aliquippa to participate in federal program focusing on revitalization, food options**
https://www.timesonline.com/news/20190510/aliquippa-to-participate-in-federal-program-focusing-on-revitalization-food-options
**Jared Stonesifer**
**Friday, May 10, 2019**

ALIQUIPPA — The city has become one of 15 communities across the country to be selected for a federal program that reinvests in downtown corridors, with a focus on bringing in new and healthy food options for residents.

Administered by the Environmental Protection Agency, the Local Food, Local Places program does not provide monetary funding but offers experts provided by the federal government – at no cost to Aliquippa – who will come here and brainstorm ways to revitalize the downtown. There's a defined focus on bringing new food or grocery options to the city.

Laura Rubino, the vice president of the Beaver County Corporation for Economic Development, said Friday that Aliquippa was one of 15 communities chosen to participate from more than 70 communities that applied.

Rubino said an application was put together and submitted by the Aliquippa Economic Development Corporation. She said residents in downtown Aliquippa live in a "food desert," or a place where fresh fruit and vegetables are not easily obtained because of a lack of traditional grocery stores.

"We took advantage of this program because downtown Aliquippa traditionally doesn't have a typical grocery store," she said. "There are some convenience stores, but most of the food is packaged, and there aren't any fruits or vegetables. We identified that as a problem."

Through the program, Rubino said, experts provided by the federal government will come to Aliquippa for three public workshops at the end of August to help solve the food desert problem while also keeping an eye toward revitalization of the downtown corridor as a whole. The sessions are planned for April 28 and 29, with exact times and locations to be announced.

"We want to encourage the residents of Aliquippa to show up and tell us what their needs are, what their ideas are," Rubino said. "Somebody could be sitting in their living room and have a wonderful idea, but unless they tell someone about it, nobody will know."

Rubino said no idea is too big or small for the workshop. She added that it would be beneficial to keep all options open and to be creative in brainstorming solutions.

"We can't pin our hopes on a grocery store, but there are plenty of other alternatives," she said. "There are pop-up fresh-food markets and farmers markets. There is a farmers market now on Brodhead (Road), but most people don't have access to that. So we need to get a little creative in trying to find solutions and look at buildings downtown to see how they're being underutilized."

Rubino said the initiative will have a focus on food-related issues, but a much larger picture is in play.

"This is focusing on revitalization as a whole," she said. "A significant part is the food issue, but it also centers around creating a healthy community. That can involve bike paths, making the community more walkable and other similar issues."

In a news release, the chairman of the Aliquippa Economic Development Corporation said he is excited to receive the technical assistance from the EPA.

"We are most appreciative of this opportunity to address the issues of access to fresh foods, healthy lifestyles and a healthy downtown to benefit the residents of Aliquippa," said Donald C. Walker III, who also serves on Aliquippa Council.

Also in a news release, EPA Administrator Andrew Wheeler said the Local Foods, Local Places program can help "improve access to fresh foods, support farmers, grow new businesses and protect the environment."

Since its inception in 2014, the program has helped 93 communities across the country develop local food enterprises "that improve environmental, economic and health outcomes" in those communities, according to the news release.

**FUEL**

**E&E News**
**Industry groups miffed over expected 2020 RFS levels**
https://www.eenews.net/eenewspm/stories/1060310133/search?keyword=epa
**Marc Heller**
**Friday, May 10, 2019**

Biofuel industry groups said they were disappointed to hear that EPA may hold conventional biofuel levels steady next year under the renewable fuel standard, even though overall renewable fuel levels would climb.

Responding to a Reuters report that EPA has proposed keeping conventional biofuels made mainly from corn at 15 billion gallons next year, ethanol advocates said EPA appears not to be accounting for 500 million gallons lost to waivers granted to refineries three years ago, even though it's been told to do so by a federal court.

"We hope — and expect — to see a requirement for 15.5 billion gallons in 2020, or some other explicit and effective means of restoring the lost 500 million gallon volume," Geoff Cooper, president and chief executive officer of the Renewable Fuels Association, said in a statement.

An EPA spokesman reached by E&E News didn't address the numbers in the EPA proposal and said it's under review by other agencies. Congressionally set timelines require an annual proposal to be released each May, and final regulations are due in November after a public comment period.

"The proposal is currently under interagency review, which places the Trump administration on track to release the renewable fuel standard renewable volume obligations on time for the third consecutive year," said spokesman Michael Abboud. "This is in contrast to previous administrations which frequently failed to release their RVOs by the date intended by Congress."

Each year, EPA sets targets for biofuel to be mixed into the nation's fuel supply, as directed by Congress in the federal renewable fuel standard. The announcements usually spark debate between interest groups for and against ethanol mandates, with petroleum companies and some environmental groups fighting ethanol.

This year's proposal has the added element of a court fight over exemptions granted to some refiners in 2016, which the U.S. Court of Appeals for the District of Columbia Circuit in 2017 ordered the agency to restore through increased volumes in subsequent rulemaking.

The news report, citing two unnamed sources familiar with the proposal, said EPA aims to boost overall renewable fuel levels to 20.04 billion gallons from 19.92 billion gallons this year. Advanced biofuel levels would climb from 4.92 billion gallons to 5.04 billion gallons, according to the report.

The chief executive of Growth Energy, Emily Skor, said the numbers don't offer much reassurance to rural areas suffering from declines in farm income.

"The rumored EPA targets don't offer much hope for revitalizing growth in the farm belt. Based on news reports, EPA resisted oil-backed calls to cut conventional targets, but there's no significant jump in advanced biofuels, and we still don't have any commitment to address the recent and rapid escalation of small refinery exemptions," Skor said.

**LITIGATION**

**Bloomberg Environment**
**Maui Urges Supreme Court to Topple Groundwater Ruling**
https://news.bloombergenvironment.com/environment-and-energy/maui-urges-supreme-court-to-topple-groundwater-ruling
**Peter Hayes**
**Friday, May 10, 2019**

- Brief urges 'means-of-delivery' test
- Wells aren't means of delivery, Maui says

Maui shouldn't be held liable for discharging treated wastewater that seeped through groundwater into the Pacific Ocean, the county told the Supreme Court May 9.

The Clean Water Act requires a permit for the release of pollutants from a point source—a single, identifiable source of pollution, such as a pipe or a drain. But it doesn't require a permit when pollutants originate from a point source but are conveyed to navigable waters by a nonpoint source, such as groundwater, Maui argued.

The Ninth Circuit found that the Maui County-owned Lahaina Wastewater Reclamation Facility required a Clean Water Act discharge permit to inject treated wastewater into underground injection wells because it ended up in the Pacific Ocean via groundwater.

But the county argues that the discharge of pollution from the facility's wells don't require a permit because the pollutants didn't flow directly into the Pacific Ocean, but indirectly through groundwater.

The Ninth Circuit should be reversed under the "means-of-delivery" test—whether a point source or series of point sources is the means of delivering pollutants to navigable waters, Maui said in its opening brief it petition for review.

If it is not a means of delivery, then it can't be held liable for contamination conveyed by a nonpoint source, Maui said.

The county's wells are not the means that deliver pollutants to navigable waters, the brief said.

The wells inject treated effluent—liquid waste or sewage—only into groundwater, which is neither navigable water nor a point source, Maui said.

The means-of-delivery test advances the Water Act's purposes by honoring the distinction between point and nonpoint source pollution, the county said.

The Water Act controls point source pollution through permits, while nonpoint source pollution is controlled through federal oversight of state management programs, Maui said.

The Lahaina facility, which serves West Maui, injects 3 million to 5 million gallons of treated sewage into groundwater daily.

Hunton Andrews Kurth LLP represents Maui.

The case is Cty. of Maui v. Haw. Wildlife Fund, U.S., No. 18-260, 5/9/19.

**E&E News**
**Maui: Clean Water Act text goes only so far**
https://www.eenews.net/greenwire/stories/1060309297/search?keyword=epa
**Ellen M. Gilmer**
**Friday, May 10, 2019**

Maui County is appealing to conservative Supreme Court justices' trademark textualism in a bid to nail down limits on the scope of federal water protections.

The Hawaii municipality filed a detailed brief yesterday breaking down the meaning of words as common as "to" and "from" for County of Maui v. Hawai'i Wildlife Fund, a case with sweeping implications for Clean Water Act permitting.

At issue is Maui's Lahaina Wastewater Reclamation Facility. When the county sends treated waste down the facility's four disposal wells, the substance mixes with groundwater, and the underground cocktail flows to the Pacific Ocean — causing disputed damage to the marine environment.

In operation since the 1980s, the facility has permits under state and federal safe drinking water programs but lacks permits under the Clean Water Act. Environmentalists sued in 2012 and ultimately prevailed in the 9th U.S. Circuit Court of Appeals.

The Supreme Court is set to review the closely watched case this fall and must decide what types of pollution discharges the Clean Water Act covers (Greenwire, Feb. 19).

The statute's main permitting program — the National Pollutant Discharge Elimination System, or NPDES — applies only to pollution that moves from a so-called point source, like a pipe, well or ditch, to a federally regulated body of water like a river or sea.

Groundwater is generally regulated by states, as is any pollution that's discharged from a diffuse nonpoint source.

The question for the Supreme Court is whether an NPDES permit is required for pollution that moves from a wastewater well through groundwater and then into the Pacific Ocean. Reversing its previous position, EPA last month announced that such discharges are excluded from the program (Greenwire, April 16).

In the new court filing, lawyers for Maui County reason that because the wastewater reached the Pacific Ocean via groundwater, that groundwater is the source — and clearly groundwater is not the type of discrete conduit that counts as a point source.

"There is no disagreement that the pollutants here reached navigable water only by way of groundwater," the brief says. "And because the groundwater is not a point source, the Ninth Circuit was wrong in concluding that the CWA's point source permitting program, rather than its nonpoint source program, governs."

The Hawai'i Wildlife Fund and others disagree with that framing. They say the wastewater well is the point source; the pollutant moves from the well to the federally regulated Pacific Ocean. The fact that it moves through groundwater in between does not exempt it from NPDES requirements, they argue.

Supporters of that argument — including the Obama EPA — have pointed to a statement the late Justice Antonin Scalia made in the famously muddled Rapanos v. United States.

"The Act does not forbid the 'addition of any pollutant directly to navigable waters from any point source,' but rather the 'addition of any pollutant to navigable waters,'" he wrote in the 2006 opinion that focused on the types of waterways under federal jurisdiction.

Maui County's lawyers say environmentalists and others are reading too much into that statement. Scalia was referring to the applicability of NPDES permits to a series of point sources, rather than a single one, they argue. Further, they contend the Clean Water Act's language clearly sets up a "means-of-delivery test" for NPDES permitting.

According to yesterday's brief, a point source is not necessarily a starting point of pollution but a "means of transport." When the statute requires permitting for pollution "from a point source," the word from "is plainly being used to indicate that 'any point source' is the means or instrumentality of the 'addition to navigable waters,'" the brief says.

"This definition shows that 'from any point source' is most naturally understood as indicating that a point source — being a particular way of moving pollutants — must be what delivers rather than originates pollutants," Maui's lawyers wrote. "Thus, the CWA bars any addition of any pollutant to navigable waters delivered by any point source unless authorized by a permit."

Earthjustice attorney David Henkin, who is representing Hawai'i Wildlife Fund and others against Maui, reviewed the new brief and said in a message that "it is unfortunate that the County's lawyers continue to focus on trying to gut the Clean Water Act."

Critics of Maui's position are hoping the county will drop the Supreme Court appeal amid increasing pressure from other local officials, residents, advocates and tourists.

Fearing the case's impact on water protections and the county's reputation, some new county council members and other critics have pushed Maui's mayor to settle it. Earthjustice confirmed to E&E News last week that it extended a settlement offer in April (E&E News PM, April 29).

"Settlement talks are ongoing," Henkin said yesterday.

**Inside EPA**
**Despite Settlement Talks, County Presses Supreme Court Groundwater Suit**
https://insideepa.com/daily-news/despite-settlement-talks-county-presses-supreme-court-groundwater-suit
**David LaRoss**
**Friday, May 10, 2019**

The county of Maui, HI, is urging the Supreme Court to block Clean Water Act (CWA) liability and permit mandates for pollution that travels through groundwater to surface waters, even as elected officials there are debating whether to settle the case in order to avoid a ruling that would limit EPA and state regulators' CWA authority nationwide.

Maui filed its merits brief in the high court case, County of Maui v. Hawai'i Wildlife Fund, et al., on May 9, arguing that no "permissible" interpretation of the water law allows extending the permit program to discharges that only reach protected surface waters via groundwater.

"There is just one permissible reading of the statute: a point source permit is necessary only where pollutants are being delivered to navigable waters by a point source or series of point sources. This follows unambiguously from the text, structure, context, history, and purposes of the CWA," the brief says.

The justices are set to consider in their 2019-20 term -- which starts in October -- whether to overturn a decision from the U.S. Court of Appeals for the 9th Circuit that imposed CWA penalties on Maui for its practice of injecting treated wastewater into a groundwater channel that flows to the Pacific Ocean.

Even though the CWA does not directly regulate groundwater quality, a unanimous panel of the 9th Circuit agreed with environmentalists that by releasing contaminants into a sub-surface channel that would inevitably reach the Pacific, Maui was violating the law's bar on "any addition of any pollutant to navigable waters from any point source" without a National Pollutant Discharge Elimination System (NPDES) permit.

Following a similar decision by the 4th Circuit in a case over a pipeline spill, and a pair of 6th Circuit decisions that rejected CWA-groundwater liability for leaking coal ash disposal sites, County of Maui has emerged as the vehicle for the high court to consider the water law's reach into groundwater pollution and resolve the emergent circuit split.

But despite filing its opening brief on schedule the county might still decide to settle the case. Last month members of the county council, which is formally non-partisan but represents a strongly Democratic electorate, took up a bill that would mandate settlement in order to avoid a scenario where a decision in Maui's favor by the high court's conservative majority might end up limiting the CWA nationwide.

"Maui County should not be in that position to lead that charge," an April 25 Associated Press story on the potential settlement quoted council president Kelly King, the bill's sponsor, as saying. An attorney at the environmental law firm Earthjustice, which represents the wildlife fund and its allies, tells Inside EPA that as of May 10 "The parties continue to discuss settlement."

'Means Of Delivery'

Maui's brief lays out a test for CWA liability based on the "means of delivery" that brings a pollutant to jurisdictional waters. It says that framing, and not the 9th Circuit's that focuses on the origin of the contamination, is consistent with the law.

In particular, the county leans on the CWA's definition of "point source," which is stated as "any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged."

"The statute defines a point source not as a place of origin but as a means of transport," Maui says. And it continues that in light of that definition, the bar on adding pollution to navigable waters "from any point source" should be focused on the means by which pollutants reach surface waters, and not whether they were released by a point source upstream.

"Given that context, the 'most natural[] read[ing],' is that 'from' means delivered by. In other words, the CWA bars 'any addition of any pollutant to navigable waters delivered by any pipe, ditch, or similar means of transport,'" the county argues.

It continues that only a test that focuses on delivery mechanisms rather that origins will provide "some measure of predictability" in the CWA permit program, "so persons can clearly know whether an NPDES permit is required or not."

"The question is simply whether pollutants will be delivered by a point source or series of point sources to navigable waters. By contrast, the Ninth and Fourth Circuit's tests have far less predictable outcomes. Questions of traceability and 'direct hydrological connection' will leave regulated entities and regulators 'to feel their way on a case-by-case basis' at great expense and second-guessing," the brief says.

It also argues that there is no "clear congressional statement" in the water law authorizing CWA permits for groundwater-borne pollution, which the county says would be a major expansion of the NPDES permit program -- though environmentalists have argued that permits have long been required for sub-surface pollution sources like septic tanks where they are likely to release pollution that will ultimately reach surface waters.

That argument could help persuade the high court's newest addition, Justice Brett Kavanaugh, who during his confirmation hearing in 2018 touted the clear-statement doctrine as an important bar to agencies looking to expand their regulatory authority beyond what Congress intended.

However, the county also urges the court not to adopt the EPA's preferred reading of the CWA, expressed in an April 15 guidance, that says "the best, if not the only, reading of the CWA is that Congress intentionally chose to exclude all releases of pollutants to groundwater from the NPDES program, even where pollutants are conveyed to jurisdictional surface waters via groundwater."

Maui says that position represents a more drastic overhaul of CWA interpretation than its preferred means-of-delivery analysis, and that the justices should resist it.

"Though EPA's theory would also require reversing the Ninth Circuit, the County believes that this Court need not go as far as EPA urges to resolve this case. This Court granted certiorari to define the scope of the CWA's point source program. The CWA's text, structure, context, history, and purposes all point to a clear answer: the means-of-delivery test."

**Mid-Hudson News**
**New York Attorney General targets EPA, briefs Dutchess lawyers**
https://www.midhudsonnews.com/News/2019/May/10/NYAG_EPA-10May19.html
**Mid-Hudson News Staff**
**Friday, May 10, 2019**

POUGHKEEPSIE – State Attorney General Letitia "Tish" James told the Dutchess County Bar Association in Poughkeepsie Thursday night that her office is going after the Environmental Protection Agency (EPA).

The attorney general was the keynote speaker at the association "Law Day" dinner. She told the audience of lawyers, judges, and community leaders that she will be seeking to overturn a recent EPA declaration that the Hudson River is no longer contaminated by PCBs. That claim, James said, is refuted by "study after study and test after test" that the river is still polluted with the harmful contaminants.

"It is important that all of you understand what the EPA is doing to the Hudson Valley right now," said James early in her remarks. According to the AG, the EPA issued a declaration that the cleanup of toxic chemicals, namely PCBs, in the Hudson River was complete. "The river still contains dangerous levels of these chemicals that put communities in the Hudson Valley and throughout the state at serious risk – and my fundamental duty is to protect New Yorkers and that is why my office plans to sue the EPA over this decision," said James to a round of applause from the audience.

"We have a proprietary interest in protecting the Hudson River and New York citizens from the dangers posed by the presence of hazardous substances in the environment and we are also publicly opposing of punishing cuts to the EPA that are essential to its operations, and, are essential to addressing climate change and I will continue to take action against any and every force that threatens our state."

One audience member that applauded the attorney general's decision to pursue litigation against the EPA was Dutchess County Executive Marc Molinaro. "The attorney general is absolutely correct. The EPA has abandoned its responsibility to the people of the Hudson Valley, the future of the Hudson River Valley and the State of New York is right to take legal action. Dutchess County was among the first to join in calling for the EPA to do the right thing – the EPA didn't!"

He said the region has "one chance to get this right and we will not allow us to slide back. We've reoriented communities, economies, and people around the Hudson River and it's time to clean it up entirely."

**SUPERFUND**

**San Francisco Chronicle**
**City, state partner to deal with Portland Superfund site**
https://www.sfchronicle.com/news/article/City-state-partner-to-deal-with-Portland-13836409.php
**Associated Press**
**Friday, May 10, 2019**

PORTLAND, Ore. (AP) — The City of Portland and the state of Oregon say they're partnering to address the Portland Harbor cleanup efforts.

Last December, the U.S. Environmental Protection Agency announced the entire Portland Harbor site must meet certain goals toward figuring out a cleanup plan by the end of 2019.

Oregon Public Broadcasting reports that under the new proposal announced Friday, the city and state will each contribute up to $12 million to finalize blueprints for site cleanup design.

The Portland Harbor Superfund site is highly contaminated with dozens of pollutants from a century of industrial activity. The EPA spent 16 years developing a $1 billion cleanup plan for the site.

**St. Louis Public Radio**
**EPA To Conduct More Testing At West Lake Landfill, Delay Cleanup**
https://news.stlpublicradio.org/post/epa-conduct-more-testing-west-lake-landfill-delay-cleanup#stream/0
**Eli Chen**
**Friday, May 10, 2019**

The Environmental Protection Agency has decided to conduct additional tests for radioactive contamination at the West Lake Landfill, which would delay its excavation of the Superfund site.

When the EPA region that oversees Missouri released its final plan last September to remove 70% of the radioactivity at the site, officials said the cleanup would begin after they spent 18 months planning how to remove the World War II-era waste.

EPA officials announced this week that Republic Services subsidiary Bridgeton Landfill and other companies responsible for the site signed an agreement with the agency to design the excavation plan. Because of the additional testing, the cleanup won't begin for two and a half years, EPA spokesperson Ben Washburn said.

"We believe that taking this time to identify those pockets in the remedial design is going to lead to greater efficiencies and worker safety and community safety during the excavation," Washburn said.

Washburn could not say if the change to the timeline would extend the overall cleanup past four and a half years, the amount of time EPA officials originally said the excavation would be completed.

Federal officials also are planning to dig between 12 and 20 feet at the site, depending on the amount of waste that exists in any area. The original plan called for digging at 16 feet. By varying the depths, workers will be able to dig out more contamination, said Washburn.

"EPA's update is a fair reflection of where the process is," Bridgeton Landfill spokesperson Richard Callow said. "The additional 18 months of the design phase is a reflection of the differences in approach between the illustrative possible recommendations announced by EPA and the actually announced amended record of decision."

While many area residents have wanted the agency to conduct further testing, they also are eager for excavation to begin, said Dawn Chapman, a local activist based in Maryland Heights.

"While I understand that lengthening this phase might lessen other phases, we're pushing this back past 2020," Chapman said. "It's frustrating, and I think it highlights overall the failures of the Superfund program and the need to update it. Having the responsible parties do the scientific tests, they're clearly not good enough, and now we need more."

Chapman hopes that the extended timeline for the planning phase will provide EPA officials the chance to consider how to address groundwater contamination at the site. The federal agency treats the groundwater portion of the site as a separate Superfund site that will eventually receive its own cleanup plan.

**Waste 360**

**EPA to Conduct Additional Testing of West Lake Landfill**
https://www.waste360.com/landfill-operations/epa-conduct-additional-testing-west-lake-landfill
**Waste 360 Staff**
**Friday, May 10, 2019**

The U.S. Environmental Protection Agency (EPA) announced that it will conduct additional testing at the West Lake Landfill in Bridgeton, Mo., before a much-anticipated remedy is applied to the site.

The EPA said its design phase for planning how to excavate most of the site's radioactivity is expected to take longer than the initial 18-month plan, according to St. Louis Post-Dispatch.

Last fall, the owners of the West Lake Landfill in Bridgeton sued Mallinckrodt LLC to help pay costs of the EPA's cleanup. EPA ordered a $205 million cleanup to remove radioactive waste from the site.

St. Louis Post-Dispatch has more information:

Before a long-awaited remedy is applied to West Lake Landfill in Bridgeton, the Environmental Protection Agency said Wednesday that additional testing will be done at the radioactive Superfund site — satisfying at least one long-time wish of concerned local citizens.

But the EPA announcement also indicated that the "design phase" for planning how to excavate the bulk of the site's radioactivity is now expected to take longer than the roughly 18-month window originally intended for it. Starting now, that planning process is projected to take two-and-a-half to three years, regional EPA officials say.

Activists tracking issues at the site interpreted the news as both promising and potentially troubling.

Read the full article here.

**TRANSPORTATION**

**Inside EPA**
**To Comply With New Law, EPA Eyes Early 2020 For Vessel Discharge Plan**
https://insideepa.com/daily-news/comply-new-law-epa-eyes-early-2020-vessel-discharge-plan
**Inside EPA Staff**
**Friday, May 10, 2019**

EPA plans to propose in early 2020 national performance standards for commercial vessel discharges, in order to meet a Dec. 4, 2020, statutory deadline to finalize the standards, the first part of a two-step process of creating -- with the U.S. Coast Guard -- a unified framework for regulating ballast water and other types of incidental discharges.

EPA and Coast Guard officials said during a May 7 webinar on implementation of the Vessel Incidental Discharge Act (VIDA) that both agencies have been working closely together to meet the tight deadlines in the law.

Jack Faulk, an environmental protection specialist in EPA's Office of Wetlands, Oceans and Watersheds, said the agency is aiming for January or February 2020 to propose the standards, although that may slip a month, and that the agency will likely have a 30-day comment period on the proposal. While the agency wants to give people ample time to comment, it also is trying to ensure it meets the statutory deadline, he said.

President Donald Trump signed VIDA into law Dec. 4, after Congress was able to reach a long-sought compromise on how to provide industry with uniform national regulation while still ensuring protection of water quality under the Clean Water Act (CWA).

The compromise preserves EPA's authority to set ballast water discharge standards under the CWA within two years while limiting most state efforts to set stricter limits. It also gives the Coast Guard two years after that to promulgate rules on how ships must comply and how the Coast Guard will enforce the standards.

While the new law preempts state standards, it requires EPA and the Coast Guard to consult with states when establishing the discharge standards and allows states to petition the federal agencies for stronger national requirements if warranted by scientific data or changes in technology.

But VIDA also moved regulation of ballast water and other discharges incidental to the operation of commercial vessels from the National Pollutant Discharge Elimination System program under section 402 of the CWA to a new section of the law, section 312(p), said Faulk, who has overseen the agency's Vessel General Permit (VGP) program under section 402.

The VGP remains in effect until all the implementing regulations for VIDA are in place, Faulk added.

The new law requires EPA by Dec. 4, 2020, to develop national performance standards for each type of incidental discharge, and then the Coast Guard must by Dec. 4, 2022, finalize regulations to implement, monitor and enforce the EPA-developed standards, Matt Reudelhuber, an environmental protection specialist in the Coast Guard's Office of Operating and Environmental Standards, said on the webinar.

The VGP lists 27 incidental discharges that apply to all vessels and also includes a few more vessel-specific ones. Faulk said EPA intends to mirror the VGP in terms of the discharges for which it develops performance standards. The standards will be technology based, and the law allows them to be numeric, best management practices, or a combination of both, he said.

State Consultation

Faulk noted that VIDA requires EPA to consult with state governors on the proposed regulation. The consultation requirements in VIDA are similar, but not identical, to the federalism consultation EPA is already required to conduct, so the agency is trying to determine a way to do both consultations under one process, Faulk said. That process will likely begin in July, he added.

Another provision of the law amended Coast Guard regulations to allow for the use of so-called reproductive methods to treat ballast water by expanding the definition of “living” to ensure that organisms that cannot reproduce are not considered to be living. Reudelhuber says the Coast Guard plans to publish in the Federal Register in June a draft policy letter detailing reproductive methods based on best available science, with a final policy letter in December.

VIDA also created two new grant programs intended to prevent the spread of invasive species, which can travel in ballast water, but Congress has not appropriated funding for them.

The Coastal Aquatic Invasive Species Mitigation Grant Program would be created by the Commerce Department and administered by the National Fish and Wildlife Foundation. The grants would come from a trust fund that is a combination of appropriations, authorized at $5 million annually, and penalties assessed from violations of CWA section 312(p).

Additionally, the law authorized $10 million annually between fiscal years 2019-2023 for grants through the Great Lakes and Lake Champlain Invasive Species Program, which would be established within EPA's Great Lakes National Program Office.

**Inside EPA**
**Industry Asks EPA For Additional Flexibility Under Airbag Waste Rule**
https://insideepa.com/daily-news/industry-asks-epa-additional-flexibility-under-airbag-waste-rule
**Suzanne Yohannan**
**Friday, May 10, 2019**

Automakers and dealers are asking EPA to add more flexibility into its interim airbag disposal rule, which conditionally exempts dealers and salvage vendors from hazardous waste requirements when removing and handling recalled and other airbags from vehicles.

The rule aims to allow for the expedited removal of defective Takata airbag inflators from vehicles amid a massive recall.

But the National Automobile Dealers Association (NADA) in comments submitted earlier this year says it “fails to set out appropriate conditions to enable dealerships to manage those bags on-site in a manner that is protective of the environment and of human health and safety."

Rather, NADA says, EPA should allow dealers to manage the recalled bags by deploying them on-site, inside closed steel drums a certain distance from any person, thereby protecting human safety and health and removing any hazardous characteristics.

And in separate comments, two groups of automakers say while they support the exemption EPA provides, they ask for a number of additions, including extending regulatory easements to small quantity generators of hazardous waste, rather than just very small quantity generators, and broadening the types of auto parts included in the exemption.

The remarks were filed in January, but industry and other parties will have an additional opportunity to comment on EPA's proposed data collection activities for the rule as the agency late last month extended the comment deadline on its information collection request for the rule.

In an April 29 Federal Register notice, EPA extended the information collection request (ICR) comment period to allow for additional public input. It says additional comments may be submitted until June 28.

EPA explains that information collection is needed for the rule to ensure safe disposal of defective airbag modules and inflators and that they are not reinserted into vehicles. “Information collection activities include maintaining at the airbag handler for no less than three years records of (1) all off-site shipments and (2) confirmations of receipt of airbag waste,” the notice says.

EPA last November issued an interim final rule -- the “Safe Management of Recalled Airbags” rule, making the rule effective upon publication in the Federal Register, but nonetheless took public comment on it for 60 days. The agency said it was issuing the rule in response to an urgent public health issue prompted by the Takata airbag recall.

The rule stems from federal vehicle regulators' 2015 recall of millions of Takata airbag inflators made with ammonium nitrate propellant, due to an explosive shrapnel-producing defect. Under the recall, approximately 65-70 million airbag inflators were to be recalled by December 2019, affecting 19 vehicle manufacturers.

RCRA Exemption

The interim rule exempts the collection of airbag waste from hazardous waste requirements if certain conditions are met.

The agency says in the rule that if dealers and salvage yards were subject to full hazardous waste generator status under RCRA, their lack of expertise in managing hazardous waste would result in a slowdown of the recall effort, causing even more harm to human health and the environment. Typically, airbag inflators would meet the definition of both ignitable and reactive hazardous waste under RCRA, according to the rule.

EPA says the conditional exemption will also apply to the collection of non-Takata airbag waste for the purpose of disposal, in order to prevent confusion, boost efficiency and to deter such airbag waste from being diverted to the municipal solid waste stream.

While commenters on the interim final rule are generally supportive of it, they call for some modifications.

For instance, states, auto dealers and automakers ask EPA to include seatbelt pretensioners -- propellant-actuated devices that pull a seatbelt tight in response to a sudden stop -- into the rule's exemption for airbag waste. The Association of Global Automakers, Inc. and Alliance of Automobile Manufacturers in a Jan. 29 comment letter point to the similarities between airbag inflators and seatbelt pretensioners in that they both expend an explosive when the mechanism deploys.

“Therefore, it is sensible to include any motor vehicle propellant-actuated safety devices, including but not limited to seatbelt pretensioners, under the exemption created in the Interim Final Rule, to cover situations in which such devices do not otherwise qualify for any exemptions from the 'solid waste' and/or 'hazardous waste' definitions,” they say.

Dealers, automakers and scrap recycler groups also call for expanding the on-site accumulation quantity limit for airbag waste, although parties differ on whether storage time limits should be expanded beyond the rule's 180 days.

In its Jan. 29 comments, the Institute of Scrap Recycling Industries, Inc. supports the rule's conditional exemption, but says its on-site accumulation quantity limit of 250 airbag modules and inflators “may hinder opportunities to further develop sound management practices within the industry.” It notes that many auto salvage companies process more than 50 vehicles per day.

In addition, the auto manufacturing groups in their Jan. 29 comments ask EPA to clarify the rule to eliminate ambiguity about whether the rule's relief from manifesting and other hazardous waste generator obligations is limited to just so-called very small quantity generators (VSQGs) and instead make it clear the exclusion extends to all “airbag waste handlers.” The groups note that only about half of dealers are VSQGs, while the rest are mostly small-quantity generators.

The automakers also call for EPA to ensure that the rule's definition of airbag waste aligns with EPA's July 2018 policy memo that recognized exemptions from solid and hazardous waste definitions for certain airbag inflators and modules.

And the automakers and dealers are advocating for uniformity among states, conceding that nearly all states have the option to adopt the interim final rule. Some states may impose stricter requirements than what is set out in the rule, according to NADA. It proposes working with EPA and states on pushing for adoption of the rule uniformly, while the automakers are urging EPA to undertake a “formal, concerted effort” to facilitate affirmative state action.

The automakers suggest EPA provide states with model regulatory and preamble language to help expedite state administrative processes similar to the interim final rule and to offer states a speedier process for state submittals of a federal Resource Conservation & Recovery Act program revision application to EPA for review and approval.

**TSCA**

**Chemical Watch**
**Data concerns fuel controversy over TSCA PV29 risk evaluation**
https://chemicalwatch.com/77332/data-concerns-fuel-controversy-over-tsca-pv29-risk-evaluation
**Kelly Franklin**
**Friday, May 10, 2019**

US NGO the Environmental Defense Fund has pointed to recent data revelations as evidence that the public’s ability to trust TSCA risk evaluations "falls flat" without access to full and unredacted copies of health and safety information.

The claim comes amid the ongoing policy battle around pigment violet 29 – one of the first ten substances subject to risk evaluation under the amended TSCA.

PV29 is relatively data-poor and, as a result, the EPA had to largely rely on voluntarily submitted data, including information in the REACH registration dossier for the substance held by Echa.

However, the way this has been handled has raised NGO concerns on how the EPA collects and determines the confidentiality of information underpinning its assessments.

And information recently released through a public records request has only added to their fears that important determinations are being made behind closed doors.

Dossier changes

One claim made by the EDF relates to apparent changes of information in the public version of the REACH registration dossier for PV29.

In a 2 May blog post, the NGO's Richard Denison claimed that summaries of two studies in the public version of the REACH dossier included significantly higher water solubility figures than the 0.01 mg/L value that the EPA used in its draft evaluation.

But viewing those summaries again on Echa's website this month, Dr Denison's suspicions were raised when he noticed the higher water solubility values were no longer present.

And the apparent deletions, he said, demonstrate why it is "wholly unacceptable to expect the public to rely on summaries prepared by the companies making a chemical under review, or to trust EPA's assertion that the summaries accurately reflect the underlying studies".

'Updated continually'

In a response to Dr Denison's blog post, Christel Musset, Echa's director of hazard assessment, said dossiers "are updated continually for many reasons".

"Although information should not be deleted, it is, however, possible that certain outcomes of risk assessment could be changed due to new information (for example, new experimental data obtained through testing) at the disposal of the registrants."

And the American Chemistry Council told Chemical Watch: "Simply because modifications are made to submissions under REACH does not mean anything untoward has occurred; that the modifications are material; or that the modifications alter the ultimate conclusion of the evaluation that PV29 does not present an unreasonable risk."

'Simply because modifications are made to submissions under REACH, does not mean anything untoward has occurred,' the ACC

The forthcoming peer review process for PV29, it added, provides "an appropriate check on the agency's work".

BASF – the PV29 data owner – told Chemical Watch it will "work through EPA's public comment process to address the questions raised" on the dossier modifications.

Section 4 testing authorities

Meanwhile, NGOs have also taken issue with the EPA's reliance on voluntary data submission, which they say allows industry to 'cherry pick' information. They have pressed the agency instead to use its expanded authority under section 4 of the reformed TSCA to mandate testing.

Bob Sussman, counsel for Safer Chemicals, Healthy Families, said mandatory testing is the best pathway for addressing the "woefully inadequate" data that exists on the thousands of chemicals in commerce. "EPA is shirking its responsibility" under the reformed law by failing to use its newly expanded testing authorities, he added in a March blog post.

'EPA is shirking its responsibility under the reformed law, by failing to use its newly expanded testing authorities,' Bob Sussman, Safer Chemicals, Healthy Families

The EPA confirmed to Chemical Watch that it has not yet used its section 4 authorities, since the law was reformed in 2016. But an agency spokesperson said one reason for this is that the agency had "all necessary data to conduct the [first ten] risk evaluations".

"If the agency identifies data needs during the prioritisation or risk evaluation process, we will use the various tools at our disposal to obtain the needed information," said the spokesperson. This includes calls for voluntary submission of data.

PV29 is an example, the spokesperson added, where the agency "successfully worked with the manufacturers and data owners to gather the data to inform" the evaluation.

But Dr Denison told Chemical Watch that mandatory tests would better ensure the accuracy of collected data.

As an example of this, he pointed to emails released under an NGO Freedom of Information Act (Foia) request between the EPA and Sun Chemical Corporation – a domestic manufacturer of PV29 – regarding the substance's release to water.

In a 2017 September correspondence, the company estimated this at 0.6lbs/day. But according to the email exchange, there was further discussion with EPA staff over the course of several months and in December 2017, Sun Chemical submitted modified calculations which put the figure at 0.77lbs/day.

Nevertheless, the PV29 draft evaluation, published nearly a year later, continues to include the 0.6lbs/day figure.

Dr Denison said this illustrates an example where the EPA developed a risk assessment based on voluntarily submitted data, "without any ability to corroborate the information, let alone independently verify it."

The EPA should have issued an order for workplace and environmental release monitoring with specified protocols, he said, to ensure the accuracy of the data.

Sun Chemical did not respond to a request for comment by press time.

'Road to disaster'
In response to the ongoing disagreement over PV29, the ACC told Chemical Watch that the EPA is "well aware of the information it has [and] needs, and how to obtain information not readily available."

"We believe EPA will use the tools available to it under TSCA when it believes it is warranted."

The trade group also dismissed as unrealistic the concern that companies would 'cherry pick' data to avoid submitting information that casts a substance in an unfavourable light. It pointed out that TSCA section 8(e) already requires industry to report to the agency when it identifies evidence of significant risk.

Meanwhile, a toxicological expert, who peer reviews articles for public journals but who asked not to be identified, told Chemical Watch that NGOs' distrust of industry study summaries are "not valid".

"The majority of studies may be funded by industry, but are performed by highly reputable, totally independent research labs," he said. Individual data statistical analysis methods are fully described before a study starts, which means that a testing lab cannot arbitrarily change how data is interpreted later on.

The data redactions in the BASF PV29 studies, for example, are the type of information that would never appear in a peer-reviewed journal article, he added.

Criticism over a study's methodology can be valid, he said. "But [NGOs] asking for data, to then try out unvalidated and sometimes dubious quality data analysis methods, trawling for random numerical differences they can leap on to make unsubstantiated claims of toxic effects, would be a never-ending road to disaster."

**WATER**

**The Inquirer**
**PFAS water-contamination bills will get a hearing in Congress. Read up on what's proposed**
https://www.philly.com/news/pfas-congress-hearing-chemicals-water-contamination-20190510.html
**Justine McDaniel**
**Friday, May 10, 2019**

In the ongoing bid to address chemicals that have contaminated drinking water in dozens, if not hundreds, of communities nationwide, new bills addressing PFAS were introduced this week — and a congressional hearing on PFAS legislation was scheduled for Wednesday.

"Let's get all those solutions brought to the table and let's thoroughly discuss them," Rep. Paul Tonko (D., N.Y.), who chairs the environmental subcommittee that will hold the hearing, said on Monday. He spoke in Montgomery County at a roundtable hosted by Rep. Madeleine Dean (D., Pa.). "We hope we're going to be able to move something this year."

PFAS chemicals caused public and private drinking wells to be shut down in Bucks and Montgomery Counties in 2014 and 2016; they have resulted in ongoing cleanup problems and health concerns. The chemicals have been linked to cancers, immune problems, and other health issues.

An analysis released this week by the Environmental Working Group and Northeastern University showed 610 sites in 43 states are contaminated by PFAS. Of those sites, 17 were counted in Pennsylvania and 43 in New Jersey. Later this month, Pennsylvania officials are beginning a statewide testing program to determine how many more public water systems across the state may be contaminated.

Lawmakers dealing with contamination in their local communities said earlier this week that they believed some PFAS bills could pass; House Speaker Nancy Pelosi (D., Calif.) has promised to move them to a vote, they said. Broadly, they seek to force the federal government — including the Environmental Protection Agency and the Department of Defense — to quickly implement treatment, cleanup, and protection measures to remove the chemicals from the environment.

"It has fallen to Congress to advance policies that will reduce the threat of these toxic chemicals. Representatives from across the country are stepping up with important legislation to confront this crisis," Tonko said in announcing the hearing.

Here's a look at some of the bills the lawmakers may debate. Most have bipartisan support and are bicameral:

- Safe drinking water standard: This bill requires the EPA to establish a standard for the amount of PFAS that can legally be present in drinking water, known as a maximum contaminant level.
- Federal accountability: With a bill introduced this week, lawmakers hope to force the federal government, including the military, to clean up contaminated sites, sparing states and local communities from bearing the cost of clean-up. It would specify deadlines for completing various clean-up actions.
- Military cleanup: Another bill would require the Department of Defense to submit a cleanup plan and authorize funding for cleanup by the military.
- PFAS detection: In order to conduct nationwide sampling for PFAS in the environment, this bill would allocate $45 million to the U.S. Geological Survey for development of new technologies for detecting PFAS, with an aim of mapping all PFAS water contamination in the U.S.

- Drinking water systems: This legislation would set up a grant program to allow public drinking water systems across the U.S. to install treatment technology for PFAS. Rep. Frank Pallone, Jr. (D., N.J.) said the bill would give communities the ability to eliminate the chemicals from their drinking water.
- Hazardous substances: Two bills would require the EPA to designate PFAS as hazardous substances. Another proposal would regulate the chemicals under the Toxic Substances Control Act. Another bill would add PFAS to the list of hazardous air substances. A bill introduced Thursday would require PFAS to be listed on the EPA's Toxic Release Inventory. It would force manufacturers to report their usage of PFAS to the EPA as public information.
- Veteran database: A bill introduced in the House and Senate would create a national database for military veterans who have had health problems they believe could be caused by PFAS. Anyone signed up would also receive updates on PFAS developments.
- Veteran health effects: One bipartisan proposal seeks to include blood testing for PFAS in routine physicals for military firefighters. Another bill would designate illnesses caused by PFAS as a service-connected disability, requiring the Department of Veterans' Affairs to cover treatment and making affected veterans eligible for disability payments.
- Other bills include proposals to force polluters to pay water treatment costs; make changes to laws that govern toxic and hazardous substances; and create a consumer advisory label for pots, pans, and cooking utensils that are free of PFAS.

**The Post Star**
**Hudson River community advisory group holds next meeting in Saratoga Springs**
https://poststar.com/news/local/hudson-river-community-advisory-group-holds-next-meeting-in-saratoga/article_e6b184e8-83a6-5e44-bef6-5af2d0e48f08.html
**Gwendolyn Craig**
**Friday, May 10, 2019**

SARATOGA SPRINGS — The U.S. Environmental Protection Agency will discuss its decision to issue the General Electric Co. a certificate of completion for the $1.7 billion dredging of the Hudson River, and its deferral until later about whether the dredging worked, at an upcoming meeting.

The meeting will be held from 1 to 4:30 p.m. Tuesday, May 14 in the Hawthorne Room of the Gideon Putnam Hotel, 24 Gideon Putnam Road in Saratoga Springs.

The update is just one item on a packed agenda for the Hudson River PCBs Superfund Site Community Advisory Group. The group is made up of multiple stakeholders for the federal Superfund site, including local municipal leaders, environmental organizations, GE representatives, and state and federal representatives.

The U.S. Environmental Protection Agency had mixed messages Thursday about the cleanup of the Hudson River Superfund site.

EPA officials will talk about the early April announcement that GE had completed the remedial action for dredging, capping and habitat restoration of the Upper Hudson River. EPA Region 2 Administrator Pete Lopez told reporters that does not mean GE is "off the hook," adding that it will be decades before a final certificate would be issued to end the site's Superfund status.

EPA has provisions, Lopez added, that could require GE to complete more cleanup activities.

EPA will also discuss its decision to defer a determination about whether the dredging worked. Lopez has said more fish tissue data will be collected, and a decision could be made in eight years or so.

Gov. Andrew Cuomo and state Attorney General Letitia James announced Thursday that the state plans to sue the U.S. Environmental Protection Ag...

Separately from this project, the EPA is considering project work to clean up the floodplains of the Hudson River. That, too, will be discussed at the meeting, along with the data collection process, sampling of high flow and flood mud and sampling of the Old Champlain Canal in Schuylerville.

The state Department of Environmental Conservation will also discuss its surface sediment data collection.

The meeting is open to the public. For more information and a draft agenda, go to hudsoncag.ene.com.

**Transport Topics**
**EPA Announces $2.6 Billion in Availability for Water Improvement Projects**
https://www.ttnews.com/articles/epa-announces-26-billion-availability-water-improvement-projects
**Eugene Mulero**
**Friday, May 10, 2019**

To help improve the quality of drinking water and wastewater infrastructure nationwide, the U.S. Environmental Protection Agency announced the availability of nearly $2.6 billion to states, tribes and territories.

"EPA is delivering on President [Donald] Trump's commitment to modernize our nation's water infrastructure and improve public health and environmental protections," agency Administrator Andrew Wheeler said May 8. "EPA's $2.6 billion contribution to the State Revolving Funds will enable more communities to make the investments needed to ensure Americans have safe water for drinking and recreation."

The State Revolving Funds program is a partnership with state agencies designed to give communities low-cost financing for water-quality projects. The agency estimates more than $743 billion is needed for water infrastructure improvements.

The country's drinking water and wastewater infrastructure earned low marks in a 2017 analysis by the American Society of Civil Engineers. Drinking water systems received a D grade, while a D+ was given to the overall wastewater network, according to the group's quadrennial report card.

Drinking water and wastewater will be among the programs receiving attention by stakeholders at the seventh annual Infrastructure Week. The advocacy forum kicks off May 13 in Washington.

Anthony D'Andrea
Intern, Office of Public Affairs
202-564-7137

Message

**From**: Dunn, Alexandra [dunn.alexandra@epa.gov]
**Sent**: 3/27/2019 3:24:00 PM
**To**: Hewitt, James [hewitt.james@epa.gov]
**CC**: Beck, Nancy [Beck.Nancy@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
**Subject**: Re: FOR REVIEW//DRAFT statement on chlorpyrifos ruling

These look good to me.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Mar 27, 2019, at 9:33 AM, Hewitt, James <hewitt.james@epa.gov> wrote:

I discussed with Erik these two drafts as we expect the court to make a ruling this week.

Should they rule in our favor:

**DRAFT**: "We welcome the court's decision and EPA intends to meet the court deadline. EPA would also fully welcome Columbia University to release the underlying data of their study on chlorpyrifos to help inform the agency's ultimate decision."

Should they not:

**DRAFT**: "We are reviewing the decision."

James Hewitt
Environmental Protection Agency
Press Secretary
(202) 578-6141

Message

**From:** Voyles, Travis [Voyles.Travis@epa.gov]
**Sent:** 4/4/2019 1:28:28 PM
**To:** Jackson, Ryan [jackson.ryan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
**CC:** Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Konkus, John [konkus.john@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Fitzmorris, Amanda [fitzmorris.amanda@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; English, Katherine [english.katherine@epa.gov]; Braid, Duncan [braid.duncan@epa.gov]
**Subject:** 4/3 House Science Letter on IRIS
**Attachments:** 4.3.19 Wheeler letter EPA IRIS.pdf

FYI—

We received this letter last night from the House Science Committee regarding the IRIS Program Outlook that was issued on 4/2. The letter also specifically focuses on formaldehyde and requests a briefing from ORD, OCSPP, and any other EPA staff we deem relevant. I will follow up with a time to meet and discuss how to approach the many claims they are laying out in the letter, but if there are others not listed on this email that need to be included in helping to respond to this letter please let me know.

Let Joe or I know if you have any other questions or concerns.

Thanks,

Travis

--

Travis Voyles
Director of Oversight
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
O: (202) 564-6399
C: (202) 309-6931

EDDIE BERNICE JOHNSON, Texas
CHAIRWOMAN

FRANK D. LUCAS, Oklahoma
RANKING MEMBER

# Congress of the United States
## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6375
www.science.house.gov

April 3, 2019

The Honorable Andrew Wheeler
Administrator
Environmental Protection Agency
1301 Constitution Ave. NW
Washington, D.C., 20460

Dear Administrator Wheeler,

We write to express our concern about the Program Outlook issued yesterday by the Environmental Protection Agency (EPA) regarding the upcoming workflow of the Integrated Risk Information System (IRIS).[1] The list issued is identical to that issued on December 19, 2018, but the message accompanying the list formally stated that the EPA is officially discontinuing IRIS's work on formaldehyde.

The formaldehyde assessment has been ready for public comment since at least the end of 2017, as confirmed by your predecessor, former Administrator Scott Pruitt, at a January 2018 Senate hearing.[2] Though the Agency has been successful in suppressing its release to the public, press reports indicate that the IRIS assessment concludes formaldehyde causes leukemia and other cancers.[3] It is unacceptable that the EPA is hiding information on a probable carcinogen from the American people.[4]

On March 20, 2019, the EPA announced that formaldehyde will be assessed under the Toxic Substances Control Act (TSCA).[5] It is absurd that formaldehyde can simultaneously be a high-priority chemical under TSCA and not be a priority at all for IRIS. These processes are not mutually exclusive, nor do they serve the same purpose, and it is unacceptable that the agency is apparently treating them as such by discontinuing IRIS's work. When asked about this discrepancy at a Science Committee hearing last week, Dr. Jennifer Orme-Zavaleta, the Principal Deputy Assistant Administrator for EPA's Office of Research and Development (ORD), said: "I wouldn't say that [formaldehyde is] not a priority for IRIS. We have

---

[1] "A Message from the IRIS Program," Environmental Protection Agency, April 2019, accessed here: https://www.epa.gov/sites/production/files/2019-04/documents/iris_program_outlook_apr2019.pdf
[2] Eric Levitz, "The EPA Is Hiding Proof That a Widely Used Chemical Causes Leukemia: Report," *New York Magazine*, July 6, 2018, accessed here: http://nymag.com/intelligencer/2018/07/the-epa-is-hiding-proof-that-formaldehyde-causes-leukemia.html?gtm=top&gtm=top
[3] Annie Snider, "Sources: EPA blocks warnings on cancer-causing chemical," *Politico*, July 6, 2018, accessed here: https://www.politico.com/story/2018/07/06/epa-formaldehyde-warnings-blocked-696628
[4] "Formaldehyde," International Agency for Research on Cancer, Volume 100F, 2012, accessed here: https://monographs.iarc.fr/wp-content/uploads/2018/06/mono100F-29.pdf
[5] "Reaching Another TSCA Milestone, EPA Identifies 40 Chemicals to Prioritize for Risk Evaluation," U.S. Environmental Protection Agency, March 20, 2019, accessed here: https://www.epa.gov/newsroom/reaching-another-tsca-milestone-epa-identifies-40-chemicals-prioritize-risk-evaluation

not discontinued that work."[6] Dr. Orme-Zavaleta is the highest-ranking career official at ORD, and it appears she was unaware of EPA's plan to drop IRIS's formaldehyde assessment just one week before the decision was publicized. These decisions should come from a sincere, deliberative process that includes career scientists, but it appears political appointees at EPA left Dr. Orme-Zavaleta in the dark. Furthermore, the Agency allowed its principal deputy assistant administrator of ORD to come to the Science Committee hearing unprepared to answer questions on EPA's plans for a highly controversial chemical.

In order to understand the decision-making process behind formaldehyde's shift from IRIS's to TSCA's priority list, we request a staff-level briefing from relevant parties in the Office of Chemical Safety and Pollution Prevention (OCSPP), ORD, and any other office that participated in decisions related to formaldehyde. We request that the EPA send employees who are capable of fully answering questions on the issues outlined in this letter and discussed at last week's hearing. Please have your staff contact Janie Thompson or Sara Palasits at (202) 225-6375 to schedule the briefing.

The formaldehyde assessment has been years in the making. The National Academies of Sciences stands ready to review the assessment, already having entered a $500,000 contract with the EPA.[7] We urge EPA to allow the formaldehyde assessment to be released for review and to stop hiding the chemical's dangers from the American people, whose tax dollars paid for this work and whose well-being depends on the agency fulfilling its mandate to protect human health and the environment.

Sincerely,

Eddie Bernice Johnson
Chairwoman
Committee on Science, Space & Technology

Mikie Sherrill
Chairwoman
Subcommittee on Investigations and Oversight

Cc:
The Honorable Frank Lucas
Ranking Member
Committee on Science, Space & Technology

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[6] "EPA's IRIS Program: Reviewing Its Progress and Roadblocks Ahead," House Committee on Science, Space, & Technology, March 27, 2019, accessed here: https://science.house.gov/hearings/epas-iris-program-reviewing-its-progress-and-roadblocks-ahead

[7] Annie Snider, "Sources: EPA blocks warnings on cancer-causing chemical," *Politico*, July 6, 2018, accessed here: https://www.politico.com/story/2018/07/06/epa-formaldehyde-warnings-blocked-696628

Message

**From**: Diesel Technology Forum [diesel_technology_forum@dieselforum.org]
**Sent**: 5/10/2019 4:59:05 PM
**To**: Jackson, Ryan [jackson.ryan@epa.gov]
**Subject**: FHWA Talking Freight Webinar: May 15

May 10, 2019

# FHWA "Talking Freight" Webinar, May 15: The Use of Emission Reduction Technologies in Freight Vehicles

*Cummins, Ruan Transportation, U.S. EPA and Diesel Technology Forum to Speak on Emissions Reduction Strategies and Best Practices for Fleets, Freight Carriers and Engine Manufacturers*

Across America, freight transportation volumes keep going up, the U.S. economy continues to grow, and truckload capacities are surging. This good news brings one significant effect: truck registrations in the U.S. are up by double-digits. As more and more freight vehicles transport more goods into, out of, and within the United States, more fuel

is needed to transport those goods, collectively increasing the potential for vehicular emissions.

Recognizing the need to maximize the efficiency and cleanliness of all commercial vehicles, freight carriers and engine manufacturers have worked to achieve ever-increasingly stringent emissions and fuel economy requirements.

**On Wednesday, May 15**, learn more directly from leaders at the forefront of the clean diesel technologies and strategies being used today to reduce freight vehicle emissions. **Join us from 1:00 p.m. to 2:30 p.m. ET, for a free webinar, hosted by the Federal Highway Administration's (FHWA's) Office of Freight Management and Operations and the Office of Planning.**

***There is no cost to participate in this webinar, but space is limited. Register for the webinar here or visit https://ops.fhwa.dot.gov/freight/fpd/talking_freight/index.htm for more details.***

**At this event hosted by** FHWA, the Diesel Technology Forum's Director of Policy will moderate a conversation with representatives from Cummins – one of the leading American engine manufacturers; Ruan Transportation – a leading service provider to fleets and drivers across the nation; and the U.S. Environmental Protection Agency.

Topics covered will include the steps engine manufacturers are taking to bring commercial diesel engines even nearer-to-zero, even as they develop other technologies; how renewable diesel fuel, biodiesel, and other alternative technologies contribute to real-world fleet operations; leading research being done on next-generation emissions control technologies; and how diesel technologies will continue to compete in the future of the freight sector.

**WHAT & WHO:** FHWA Presents: **The Use of Emission Reduction Technologies in Freight Vehicles**

- **Ezra Finkin, Diesel Technology Forum, Policy Director**: *Clean Diesel Technologies Overview*
- **Jim Nebergall, Cummins, North America Product Strategy, Director**: *The Development of Lower Emissions Freight Vehicle Technologies – Engine Manufacturer Perspective*
- **Steve Larsen, Ruan Transportation**: *The Development of Lower Emissions Freight Vehicle Technologies – Carrier Perspective*
- **Dennis Johnson, EPA Technology Assessment Center, Director**: *Environmental Protection Agency (EPA) Perspective on Emissions Control Technologies Research*

**WHEN:** Wednesday, May 15, 2019 | 1:00 p.m. to 2:30 p.m. ET

**WHERE:** Hosted online through FHWA. Join the seminar through any computer with Internet connectivity, or listen into the audio over the computer or via phone. Visit https://ops.fhwa.dot.gov/freight/fpd/talking_freight/index.htm for details.

**REGISTER:** Click here to register. Contact Chip Millard at FHWA for assistance.

Diesel technologies continue to make up more than 97 percent of all Class 8 big-rig trucks in the U.S., as well as a majority of medium-duty trucks. Over the last 20 years, emissions from heavy-duty diesel trucks, buses and other vehicles have been reduced by more than 90 percent for nitrogen oxides (NOx) – an ozone precursor – and particulate emissions.

As of 2017, 36 percent of all commercial trucks (Class 3-8) in the United States rely on these newest-generation diesel engines – a six percent increase over 2016. Even this small increase of new-technology diesel trucks on the road has delivered important benefits in the form of cleaner air, fewer carbon dioxide (CO2) emissions in the communities in which they operate, as well as dramatic fuel savings to truckers. The more than 4.9 million new-technology diesel trucks now on the road have removed more than 26 million tonnes of NOx and 59 million tonnes CO2 from the air. On average, truckers saved about $2,600 in fuel a year since 2010, which adds up to 138 million barrels of crude oil – that's about 50 percent of the entire U.S. Strategic Petroleum Reserve, saved by just a few thousand trucks.

**Register now, and join us on Wednesday, May 15 to learn all about how freight carriers and engine manufacturers are using clean diesel technologies to lower emissions and increase fuel efficiency for commercial vehicles.**

**ABOUT THE DIESEL TECHNOLOGY FORUM**

The Diesel Technology Forum is a non-profit national organization dedicated to raising awareness about the importance of diesel engines, fuel and technology. Forum members are leaders in clean diesel technology and represent the three key elements of the modern clean-diesel system: advanced engines, vehicles and equipment, cleaner diesel fuel and emissions-control systems. For more information visit our website .

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Some links in this email are temporary and may move or expire in the coming weeks.
Some sources may require registration or fee-based subscriptions.

Visit us at
www.dieselforum.org

5291 Corporate Dr., Suite 102, Frederick, MD 21703
Unsubscribe | Privacy Policy

Message

**From**: Hewitt, James [hewitt.james@epa.gov]
**Sent**: 5/15/2019 7:06:17 PM
**To**: Jackson, Ryan [jackson.ryan@epa.gov]
**CC**: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Konkus, John [konkus.john@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]
**Subject**: RE: FOR REVIEW//state regulation story

We did also draft a longer statement. See below. I'll print the inquiry out for the administrator.

"The Trump Administration has emphasized the need for the federal government to work with the states to advance positive regulatory outcomes. When it comes to stationary entities, the environment is different in Arizona than it is in Minnesota so blanket regulations may not be the best option. A minimum standard is set, but we want to allow the States to work with us to implement standards that best suit the needs of their constituencies.

"That said, when it comes to regulations with broader interstate implications such as fuel economy standards, we need to ensure an individual state isn't dictating standards that may not best fit the need of the rest of the country. The federal government has a role to play in tackling tough issues but we shouldn't ignore the roles states play in having a better understanding environmental issues their residents face."

**From:** Jackson, Ryan
**Sent:** Wednesday, May 15, 2019 3:04 PM
**To:** Hewitt, James <hewitt.james@epa.gov>
**Cc:** Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
**Subject:** RE: FOR REVIEW//state regulation story

I think a patchwork of regulations is a problem. However, there's sometimes little to do about that. I think we need a more substantive response. It may be worth bringing this up to Andrew to see how he'd like to handle. He may want to address this.

**From:** Hewitt, James
**Sent:** Wednesday, May 15, 2019 3:02 PM
**To:** Jackson, Ryan <jackson.ryan@epa.gov>
**Cc:** Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
**Subject:** FOR REVIEW//state regulation story

Ryan,

Brady and Juliet are working on a story where states are filling the void in enacting tougher regulations by claiming we aren't do to the Trump administration's emphasis on cooperative federalism.

Our recommendation is to push back with a short statement or put you or the administrator on the phone to push back directly. See our statement below:

"EPA is currently finalizing a number of regulatory actions, including the Affordable Clean Energy rule and WOTUS replacement rule, and will continue working with our state partners to ensure these actions help protect human health and the environment and provide certainty to our thriving economy."—EPA Spokesperson

**From:** Dennis, Brady <Brady.Dennis@washpost.com>
**Sent:** Wednesday, May 15, 2019 10:42 AM
**To:** Press <Press@epa.gov>
**Cc:** Eilperin, Juliet <Juliet.Eilperin@washpost.com>
**Subject:** state regulation story

Hi all,

Juliet and I are working on a story about how various states are moving forward with regulation on a number of environmental fronts where the federal government has not yet finalized action – or in a different direction than the current administration. Some examples include on chlorpyrifos, PFAS, vehicle fuel standards, etc. It's not an EPA-only story, as we plan to include drilling and other issues that would fall more under Interior. But we did want to reach out and see if anyone from EPA wanted to talk about the general patchwork regulation that exists (or might soon exist) on some environmental issues. Is it a positive thing and a natural result of federalism? Would EPA prefer to have a federal standard in most cases? Are there any concerns on what the differing standards could mean for industry?

Happy to talk further but wanted to drop a line. We are hoping to wrap up the reporting today or tomorrow, but our best guess is the story wouldn't run for a few days.

Thanks,
Brady

The Washington Post
Brady Dennis
National Reporter
Health, Science & Environment
Work: (202) 334-7745
Email: brady.dennis@washpost.com
Twitter: @brady_dennis
Stories: http://wapo.st/2sS5gfK

Message

**From**: White, Elizabeth [white.elizabeth@epa.gov]
**Sent**: 4/12/2019 7:41:23 PM
**To**: McIntosh, Chad [mcintosh.chad@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
**CC**: Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]
**Subject**: RE: Fast Track Letter from Administrator Wheeler to Chinese Minister Li Ganjie

Closing the loop on this – we have the letter printed on letterhead and will bring up for signature on Monday – per Chad. Hope everyone has a great weekend.

Beth

**Beth White**
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

---

**From:** McIntosh, Chad
**Sent:** Friday, April 12, 2019 2:43 PM
**To:** Molina, Michael <molina.michael@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
**Cc:** White, Elizabeth <white.elizabeth@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>
**Subject:** Fast Track Letter from Administrator Wheeler to Chinese Minister Li Ganjie

This letter is in response to the Ministry of Ecology and Environment request for assistance to help them obtain clearance from their Ministry of Foreign Affairs. We recommend signing as quickly as we can. Thanks Chad

Background

The Office of International and Tribal Affairs (OITA) is moving forward to confirm and organize the U.S. – China Joint Committee on Environmental Cooperation (JCEC) in Beijing on your way to the G-20 in Japan. The JCEC is the bilateral ministerial between you and your Chinese counterpart to review the last two years of collaboration and to agree to the next two years of collaboration on air, water, waste, chemicals, enforcement, and laws/legal institutions. It is also an opportunity to raise emerging issues for collaboration such as marine debris. China is one of EPA's biggest and most successful bilateral programs and considered a bright spot in U.S. – Chinese relations.

ISSUE

We agreed to wait until the new/current Administration was in place. We were planning a JCEC under former Administrator Pruitt, when trade tensions escalated to a point that China cancelled high level engagements with the U.S. The Ministry of Ecology and Environment (MEE) is anxious to move ahead with the JCEC but needs clearance from the Ministry of Foreign Affairs(MOFA) before they can clear the meeting. MOFA had been saying they were waiting for demonstrated progress in trade negotiations and a successful summit between our heads-of-state. While negotiations appear to be doing well, a summit has been postponed until both sides feel there is something significant to announce.

The U.S. Embassy in Beijing has requested that you send a letter to your counterpart expressing our interest in having the JCEC in June. They would like to hand deliver the letter to both MEE and MOFA at an opportunity they have on Wednesday, April 17th. The high-level inquiry from you would be the tool the Embassy needs to cut through Chinese

bureaucracy to get a response in time to plan a meaningful JCEC. At the staff level, we have asked for confirmation before China begins its May Day holiday.

RECOMMENDATION

OITA recommends that you sign the attached letter and return it on via a high-quality PDF to OITA. OITA would transmit it to the Embassy, so they could print, and hand deliver to the appropriate officials at MEE and MOFA.

W.C. McIntosh
Assistant Administrator
International and Tribal Affairs
United States Environmental Protection Agency
202-564-6600

Message

**From**: Bolen, Brittany [bolen.brittany@epa.gov]
**Sent**: 4/16/2019 6:17:45 PM
**To**: Jackson, Ryan [jackson.ryan@epa.gov]
**Subject**: FW: For review today
**Attachments**: PFAS Action Overview.jlkdocx-BB.docx

**Importance**: High

FYI – this is handout we are submitting to OMB. They asked for a one-pager in advance.

---

**From:** Bolen, Brittany
**Sent:** Tuesday, April 16, 2019 2:17 PM
**To:** Kramer, Jessica L. <kramer.jessical@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>
**Cc:** Wright, Peter <wright.peter@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
**Subject:** RE: For review today
**Importance:** High

Just confirmed this language with Peter. Hayly, please use this version.
Thanks all.

---

**From:** Bolen, Brittany
**Sent:** Tuesday, April 16, 2019 2:06 PM
**To:** Kramer, Jessica L. <kramer.jessical@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>
**Cc:** Wright, Peter <wright.peter@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
**Subject:** RE: For review today

Jess, thanks so much. I accepted all your edits.
Peter, good catch on "action" and I deleted alst sentence. What do you think about the way I phrased 70?

---

**From:** Kramer, Jessica L.
**Sent:** Tuesday, April 16, 2019 1:43 PM
**To:** Bolen, Brittany <bolen.brittany@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>
**Cc:** Wright, Peter <wright.peter@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
**Subject:** RE: For review today

Hi Brittany,

A few edits from me. I included comments to explain the few of them. Let me know if you have any questions. Thanks!

Jess

Jessica L. Kramer
Policy Counsel to the Assistant Administrator
Office of Water
(202) 564-6322

---

**From:** Bolen, Brittany
**Sent:** Tuesday, April 16, 2019 1:24 PM
**To:** Humphreys, Hayly <humphreys.hayly@epa.gov>
**Cc:** Wright, Peter <wright.peter@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>

**Subject:** For review today
**Importance:** High

Hayly - Please share the attached with the administrator when he returns from lunch. We need to send this document over to OMB later this afternoon as this is the only document they've requested in advance.
Team – please let me know if we need to make any edits before sending over!
Thank you,
Brittany

# EPA PFAS Action Overview

## Background and Interest

- Exposure to elevated levels of certain PFAS[1] may lead to adverse health effects, which has prompted action by State and local governments, as well as federal agencies, including EPA.
- Nineteen states[2] have developed screening and/or enforcement levels for PFOA and PFOS in drinking water at or below EPA's health advisory level or 70 parts per trillion.
- There is significant Congressional interest in PFAS, including recent legislation, letters and hearings.[3]

## EPA Action Plan

- On February 14, 2019, EPA released its PFAS Action Plan, which provides the Agency's first multi-media, multi-program, national research, management and risk communication plan on PFAS. The Action Plan responds to extensive public input EPA has received over the past year during the PFAS National Leadership Summit, community engagements, the public docket, and Congressional hearings.
- The plan includes both short-term strategies and long-term solutions to address PFAS Contaminants. Three of the short-term strategies related to addressing existing contamination by the two most prevalent PFAS contaminants (i.e., PFOA and PFOS) are detailed below. Several long-term strategies in the Action Plan focused on additional research to address data needs related to other PFAS compounds.

### 1. Groundwater Clean-up Recommendations

- Provides EPA Regional Administrators with non-enforceable guidance to evaluate PFOA and PFOS concentrations in groundwater being used for drinking water. The draft guidance, which will go out for public comment before being finalized, includes a screening level of 40 ppt and identifies a need to address instances where PFOA and/or PFOS concentrations exceed 70 ppt in drinking water (e.g., providing an alternative source of drinking water).

### 2. Hazardous Substance Listing

- Listing PFOA and PFOS as hazardous substances under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides EPA additional authority to require responsible parties to carry out clean-ups and providing EPA and others additional authority to seek recovery of clean-up costs from responsible parties so that States and communities do not have to bear the financial burden.

### 3. National Drinking Water Standard Evaluation

- EPA intends to evaluate whether a national drinking water standard should be developed for PFOA and PFOS. Under the Safe Drinking Water Act, EPA must first propose a regulatory determination following the established rulemaking process, which will ensure public participation, transparency, and the use of the best-available science and other technical information.

---

[1] Per- and Poly-fluoroalkyl Substances (PFAS) represent a large class of chemicals. Perfluorooctanoate (PFOA) and perfluorooctanesulfonic acid (PFOS) are the two most widely-studied chemicals in this class that were used in a wide variety of industries and products, including surface treatments for soil/stain/water resistance; surface treatments of textiles; paper; metals; and for specialized applications, such as fire suppression for hydrocarbon fires.

[2] AK, AL, AZ, CA, CO, CT, DE, IA, MA, ME, MI, MN, NC, NH, NJ, PA, RI, VT, and WV.

[3] House: Upton (MI), Hudson (NC), Meehan (PA), Walberg (WI), Bergman (MI), Bishop (MI), Posey (FL), Huizenga (MI), Fitzpatrick (PA), Turner (OH), Hollingsworth (IN), Cole (OK), Shimkus (IL). Senate: Capito (WV), Barrasso (WY), Burr (NC), Johnson (WI), Murkowski (AK), Paul (KY), Portman (OH), Rubio (FL), Rounds (SD), Scott (FL), Tillis (NC), Toomey (PA)

Message

**From:** Lopez, Peter [lopez.peter@epa.gov]
**Sent:** 4/11/2019 9:52:00 PM
**To:** Jackson, Ryan [jackson.ryan@epa.gov]
**Subject:** Re: All hands Political Appointee meeting 4/18

Thank you my friend!

I am locking it into my schedule.

Sincerely,
Pete

Pete Lopez
Regional Administrator
US EPA-Region 2
290 Broadway
New York, NY 10007
(212) 637-5000
(917) 376-2190 (cell)

On Apr 10, 2019, at 7:08 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

All –

I wanted to place on your calendars the notice of an all hands political appointees meeting on April 18 at 1pm EDT in the Green Room for some new introductions and updates. Please call or email Aaron Dickerson at Dickerson.aaron@epa.gov or 202-564-1783 if you are unable to attend. Administrator Wheeler will likely have some updates well.

April's meeting will feature Jeff Clark, Assistant Attorney General for the Environment and Natural Resources Division at the U.S. Department of Justice. ENRD prides itself as the nation's largest environmental law firm, and it serves as the litigator for EPA among other agencies. In October 2018, the U.S. Senate confirmed Jeff to be Assistant Attorney General for ENRD, however, Jeff also previously served as Deputy Assistant Attorney General for ENRD for President George W. Bush's first term from 2001 to 2005. For over 20 years Jeff has practiced at Kirkland & Ellis in a variety of legal fields including environmental law. In 2010, Jeff participated in a panel discussion hosted by the Federalist Society titled Environmental Law: EPA: An Agency Gone Wild or Just Doing Its Job? I think he has had us figured out for quite some time.

Regional staff are invited and will be connected through video and teleconference. Questions from the regional staff are just as encouraged.

**Video connection:** Regions will be connected at the video location they use for Monday's senior staff meeting. Please coordinate with your on-site coordinator on this. With questions, please call Aaron Dickerson at 202-564-1783.

**Audio Call-in:**
Ex. 6 , dial-in
conference code

Thank you

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
(202) 564-6999

Message

**From:** EPA Press Office [noreply_subscriptions@epa.gov]
**Sent:** 5/2/2019 1:01:59 PM
**To:** Jackson, Ryan [jackson.ryan@epa.gov]
**Subject:** EPA Awards Over $9.3 Million to Clean Up School Buses

U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

# EPA Awards Over $9.3 Million to Clean Up School Buses

**WASHINGTON** (May 2, 2019) — The U.S. Environmental Protection Agency (EPA) recently awarded more than $9.3 million to replace 473 older diesel school buses. The funds are going to 145 school bus fleets in 43 states or territories, each of which will receive rebates through EPA's Diesel Emissions Reduction Act (DERA) funding. The new buses will reduce pollutants that are linked to health problems such as asthma and lung damage.

"Children's health is a top priority for EPA, and these grants will help provide cleaner air and a healthier ride to and from school for America's children," **said EPA Administrator Andrew Wheeler.** "This DERA funding reflects our broader children's health agenda and commitment to ensure all children can live, learn, and play in healthy and clean environments."

Applicants replacing buses with engine model years of 2006 and older will receive rebates between $15,000 and $20,000, depending on the size of the bus. Regional, state or tribal agencies including school districts and municipalities, or private entities that operate school buses under contract with state, tribal or local agencies were eligible to apply.

Over the last seven years, EPA has awarded approximately $39 million in rebates to replace almost 2,000 school buses. Bus replacements funded through the rebate program reduce emissions and exposure to particulate matter and nitrogen oxides for children at schools, bus stops, and on the buses themselves.

School buses travel over 4 billion miles each year, providing the safest transportation to and from school for more than 25 million American children every day. However, exhaust from diesel buses can harm health, especially in children, who have a faster breathing rate than adults and whose lungs are not yet fully developed.

EPA has implemented standards to make newer diesel engines more than 90% cleaner, but many older diesel school buses are still operating. These older diesel engines emit large amounts of pollutants, which are linked to instances of aggravated asthma, lung damage and other serious health problems.

The 2018 DERA school bus rebate recipients can be found at https://www.epa.gov/cleandiesel/clean-diesel-rebates

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Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

**From**: White, Elizabeth [white.elizabeth@epa.gov]
**Sent**: 4/12/2019 7:28:21 PM
**To**: McIntosh, Chad [mcintosh.chad@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
**CC**: Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]
**Subject**: RE: Fast Track Letter from Administrator Wheeler to Chinese Minister Li Ganjie
**Attachments**: AAW Letter to Minister Li Ganjie v2.docx

Attached is the DRAFT formatted. We are printing on letterhead, and I am taking upstairs to Ryan now. Thanks.

**Beth White**
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

---

**From:** McIntosh, Chad
**Sent:** Friday, April 12, 2019 2:43 PM
**To:** Molina, Michael <molina.michael@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
**Cc:** White, Elizabeth <white.elizabeth@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>
**Subject:** Fast Track Letter from Administrator Wheeler to Chinese Minister Li Ganjie

This letter is in response to the Ministry of Ecology and Environment request for assistance to help them obtain clearance from their Ministry of Foreign Affairs. We recommend signing as quickly as we can. Thanks Chad

Background

The Office of International and Tribal Affairs (OITA) is moving forward to confirm and organize the U.S. – China Joint Committee on Environmental Cooperation (JCEC) in Beijing on your way to the G-20 in Japan. The JCEC is the bilateral ministerial between you and your Chinese counterpart to review the last two years of collaboration and to agree to the next two years of collaboration on air, water, waste, chemicals, enforcement, and laws/legal institutions. It is also an opportunity to raise emerging issues for collaboration such as marine debris. China is one of EPA's biggest and most successful bilateral programs and considered a bright spot in U.S. – Chinese relations.

ISSUE

We agreed to wait until the new/current Administration was in place. We were planning a JCEC under former Administrator Pruitt, when trade tensions escalated to a point that China cancelled high level engagements with the U.S. The Ministry of Ecology and Environment (MEE) is anxious to move ahead with the JCEC but needs clearance from the Ministry of Foreign Affairs(MOFA) before they can clear the meeting. MOFA had been saying they were waiting for demonstrated progress in trade negotiations and a successful summit between our heads-of-state. While negotiations appear to be doing well, a summit has been postponed until both sides feel there is something significant to announce.

The U.S. Embassy in Beijing has requested that you send a letter to your counterpart expressing our interest in having the JCEC in June. They would like to hand deliver the letter to both MEE and MOFA at an opportunity they have on Wednesday, April 17th. The high-level inquiry from you would be the tool the Embassy needs to cut through Chinese bureaucracy to get a response in time to plan a meaningful JCEC. At the staff level, we have asked for confirmation before China begins its May Day holiday.

RECOMMENDATION

OITA recommends that you sign the attached letter and return it on via a high-quality PDF to OITA. OITA would transmit it to the Embassy, so they could print, and hand deliver to the appropriate officials at MEE and MOFA.

W.C. McIntosh
Assistant Administrator
International and Tribal Affairs
United States Environmental Protection Agency
202-564-6600

[ DATE \@ "MMMM d, yyyy" ]

The Honorable Minister Li Ganjie
Ministry of Ecology and Environment
of the People's Republic of China
115 Xizhimennei Nanxiaojie
Beijing 100035
PEOPLE'S REPUBLIC OF CHINA

Dear Minister Li:

I understand that we will both be participating in the G-20 Environment Ministerial Meeting in Japan this June. I am especially looking forward to the opportunity to meet you in Beijing on June 12, 2019, at the proposed U.S. – China Joint Committee on Environmental Cooperation. The U.S. Environmental Protection Agency's work with China's Ministry of Ecology and Environment remains one of our most substantive and productive bilateral relationships. While our staffs continue to further our technical cooperation, we are long overdue for a ministerial meeting to advance the EPA-MEE collaboration.

I expect that we will have a very productive discussion updating our workplans for the six annexes of our Memorandum of Understanding. In addition, I would be interested in discussing the emerging issue of how we can collaborate on the growing challenge of marine debris.

Given other domestic and international commitments, June offers the best opportunity this year for me to travel to China for the JCEC. I hope that we will be able to confirm the timing of the proposed JCEC so that we do not lose the opportunity this year to advance our work at the most senior levels. I appreciate your consideration and look forward to meeting and working with you in person.

Sincerely,

Andrew R. Wheeler

Message

**From**: Ryan Jackson Ex. 6
**Sent**: 9/30/2019 7:09:13 PM
**To**: Jackson, Ryan [jackson.ryan@epa.gov]
**Subject**: CRA_RIN_PriceContainment_March_2018 NO COPYRIGHT.pdf
**Attachments**: CRA_RIN_PriceContainment_March_2018 NO COPYRIGHT.pdf

CRA Charles River Associates

# Ethanol RIN Waiver Credits:

## *Improving Outcomes of the Renewable Fuel Standard through a Price Containment Mechanism*

**Prepared by:**

Charles River Associates

Date: March 2018

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## Disclaimer

The study was commissioned by Valero. The research, analysis, results and conclusions were all developed independently by the authors. The conclusions set forth herein are based on independent research and publicly available material.

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*For questions about this paper, please contact Jeff Plewes at jplewes@crai.com*

# 1. Executive Summary

Market-based policies that aim to increase a societal good, such as renewable energy, often employ quantity targets with associated credit markets that allow policy goals to be met at least cost. These credit markets, such as the RIN market under the Renewable Fuel Standard (RFS), can be subject to uncertain and volatile prices when the real world turns out different than policymakers expected. Unexpectedly high prices can lead to significant societal costs and ultimately a failure to meet policy goals.

Since 2013, the ethanol RIN market has experienced high and volatile prices, even though the average ethanol content of motor gasoline in the US has been higher than policymakers thought was necessary to meet their ethanol volume goals when the policy was devised. Actual US transportation fuel consumption has been substantially lower than forecasted when the RFS was written in 2007. This meant that even with the entire country consuming gasoline with approximately 10 percent ethanol, the RFS ethanol volume standards have not been met. Higher ethanol content fuels, such as E15 and E85, could help meet the target, but increasing use of these higher ethanol blends has been held back by infrastructure constraints.

Instead, the RIN deficiency has been met by expanding biodiesel consumption, based on an unintended result of the fuel-type nesting structure of the RFS. Ethanol (D6) RINs have therefore priced off the higher cost biodiesel (D4) RINs. Meanwhile, the US has increased its imports of biodiesel, often from sources with potentially negative environmental impacts. There has also been minimal appreciable increase in ethanol use past the "blend wall," despite RIN prices being many times greater than their levels prior to 2013.

The RFS policy goals could be met at a more reasonable RIN cost with the implementation of a well-designed price containment mechanism. National biofuel policy discussions have recently turned to such mechanisms. These concepts have proven effective in a variety of other compliance credit markets, such as the Renewable Portfolio Standards and carbon emissions policies in many states and regions. While they may have different names, such as price caps, alternative compliance payments (ACP), or safety valves, they have proven effective policy tools. Their application to the RFS is further supported in academic literature.

Many applications of price containment mechanisms include significant government revenue streams, which in many cases have been effectively targeted at breaking through policy and infrastructure constraints. A price containment mechanism in the RFS could lead to greater ethanol consumption in the long term if it includes redirecting the new government revenue stream to expanding higher ethanol blend fuel consumption.

An ideal mechanism for the RFS will minimize consumer costs while achieving long-term policy goals, such as the use of renewable fuels. Waiver credits could be offered for sale by the EPA as an alternative compliance mechanism for obligated parties. A waiver credit program could consider the following components:

**A price that reflects ethanol RIN costs** – To minimize compliance costs, the waiver credit price should be as low as possible, without causing displacement of ethanol volumes in normal compliance years. Historical ethanol RIN prices prior to the blend wall, in market conditions similar to current conditions, averaged only a few cents. This was due to oxygenate and octane demand for ethanol driving blending. These other demand drivers still exist, and therefore a waiver credit price of about $0.10 per RIN should effectively relieve the blend wall without displacing ethanol volumes.

**A quantity that ensures blend wall relief** – If there are not enough waiver credits to clear the blend wall, the program will not provide much value. Given the uncertainty



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around the volume of credits needed, the program should provide a substantial numbers of credits. If priced above the natural ethanol RIN price, then there would only be demand for waiver credits to displace RIN volumes above the blend wall.

**A revenue recycling program aimed at lowering long-term compliance costs –** The EPA can expect tens of millions of dollars per year in waiver credit revenues. These could be re-invested in the renewable fuels industry, with the aim of reducing long term compliance costs. A strong candidate for investment is infrastructure for E15 and E85 fuels, which have faced constraints in availability to consumers. With adequate investment in E15 and E85 infrastructure, long term waiver credit demand could decrease, effectively sunsetting the program naturally.

A price containment mechanism for the RFS can benefit from lessons learned from other policies and markets. There are currently a variety of price containment mechanisms within markets that were formed by environmental and energy policies. While a revisiting of the fundamental RFS policy drivers is a reasonable long-term idea, adding a well-designed ethanol waiver credit program could alleviate several of the most pressing issues with the RFS.



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# 2. Introduction

This paper considers the application of a price containment mechanism in the RFS. It covers the following topics, each addressed in separate sections:

- Issues with the Current RFS Policy Design – The RFS was designed with ethanol volume goals based on an expectation of ever-increasing motor gasoline consumption. That has not occurred. As a result, the ethanol blend wall has been dictating RIN economics.

  Ethanol RIN prices have been set by the cost to expand biodiesel consumption beyond its RFS-mandated levels. These higher costs have done little to expand ethanol consumption. Nearly the same ethanol volume outcome could have been achieved for a much lower RIN cost. The widespread sale of higher blend ethanol fuels has not increased fast enough despite the high RIN prices.

- Using a Price Containment Mechanism in the RFS – The concept of price controls or "safety valves" have existed for as long as there have been compliance markets. They first gained favor in environmental policy-derived markets in the 1980s. The main reasons cited for applying price containment include responding to uncertainty, reducing regulatory burden, decreasing price volatility, and creating a source of revenue that can be used to address policy constraints, thereby improving long-term cost and policy outcomes. All of these are reasons present in the RIN market. We provide an illustration and description of how a price control mechanism would alleviate several RFS issues.

- A Waiver Credit Solution for the RFS – An ideal mechanism for the RFS will minimize consumer costs while achieving long-term policy goals, such as the use of renewable fuels. Waiver credits could be offered for sale by the EPA as an alternative compliance mechanism for obligated parties. The waiver credit price should be kept low to minimize compliance costs, but should not lead to significant displacement of ethanol blending. Historical RIN prices suggest that such a price could be as low as a few cents. There should be substantial waiver credits available to ensure that the blend wall is not breached. To improve long-term outcomes, revenues from waiver credits can be invested in relieving infrastructure constraints to higher ethanol blend fuels.

- Appendices: Case Studies – A price containment mechanism for the RFS can benefit from lessons learned from other policies and markets. There are currently a variety of price containment mechanisms within markets that were formed by environmental and energy policies. Examples include: many state-level renewable energy programs, the California Low Carbon Fuel Standard, and multiple regional carbon markets, such as that in the Northeast U.S. We examine a few in detail.

While some may point to EPA's waiver authority as an indirect price containment mechanism, it is not used as such and it is limited in its effectiveness. It has not prevented the market distortion caused by ethanol RIN pricing being stuck at biodiesel RIN levels for multiple years. Nor has it created any investment revenues that could be used for improving long-term policy outcomes and blending substantially more ethanol. While it is possible that the waiver authority could be tied to a price containment mechanism, in its current form it does not contain RIN prices.

A well-designed price containment mechanism in the RFS can improve the RIN market. It can deter unnecessary policy costs and can improve long-term outcomes, particularly if waiver credit revenues are used to break through constraints. Ethanol producers can benefit from long-term volume expansion as infrastructure constraints on higher blend fuels are reduced. Obligated parties can benefit from lower compliance costs in years where the price cap is binding. They would also experience reduced price volatility and a reduced risk of losing RIN



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value to blenders. Finally, and most importantly, consumer costs would decrease as the long-term policy costs decrease.

# 3. Issues with the Current RFS Design

The RIN mechanism is a quantity-based compliance program, which uses a market mechanism (the RIN market mechanism) to require a certain quantity of ethanol to be used in each period. In simplified terms, the EPA sets the quantity of ethanol to be blended and the tradable RIN mechanism is designed to allow this to happen at least cost.

In the absence of perfect information in setting quantities in advance in such mechanisms, there is a substantial economic literature on the use of quantity versus price-based regulatory mechanisms.[1] If the marginal benefits of compliance greatly exceed the marginal costs, a quantity-based mechanism may be preferable.[2] Nevertheless, the RFS as implemented is a purely quantity-based system with a fixed target, with the inherent scope for unexpected price and policy outcomes if the future turns out differently than expected when the quantities were set.

As we show later in this paper, this is what has happened in the context of the RFS. Originally it was widely thought that, with ever increasing gasoline consumption, it would be relatively easy (and hence require a minimal subsidy, and thus reflecting a low RIN price) to meet the ethanol mandates. However, gasoline consumption has not grown as forecast (a good thing, from an environmental perspective), and infrastructure and other constraints have made it quite difficult to blend higher levels of ethanol to meet RFS requirements. In short, the current RIN market is the result of unintended consequences that a pure quantity-based mechanism lacks the flexibility to address.

This too is a known problem in the economic literature, and various changes to pure quantity-based mechanisms have been proposed in the economic literature (and often implemented in practice) to address the fundamental inflexibility of a pure quantity compliance target.[3] Later in this paper we discuss several case studies of price containment features which have been incorporated into other quantity-based compliance mechanisms to illustrate some practical implementations of these fundamental economic ideas.

We begin with an illustration of current ethanol RIN economics, showing how ethanol (D6) RIN prices have been pricing off of biodiesel (BBD, or D4) RINs. This unexpected outcome was created by the breaching of the ethanol blend wall, which we discuss after the RIN economics illustration. We then show how, despite high RIN prices, higher ethanol blend fuels have not entered the market to relieve the blend wall constraint.

---

1 Weitzman (1974). Prices versus Quantities. *Review of Economic Studies*, 41(4).

2 Newell, R., W. Pizer and J. Zhang (2003). *Managing Permit Prices to Stabilize Prices*. RFF Discussion Paper RFF DP-0-34

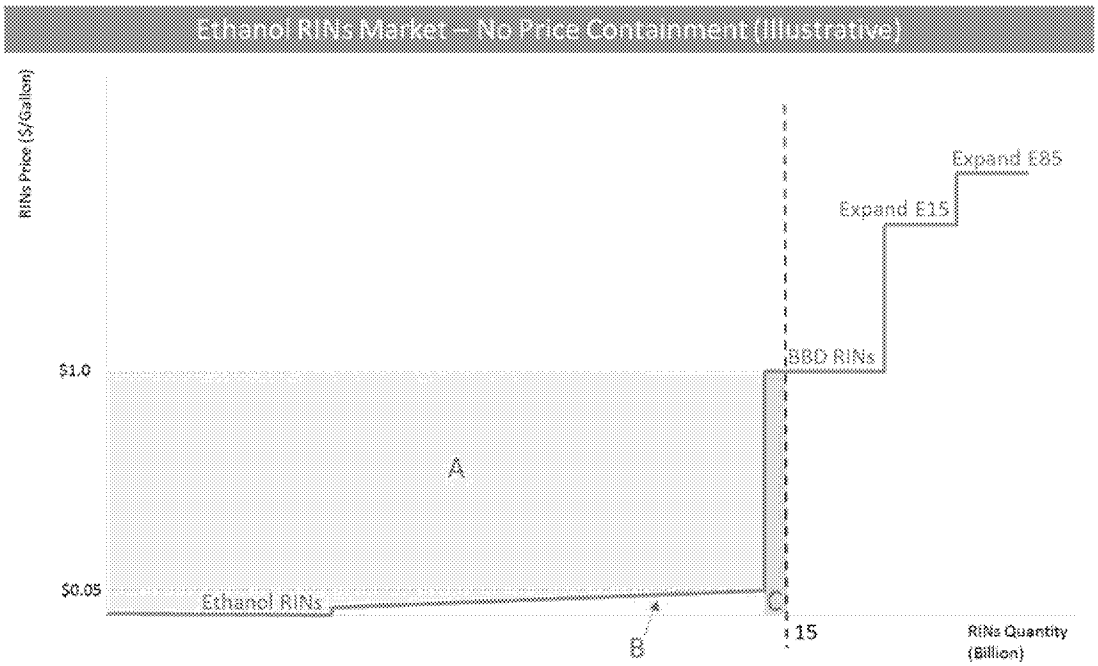
3 See for example, Jacoby, H. and D. Ellerman (2004). The Safety Valve and Climate Policy. *Energy Policy*, 32(4) and Kollenberg, S. and L. Taschimi (2016). Emissions Trading Systems with Cap Adjustments. *Journal of Environmental Economics and Management*, 80.

## 3.1. Illustration of current RIN economics

The main driver of RIN prices – at least in theory- is the price spread between the conventional fuel and the renewable fuel, adjusted for the lower energy content of the renewable fuel. While there are several constraints on this pricing dynamic being fully realized, historical movements in the conventional-to-renewable fuel spreads have been roughly correlated with RIN price changes.

The following chart is an illustration of the supply and demand curves in the RIN market as it is currently constructed. The prices and quantities roughly match actual outcomes in the past few years, including a RIN price set by BBD RINs. The chart is only meant to illustrate the market, not precisely replicate it.

**Figure 1: D6 RIN market illustration, without price containment mechanism**




The following describes each of the main elements of the above chart:

- Supply curve – While the illustrative supply curve in a generic market is often represented by a sloping line, the ethanol RINs supply curve is better characterized by a tiered set of steps. These represent the increasing compliance costs of supplying additional RINs, which see the greatest jumps in cost when moving to different fuels for compliance. For example, a significant amount of ethanol would be blended for its oxygenate and octane enhancement characteristics, regardless of the RFS. The associated RINS could be produced even at a zero RIN price, as there is another (non-RFS related) value to using ethanol. These low-cost or no-cost RINs represent the first tier in the supply curve.

  The next tier is the ethanol that requires a RIN price to be blended, which we assume is upward sloping due to different blending economics in different regions of the country and different costs for different producers. Both of the ethanol tiers are primarily driven by the price spread between petroleum feedstock and ethanol and the relative price of ethanol versus other octane enhancement options. In this example, all E10 ethanol RINs are available at under $0.05 per RIN, informed by

actual RIN market outcomes when ethanol blending set the RIN price prior to 2013. The ethanol tier ends at the "blend wall," which is the number of RINs that can be achieved by maximizing the amount of ethanol in motor fuels across the country, up to the E10 recommended standard.

RIN market outcomes have demonstrated that the next tier comes from biodiesel-based RINs, which are RINs generated by biodiesel use beyond the D4 volume standard set by the EPA.[4] The nested fuel structure of the RFS allows D4 RINs to count toward fulfilling D6 obligations. The price of these RINs is determined by comparative economics for biodiesel and diesel, with the RIN price theoretically covering the spread adjusted for energy content.

The last two tiers illustrated are for expanding higher ethanol blend fuels. These RIN prices represent the price needed to incentivize the infrastructure investments to expand distribution of the higher blend fuels. The price has not been realized by the market due to the BBD RINs setting a temporary ceiling on D6 RIN prices, so they remain unknown. It is possible that the price level required to incentivize infrastructure investment is extremely high, and therefore could bring high consumer costs if it were ever realized in the RIN market.

- Demand curve – The demand curve is illustrated as a vertical line at the mandated D6 RIN volume. This is a volume that must be met, nearly regardless of RIN price.[5]
- RIN price – The RIN price will be set at the intersection of the supply and demand curves. In the chart, the intersection is on the BBD RIN portion of the supply curve, making the BBD RINs the "marginal RINs" that set the price for all D6 RINs transacted.[6]
- Total market RIN value – In this illustration, the total value of all RINs is $15 billion. This is represented by the areas A, B, and C combined. Had the price been $0.05 per RIN and the quantity remained the same, the total value of all RINs would be $750 million, a difference of $14.25 billion.
- Producer surplus – Producer surplus is the amount that producers of RINs are paid over the amounts for which they would be willing to sell them. In the short term, they would be willing to sell RINs at their cost of producing them. In the long term, they would also include a rate of return. This surplus is achieved due to the concept of a marginal producer setting a single price in a market. In the illustration, it is represented by the area A.[7]

---

4 Other small tiers exist, such as a tier for banked RINs and tiers for E15 and E85 sold via the existing infrastructure. The banked RIN tier is only an annual phenomenon, and thus they have been excluded in this example. The existing E15 and E85 tiers are assumed to be in the sloping portion of the ethanol RIN tier.

5 At extremely high RIN prices there would be a decrease in demand for motor gasoline and therefore a lower RIN demand, but that extreme effect is not necessary to include in this illustrative example.

6 RINs transacted over a year will change in price based on expectations about the marginal RIN cost (either in the current year, or the next year due to banking). Prices may also vary for participants due to contracts and level of vertical integration. However, in the long term, the marginal supply tier sets the price for all RIN transactions.

7 These surpluses are not entirely held by the producers of RINs (the blenders that separate them). A significant portion is returned through the concept of pass-through in petroleum feedstock prices. Our previous research has shown this pass-through is incomplete, suggesting that some surplus remains with the blenders.

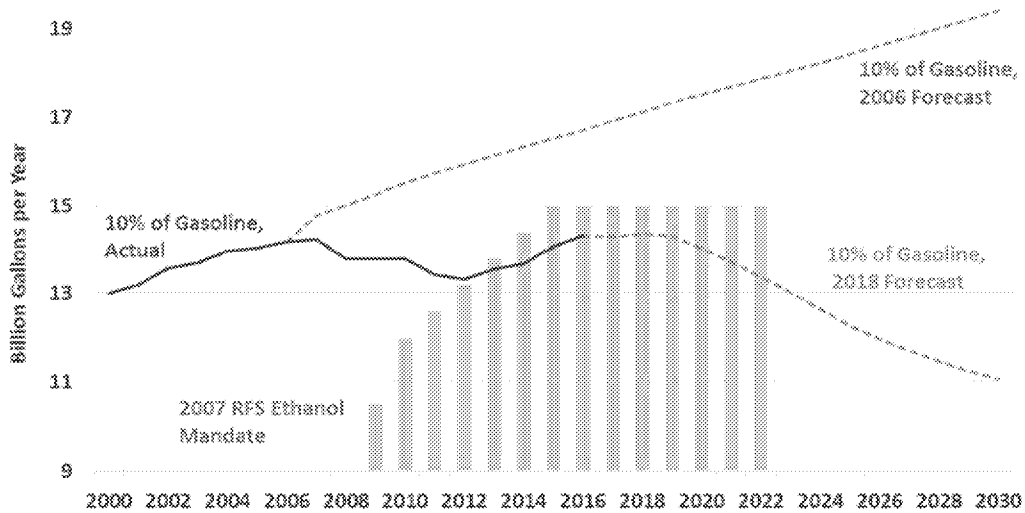
## 3.2. Issues with breaching the blend wall

The blend wall is breached when the RFS ethanol volume standard is higher than the quantity of ethanol that can be blended as E10, adjusted for higher and lower blend volumes. When the blend wall is exceeded, there is a deficiency of RINs for compliance. There are two main reasons that the blend wall was more easily reached than expected.

1. **Lower U.S. motor gasoline consumption than expected** – This led to a lower amount of ethanol consumed in E10 than expected. The following chart illustrates the discrepancy in forecasted vs. actual E10 ethanol volumes. The light blue line shows the amount of ethanol that would have been blended in E10 if gasoline consumption grew as expected as of 2007. This is well above the green bars, which represent the ethanol quantity mandates from the 2007 RFS2 regulations.

   The dark blue line represents actual ethanol volumes in E10, based on lower motor gasoline consumption. The orange line shows the amount of ethanol in E10 based on recent forecasts of gasoline consumption. Both of these lines are well below the mandated ethanol volumes, thus leaving a gap that must be filled by higher blend fuels or D4 RINs.

   **Figure 2: Ethanol potential of E10, forecasted vs. actual vs. mandate (billion gallons)**



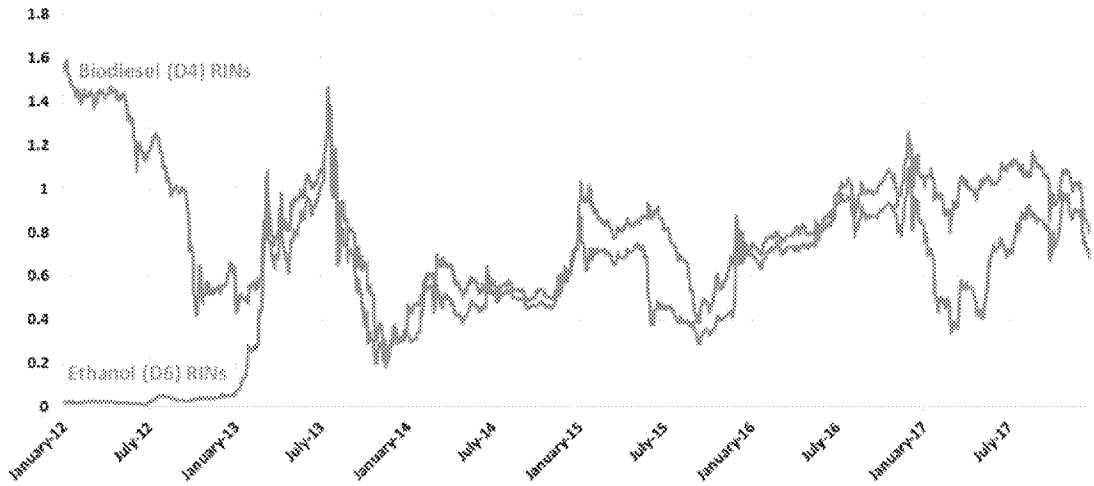

*Sources: EIA AEO 2006, EIA AEO 2018, EPA RFS overview*

2. **Lower penetration of higher ethanol blend fuels than expected** - This effectively capped ethanol volumes near 10% of motor gasoline consumption. This is discussed in detail in the next section (Section 3.3).

In the RIN market economics illustration in the previous section, the volume standard of 15 billion ethanol RINs caused a breach of the blend wall. This caused the RIN price to jump from about $0.05 to $1.00 per RIN. While these are illustrative prices, they reflect recent RIN price history. Before the blend wall was breached, RIN prices were far below current levels. In 2012, they averaged under $0.03 per RIN. After the breach in 2013, they priced off of D4 prices, reaching as high as $1.45 per RIN. While there was some price separation in early

2017, D4 and D6 RIN prices have since converged again. This is shown in the following chart.

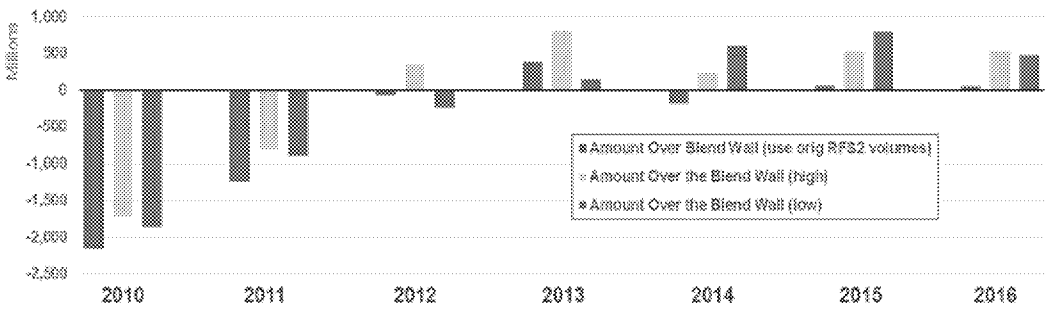
**Figure 3: Historical RIN prices ($)**




Source: RIN data from Oil Price Information Service (OPIS)

The D6 price jump occurred in the same year that the blend wall was breached for the first time. The following chart estimates the quantity, in millions of gallons, by which the blend wall was breached in each year from 2010 to 2016. The amount and timing of the breach is dependent on assumptions about volumes of E0, E15 and E85 consumed. The three bars for each year represent the blend wall breach calculated by various assumptions of higher blend volumes. The green bars represent the breach that would have occurred if the original RFS2 ethanol volume goals were not adjusted. The gray and yellow bars represent breach amounts with high or low assumptions, respectively, about E15 and E85 volumes. Regardless of which is most accurate, it is generally accepted that the blend wall was breached around 2013.

**Figure 4: Blend wall "breach" by year**




Sources: EPA data, CRA analysis

The blend wall breach occurred without a direct policy response to mitigate its impacts. As a result, there were several issues that arose that threatened the efficient achievement of RFS policy goals. The first set of issues centered on the unintended spike in biodiesel consumption. Because of the ethanol RIN demand for BBD RINs, volumes of biodiesel have significantly exceeded the RFS biodiesel volume standard. In the first year of blend wall



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breaching, U.S. biodiesel consumption jumped from 21 million barrels (2012) to 34 million barrels (2013).[8]

This had two main consequences. First, D4 prices, which had been on a significant downward trend, jumped nearly 300% in one year. This had impacts on policy costs. Second, there was a significant increase in imported biodiesel and decrease in exports. In the year before the blend wall, the U.S. was a net exporter of biodiesel (2.2 million barrels in 2012). In the first year of the blend wall breach, the U.S. became a net importer (3.5 million barrels in 2013).[9] It also led to increased demand for biodiesel from foreign sources with potentially negative environmental impacts.[10] Given the environmental driver behind the RFS, this was not necessarily in line with policy goals.

The higher prices themselves are an issue. They add uncertainty and volatility as small changes in fuel market factors can have a large impact on RIN prices. The fact that prices can jump between biodiesel and ethanol pricing also impacts uncertainty. This was seen in the past 1.5 years as market participants tried to gauge whether the EPA would maintain volumes that breached the blend wall. The higher prices also increase the potential financial incentives for blenders to retain portions of the RIN value, rather than passing it all through to refiners as the policy intended.

## 3.3. Failure of high RIN prices to expand higher blend fuels

The blend wall has not been relieved by an expansion of higher blend fuels. There is market evidence that the main cause of the failure to expand E15 and E85 has been insufficient infrastructure investment. If infrastructure were expanded, it is likely that there would be significantly more ethanol blended in transportation fuels at a RIN price well below the RIN prices seen since 2013. These concepts are further explained in this section.

### 3.3.1. Insufficient penetration of high blend fuels

To drive an increase in higher blend fuels, the fuels must be cost competitive with E10 on an energy content basis,[11] readily available for purchase by final consumers, and have a market of vehicles that can use higher blend fuels. While the pricing issue has seen several challenges with the efficient pass-through of RIN value, the main constraint to all of the above conditions is the lack of adequate infrastructure, and in particular fueling stations that offer E15 and E85. As such, if a primary policy goal is to expand ethanol consumption in transportation fuels beyond the E10 blend wall, any policy options can be substantially judged by whether they effectively confront the E15 and E85 infrastructure challenges.

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8 U.S. Energy Information Administration. (2018). *Monthly Energy Review February 2018: Biodiesel and Other Renewable Fuels Overview.* Retrieved from https://www.eia.gov/totalenergy/data/monthly/pdf/sec10_8.pdf

9 Idem

10 AETS. (2013, February). Assessing the impact of biofuels production on developing countries from the point of view of Policy Coherence for Development. *The European Union's Framework Contract Commission 2011.* European Union. Retrieved from: https://ec.europa.eu/europeaid/sites/devco/files/study-impact-assesment-biofuels-production-on-development-pcd-201302_en_2.pdf

11 E15 has roughly 98% of the energy content of E10, while E85 has roughly 77% of the energy content of E10.

To date, the RFS has not met the challenge of expanding higher blend fuels. There are currently about 1,000 stations selling E15 and about 3,160 stations offering E85.[12] These stations represent 0.8% and 2.6%, respectively, of all public gas stations in the U.S.[13] While E15 and E85 sales volumes are not explicitly tracked, the EPA provided estimates of their volumes in their analysis supporting the 2017 RFS volume standards. They estimated annual sales of 728 million gallons of E15 and 275 million gallons of E85, which represent only 0.5% and 0.2% of all U.S. motor gasoline demand. In order to cover the deficiency of ethanol below the 15 billion gallon RFS goal, there would need to be tens of thousands more stations with either E15, E85 or both.[14]

### 3.3.2. Lack of infrastructure expansion

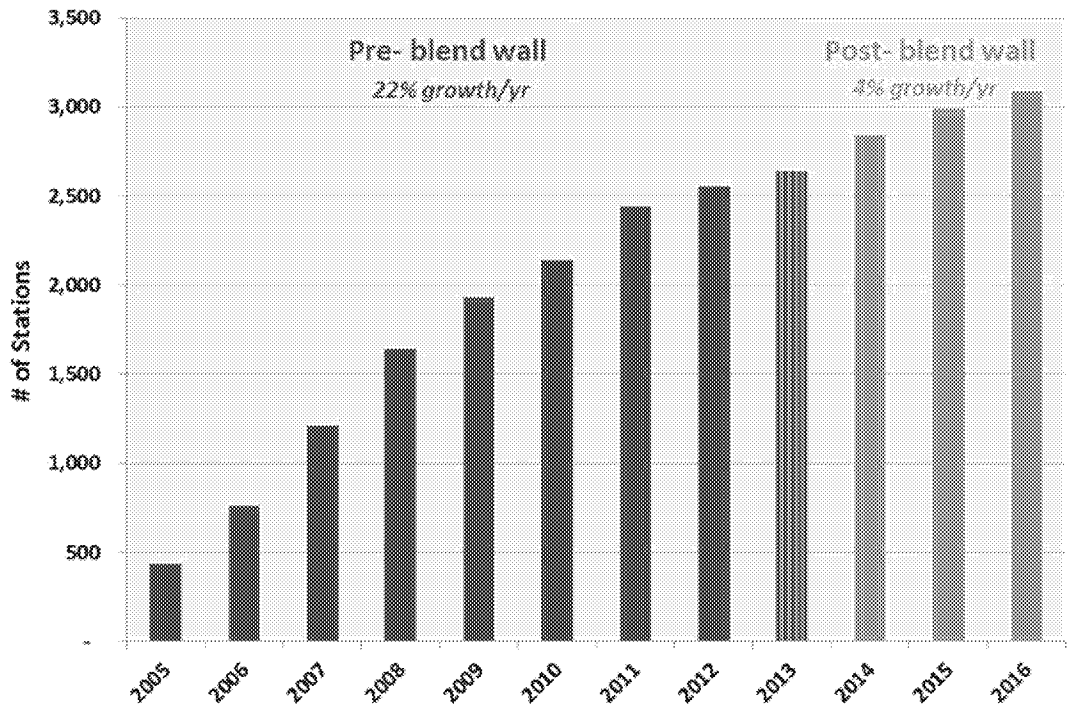
Higher RIN prices have clearly not been enough incentive for the significant infrastructure needed to manage the blend wall. As shown in the figure below, E85 stations were added at a much greater rate prior to the 2013 spike in RIN prices (in blue) versus after the spike (in green). The annual growth rate from 2005 through 2013 was over 22%, while the rate for 2013 through 2016 was only 4%. This plateau occurred despite much higher RIN prices.

12 E15 estimate from Growth Energy's website, as of October 2017. E85 estimate from U.S. DOE's Alternative Fuels Data Center, accessed 2/23/2018. Note that these are not necessarily unique stations, as many E85 stations offer E15 through blending at the station.

13 Total fueling stations from NACS Fuels Report 2016

14 The number of stations could be reduced if each station sold a higher amount of higher blend fuels than the current average.

**Figure 5: E85 filling stations, 2005 - 2016**




*Source: U.S. DOE Alternative Fuels Data Center*

### 3.3.3. The RIN price has been sufficient to blend ethanol

This stall out in infrastructure expansion occurred during a period in which RIN prices were significantly higher than what would theoretically be needed to incentivize the use of higher blend fuels. The needed RIN price is based on ethanol and petroleum feedstock pricing spreads, with adjustments for the energy content penalty for blending ethanol and the blending benefits of oxygenate and octane enhancement.

To understand the RIN price needed to blend ethanol, consider a simple example based on approximate versions of 2013 feedstock prices ($2.50 per gallon RBOB and $2.00 per gallon ethanol) and an assumption of perfectly rational and informed gasoline consumers. Without considering the oxygenate and octane benefits, the maximum RIN price needed for blending ethanol would be about $0.30 per RIN to make up for the energy content difference.[15] However, that is much higher than the needed RIN price since ethanol blending has oxygenate and octane benefits. As seen in 2012, those additional benefits can drive the RIN price near $0 during a period with similar feedstock price spreads.

15 This hypothetical RIN value was calculated based on reaching energy content price parity at the wholesale level. It does not account for the added costs associated with the higher blend fuel supply chains and distortions in retail pricing.

### 3.3.4. Relief of the infrastructure constraint would drive more ethanol use

The fact that in 2013 prices jumped to well over $1.00 per RIN for a substantial period is a clear indicator that there were infrastructure constraints to expanded ethanol blending. In fact, since the blend wall was breached, RIN prices have remained well over the theoretical amounts needed to incentivize blending E15 and E85 (up to any infrastructure constraints). Relieving these constraints could moderate RIN prices.

This is the conclusion reached in 2014 by Babcock and Pouliot.[16] They performed quantitative analysis to estimate how the consumption of E85 can be increased through the construction of new fueling stations and by changing retail and RIN prices, while maintaining the number of flex-fuel vehicles constant at 2013 levels. In their study, E85 volumes could be expanded to produce 800 million additional ethanol gallons at a price of $0.18/RIN, under the assumption that hundreds of additional fueling stations were added.

A 2015 study by Christensen and Siddiqui has also shown that there is a strong correlation between E85 consumption targets and cost of compliance. They demonstrated that if new initiatives were undertaken to install blender pumps and help deploy an additional 600 million gallons of E85 in 2017, the cost of compliance could be reduced by approximately 50%.[17] According to this study, this would take the form of dampened D5 and D6 RIN prices; D4 RIN prices would largely be unaffected.

It is clear from simple calculations and the academic literature that relieving the infrastructure constraint would lead to a commensurate volume of higher blend fuels added to the market, even at RIN prices less than half their recent levels.

# 4. Using a Price Containment Mechanism to Address RFS Issues

There are several regulatory options for addressing the issues discussed in the previous section. One option would be to dynamically link the volume standards to market conditions, such as the actual amount of motor gasoline consumed and higher blend fuels in the market. This would only be effective if it kept mandates below the blend wall. Another option would be an expansion of qualifying ethanol RINs, such as allowing unobligated RINs for exports. This white paper focuses on a price containment mechanism.

## 4.1. How price containment mechanisms work

Well-designed price containment mechanisms can effectively limit the societal costs of environmental and energy policies, while also supporting the attainment of policy goals. The mechanisms are most beneficial in policies based on quantity goals, which have uncertain cost outcomes that need moderation. The mechanisms are also most beneficial in markets where high prices lead to negative impacts on most stakeholders and the prices do not efficiently drive desired policy outcomes. In these markets, higher prices may simply provide surplus income to producers and costs to consumers, while doing nothing for long-term policy

16 Babcock, B., & Pouliot, S. (2014). *Feasibility and Cost of Increasing US Ethanol Consumption Beyond E10.* Ames: Center for Agricultural and Rural Development, Iowa State University.

17 Christensen, A., & Siddiqui, S. (2015). Fuel Price Impacts and Compliance Costs Associated With The Renewable Fuel Standard (RFS). *Energy Policy*, 614-624.

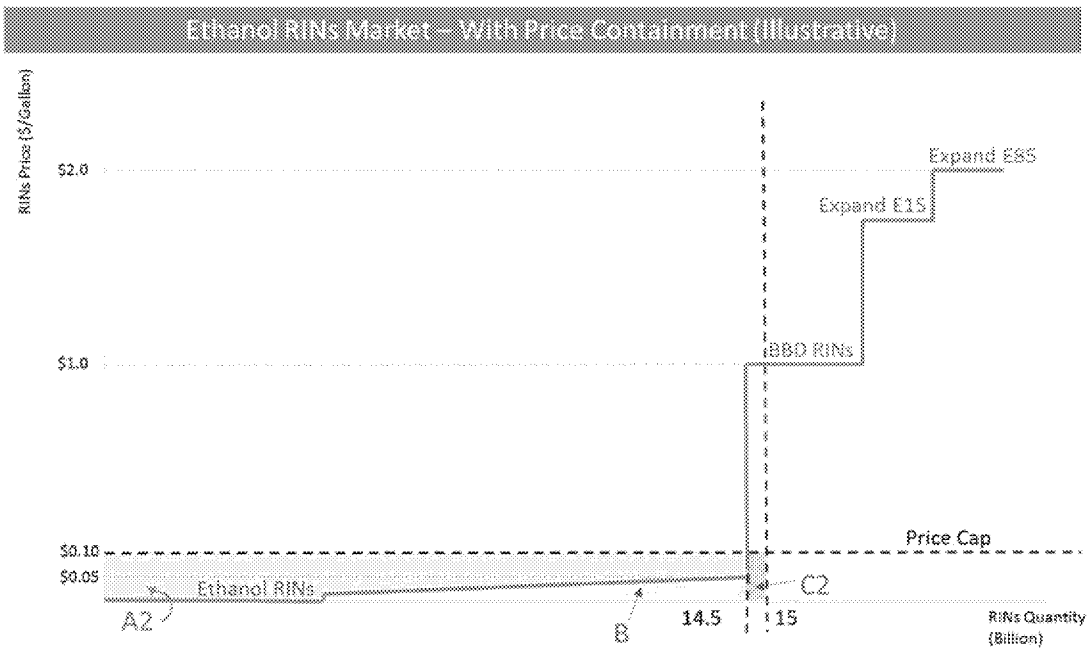
goals. Price containment mechanisms can prevent such unnecessary transfers, while lowering long-term policy costs.

The basic theory of price containment mechanisms is quite simple. An administrative mechanism is put in place that prevents the price of a compliance credit from exceeding a set level. The mechanism usually involves the administrator, often a government entity, selling compliance credits at a specified price to prevent prices from going higher in the market. This price cap can help contain the overall cost of compliance with a mandate.

Price caps are popular among policymakers for many reasons. They can make new regulations more palatable for many stakeholders by reducing the risk of high costs of compliance, which can both impact obligated parties as well as consumers downstream from the compliance market. In the long-term, this benefit can allow the policymakers to be more ambitious with targets. Philibert argues that a safety valve (another term for a price cap) allows for a more ambitious target in the face of uncertainty about costs because it prevents costs in excess of acceptable levels.[18] This can also extend the life of a policy, since a clear threat to policy longevity would be stakeholder backlash from extreme compliance costs.

Figure 6 shows how a simple price containment mechanism would work in the RFS. It begins with the same RIN supply curve and quantity mandate as in Figure 1, with a price cap added at $0.10 per compliance credit.

**Figure 6: D6 RIN market illustration, including price containment [19]**




The following describes each of the main elements of the above chart:

- Supply curve – The supply curve is the same as the example without a price cap.

18 Philibert, C. (2006). *Certainty versus Ambition: Economic Efficiency in Mitigating Climate Change.* Paris: International Energy Agency Working Paper Series. Report Number LTO/2006/03.

19 As mentioned in the text, this chart is illustrative and not a policy recommendation for a particular price cap level.

- Demand curve – The demand curve is the same as the example without a price cap, a vertical line at 15 billion RINs.
- Price cap – This purely illustrative example includes a price cap of $0.10 per compliance credit.
- RIN price – In this example, the price cap is reached before the volume standard is reached, and therefore the RIN price is set by the cap at $0.10 per RIN. If the volume standard were less than 14.5 billion gallons, the RIN price would have been set off the ethanol RIN supply curve and the price cap would not be used.
- Total market RIN value – The price of RINs fell from $1.00 per RIN to $0.10 per RIN. This $0.90 per RIN reduction results in a $13.5 billion reduction in the total value of all D6 RINs, including those purchased at the cap. In a market where most RINs are transacted, this is a major reduction in the total value of market transactions.
- Government revenue – Assuming the price cap is administered by the sale of compliance credits, the chart shows 500 million credits sold at the price cap level of $0.10 per credit. This results in $50 million of proceeds from the sale, represented by area C2 in the chart. If the volume standard was set below 14.5 billion RINs, there would be no proceeds from the sale of additional credits.
- BBD RINs - There are no BBD RINs used for compliance with the D6 mandate. This is a reduction of about 330 million gallons of biodiesel (since they receive 1.5 RINs per gallon blended). In addition, the D4 RIN market could see lower RIN prices, since they were previously being set by the marginal BBD RINs used for D6 compliance.

## 4.2. Infrastructure investment benefit

The chart in the previous section illustrated a RIN market outcome for a hypothetical year. Over time, dedicated policies can change the RIN supply curve significantly. An example from the biodiesel market is the blender tax credit, which causes a downward shift in the supply curve and therefore lower RIN prices when in effect. A price containment mechanism can have the same directional shift in the supply curve over time if it is designed to address RIN supply constraints. One possible way to do so is through strategic investment of the proceeds from the additional RIN sales associated with the price cap.

There are precedents for such "revenue recycling" programs in other markets. In Section 5.3.2, we discuss the program associated with the Northeast's Regional Greenhouse Gas Initiative (RGGI). Such programs are commonly proposed for national carbon policies, with support such as the following from Resources for the Future, "Scholarly research suggests that an alternative payment mechanism linked to investment can be designed to meet and exceed environmental goals and produce more rapid investment in innovative technologies, and improve environmental outcomes at a lower cost…"[20]

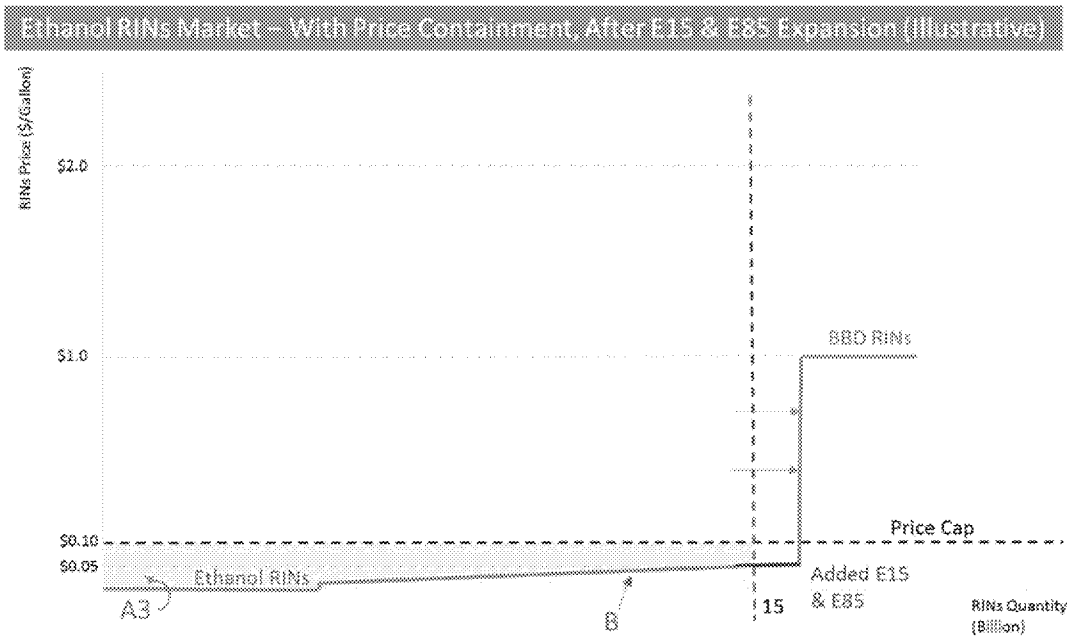
There can be significant sums of money brought in through a price containment mechanism in the RFS. In the example in the previous section, a mechanism that simply covered the hypothetical number of RINs beyond the blend wall led to $50 million in annual revenue. That

20 Burtraw, D., & Palmer, K. (2014, November 12). *Resources for the Future: Alternative Compliance Payments under the Clean Power Plan*. Retrieved 2 22, 2018. (See Patino, Echeverri et al. 2012, *Journal of Regulatory Economics*)

number could be much higher if the price cap was set at a level below a portion of the ethanol RIN step of the supply curve, thus leading to a greater number of RINs sold.

If a large share of that revenue was directed to relieving constraints to higher blend fuels, the policy could lead to lower priced RINs associated with more E15 and E85 consumption. In the long term, RIN prices could fall below the price cap, as shown in Figure 7 below. In this example, there are additional low cost RINs added to the supply curve, thus shifting the BBD RINs step out to the right. The new E15 and E85 RINs are plentiful enough to keep the RIN price below the price cap.

**Figure 7: D6 RIN market illustration, including price containment & post-reinvestment**




There are many positive outcomes in the above example. First, the price cap is no longer needed unless there are significant commodity price shifts that disadvantage ethanol against petroleum feedstocks. Second, the RFS volume standards are entirely met with ethanol, versus relying on biodiesel volumes indefinitely, as seems to be the current situation. Finally, note that the entire RIN value ($750 million) is far lower than in the first example with no price cap ($15 billion).

## 5. Designing a Mechanism for the RFS

As illustrated throughout this paper, the RFS could greatly benefit from a well-designed price containment mechanism. To be well-designed, the mechanism should adhere to a set of economic principles that support overall policy goals. It should also integrate the price containment experiences in other similar markets. Given these requirements, an ethanol RIN waiver credit program with certain design features could meet the goals of the RFS more effectively than the current RFS without a price containment mechanism.

## 5.1. Economic considerations

The following are some of the key economic considerations for policymakers when evaluating a price containment mechanism for the RFS. The list is not comprehensive, but rather highlights considerations based on the RFS issues and goals discussed in previous sections.

- Minimize overall compliance costs
- Avoid the unintended use of nested fuel tiers as long-term backstops for parent tiers
- Incentivize investment to relieve constraints, such as infrastructure expansion or new technology development
- Reduce volatility and RIN cost uncertainty

## 5.2. Lessons from price containment in other markets

When considering a price containment mechanism for the RFS, policymakers can benefit from the experiences in other similar markets. Price containment mechanisms have proven effective in a variety of markets, such as the Renewable Portfolio Standards and carbon emissions policies in many states and regions (such as the Regional Greenhouse Gas Initiative and California's Low Carbon Fuel Standard). There is even a price containment mechanism within the RFS already, in the form of the cellulosic (D3) waiver credit program.

All of the existing mechanisms were put in place to avoid potential issues in their respective policies, and those issues are in many cases the ones highlighted in this paper as currently plaguing the RFS. The issues most mentioned by policymakers include minimizing consumer costs, ensuring longevity of the policies by avoiding overly-burdensome outcomes, and reducing uncertainties of costs to comply with quantity-based policies.

We describe the mechanisms for several policies in Appendices A-C. We highlight key features of three different policies and the RFS' D3 waiver credits in the table below:

**Table 1: Comparing Price Control Mechanisms in Similar Markets**

| | **Renewable Portfolio Standards (RPS)** | **Regional Greenhouse Gas Initiative (RGGI)** | **Low Carbon Fuel Standard (LCFS)** | **Cellulosic Waiver Credits (CWC)** |
|---|---|---|---|---|
| **Region** | USA (29 states) | Northeast, Mid-Atlantic USA | California | USA |
| **Policy Mandate** | Percentage or amount of utilities' electricity sales that must come from renewables | Carbon emissions caps for electric sector | Carbon emissions caps for transportation sector | Sale of waiver credits for compliance with RFS cellulosic mandates |
| **Obligated Parties** | Load serving entities (utilities) | Fossil-fuel-based electric power generators | Producers of petroleum-based fuels | Refiners and importers of conventional fuels |
| **Compliance Options** | Alternative compliance payments, financial penalties | Acquiring allowances issued by RGGI, traded among participants | Acquiring credits to offset carbon deficits from other participants | Purchasing waiver credits from the EPA at pre-set prices |
| **Credits** | Renewable Energy Certificates (REC) | RGGI Allowances | LCFS Credits | Cellulosic Waiver Credits |
| **Price Control Mechanism** | Alternative Compliance Payments (ACP), caps on rate impact, caps on contract prices or funds | Cost Containment Reserve (CCR) | Credit Clearance Market (CCM) | Price floor and price ceiling |
| **Government Revenues Generated?** | Yes | Yes | No, credits sold by other parties | Yes |
| **Revenue Recycling Methods** | Funding Public Benefit Funds (PBF) | Funding emissions reduction programs, assisting ratepayers | Kept within the clean-fuel market place, reallocated among participants | N/A |

## 5.3. Waiver credit program design features

Based on the proposed set of principles and goals, and considering experiences with price containment mechanisms in other markets, we provide a set of design recommendations. We focus on the design aspects of an ethanol RIN waiver credit program for the RFS. While this paper does not advocate a particular price containment mechanism, there are clear strengths to the waiver credit approach compared to other options. It is a natural fit for the RFS.

The basic form of an ethanol RIN waiver credit program is straight-forward. The US government, through the EPA, offers waiver credits for sale at a set price to obligated parties. Obligated parties can comply with the RFS by: 1) submitting/retiring RINs that were separated during ethanol blending, similar to the current approach, 2) submitting waiver credits, or 3) submitting/retiring a combination of RINs and waiver credits.

Beyond the basic form, there are several design components critical to the mechanism:

- **Setting the initial waiver credit price** – Setting a price too high will lead to underutilization of the waiver credits and likely a continued breaching of the blend wall. This would defeat the cost minimization goal of the mechanism. The price should be set as low as possible without driving out significant ethanol volumes.

  In many markets there is also concern over setting the price too low, which could defeat environmental or other policy goals. For example, in the Renewable Portfolio Standards, an ACP that is too low could result in no construction of solar power facilities. Fortunately, this is not a significant concern in the RFS. There is recent history to demonstrate that the cost of ethanol RINs for volumes below the blend wall is extremely low under market conditions similar to the current conditions. It is possibly as low as $0 per RIN.

  In 2012, the average RIN price was $0.029 cents per RIN with an ethanol RIN quantity mandate just below the blend wall. Importantly, these prices were seen while the fundamental drivers of RIN costs were similar to their current levels. For example, in the last six months before the blend wall was breached, the average national feedstock spread (ethanol vs. RBOB), adjusted for energy content, was $0.55 per gallon. Over the first six months of 2017, the same spread averaged $0.53 per gallon. This would suggest very similar economics, and therefore similar ethanol RIN costs.

  This would suggest a recent proposal of a $0.10 per RIN waiver credit price would only be used for replacing RINs required beyond the blend wall, since obligated parties would find lower cost compliance from purchasing RINs from blenders (or blending the ethanol themselves if vertically integrated).

- **Predictable long-term price path with infrequent adjustments** – There must be a balance between setting a clear long-term waiver credit price path and having the mechanism adjust to significant changes in the market. The mechanism is most valuable if it removes long-term uncertainty. If the mechanism expires after a short period of time, the program will jump right back into a period of speculation and volatile RIN prices. That speculation would actually arrive in RIN prices before the mechanism expires due to RIN banking.

- **Ample waiver credits available to ensure the blend wall is not breached** – The precise volume of credits needed to prevent reliance on BBD RINs is not known in advance of a compliance year. While we can view historical biodiesel volumes to see how far they exceeded their D4 mandate, the presence of banking clouds that picture and the story can change year to year.

  In addition, the blend wall level can move significantly year-to-year, particularly during large economic downturns in the economy. For example, from both 2007-to-2008 and



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2010-to-2011, there were drops in motor gasoline demand of about 3% in individual years. Applied to a blend wall of about 14 billion gallons, such a drop would remove about 450 million ethanol RINs. It is precisely during these times that the waiver credits could prove most valuable, and therefore they need to be available in sufficient quantities.

Given that this outcome is critical to the benefits of a price containment mechanism, the volume of waiver credits should substantially exceed the quantity estimated as necessary to avoid the blend wall. This is particularly true if there is a set volume of credits that is not responsive to economic shifts year-to-year.

Some stakeholders may have concern that a large volume of waiver credits would displace ethanol blending. However, given that ethanol RIN costs below the blend wall constraint are assumed to be extremely low, there is little risk of obligated parties overly relying on waiver credits regardless of the quantity available.

- **Recycling revenues into constraint-relieving investments** – The selling of waiver credits could lead to tens of millions of dollars in revenues per year. These revenues can be used to reduce long-term compliance costs by supporting initiatives to break through constraints. The most clear constraint deserving attention is the infrastructure constraint to higher ethanol blend fuel expansion. There are multiple examples of government programs that have expanded the number of fueling stations selling E85, but the funding for those programs has been insufficient without dedicated revenue streams like those available through a waiver credit program.[21]

21 *USDA announces grants to expand E15, E85 infrastructure* (2015, September 10). Retrieved from Ethanol Producer Magazine: http://ethanolproducer.com/articles/12612/usda-announces-grants-to-expand-e15-e85-infrastructure

# Appendix A: Case Study: Renewable Portfolio Standards

A Renewable Portfolio Standard (RPS) is a regulation set by a state, region or nation that requires increasing percentages or amounts of electricity provided to retail customers be generated by eligible renewable sources. As of 2018, twenty-nine states have implemented an RPS, while eight others have adopted Renewable Energy Goals. The existing RPS programs vary in their design, targets, reporting and compliance enforcement methods.

The RPS-eligible sources vary by program, but generally include wind, solar, biomass and other generating technologies. In many cases, there are separate tiers for different sources, such as a solar "carve out," with specific targets nested within the overall target. This is similar to the biofuel tiers in the Renewable Fuels Standard (RFS). The obligated parties are Load Serving Entities (LSEs), commonly thought of as the utilities that provide electricity to end-use consumers. This is dissimilar to the RFS, since the RFS places the obligation on refiners, not the entities that directly serve end consumers of fuels.

In most RPS programs, the obligated parties can either directly procure or produce renewable electricity, or they can purchase compliance credits, known as Renewable Energy Certificates (REC), from the generators of renewable electricity. The RECs in RPS programs are similar to the RINs used in the RFS. A key difference, however, is that most RPS programs recognize the significant uncertainty in renewable energy technology development and cost competitiveness, and therefore many programs explicitly include price containment mechanisms. As of 2014, at least 24 of 30 states with renewable energy programs included a cost containment mechanism in their regulations.[22]

The price containment mechanisms found in RPS programs include, but are not restricted to the following:[23]

- Alternative Compliance Payment (ACP) – An RPS regulation may allow LSEs to pay an ACP for each megawatt-hour (MWh) of renewable electricity that the LSE is short of its compliance obligation, by failing to obtain sufficient RECs. The ACP rates are generally set administratively based on economic principles and expected technology costs over time. ACPs are discussed in more detail below.
- Caps on rate impacts or revenue requirements - Some states have created ceilings that limit how much a renewable energy policy can increase electricity rates for customers. They are often implemented in the form of set percentages of the utilities' annual retail revenue requirement to be spent on compliance with RPS. Thus, utilities that have spent the specified percentage on renewables may be considered compliant even if they have not met the annual RPS targets.[24]
- Renewable energy contract price caps - These caps limit the amount that a renewable energy generator can charge a utility for a renewable energy or REC purchase, which indirectly caps prices.

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22 Heeter, J., Barbose, G., Bird, L., Weaver, S., Flores-Espino, F., Kuskova-Burns, K., & Wise, R. (2014). *A Survey of State-Level Cost and Benefit Estimates of Renewable Portfolio Standards.* National Renewable Energy Laboratory.

23 Barbose, G. (2017). *U.S. Renewables Portfolio Standards 2017 Annual Status Report.* Lawrence Berkeley National Laboratory.

24 Stockmayer, G., Finch, V., Komor, P., & Mignogna, R. (2012). Limiting the costs of renewable portfolio standards: A review and critique of current methods. *Energy Policy*, 155-163

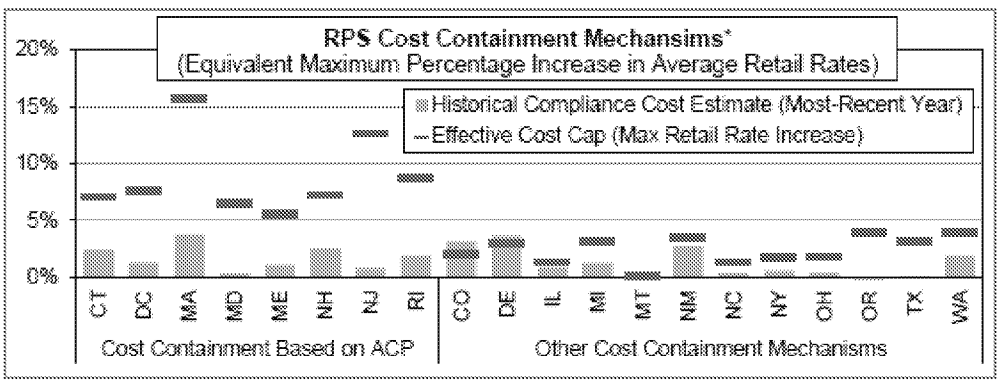
- Renewable energy fund caps – Some states, such as New York, have established specific programs for the purpose of a central RPS procurement. These caps limit the amount of funding that can be made available to cover the program's budget.
- Financial penalties - Similarly to ACPs, penalties can be imposed on LSEs who are not able to meet their RPS requirements for the year. They differ from ACPs insofar as they cannot be passed through to ratepayers and/or the penalty rate is not pre-specified.[25]

Among these mechanisms, ACPs and caps on rate impacts are the most common.[26] The latter are less relevant to the Renewable Fuels Standard since gasoline prices are not regulated to the same extent as electricity prices and the RFS obligated parties, as currently designated, would have no way to administer such caps. It is therefore more applicable to the RFS to consider the design and implementation of ACPs.

The design and price of ACPs vary by state. The total ACP cost is calculated as the state-determined ACP rate multiplied by the LSE's deficient kilowatt-hours. In some states, ACPs are required and thus they constitute the cost of RPS compliance. In Illinois, for example, alternative electricity suppliers must fulfill half of their RPS requirement by purchasing ACPs. In most other states, however, ACPs are optional. LSEs therefore pick the option that allows them to fulfill their RPS requirement at the least cost: if the ACP rate is higher than purchasing RECs or renewable energy, they will opt for this method of compliance. In this way the ACP effectively sets a ceiling on the REC and renewable procurement costs.

Typically, ACP costs have proven higher than the cost of meeting the requirement by generating renewable energy or purchasing RECs, but they have been critical in salvaging several RPS programs when costs may have otherwise have risen unsustainably. A 2014 study has shown that in almost all states the historical cost of complying with RPS has been lower than the effective cost cap (Figure 8). This means that the ACP has not been binding.

**Figure 8. RPS cost caps compared to estimated recent historical cost [27]**




*Source: Heeter, et al., 2014*

25 Heeter, et al, 2014

26 Pierpont, B. (2012, December). *Renewable portfolio standards – the high cost of insuring against high costs*. Retrieved February 07, 2018, from Climate Policy Initiative: https://climatepolicyinitiative.org/2012/12/17/renewable-portfolio-standards-the-high-cost-of-insuring-against-high-costs/

27 Further note on the chart: "For states with multiple cost containment mechanisms, the cap shown here is based on the most-binding mechanism." Heeter, et al., 2014.

The revenue from ACPs is generally used to fund a public benefits fund that supports renewable development, demand-side energy efficiency programs, low-income assistance and weatherization programs in the state.[28] These funds are often managed by governmental entities and in fewer cases by non-profit organizations or corporations created specifically to manage the fund. In some cases, separate sub-funds are created for specific technologies. For instance Maryland and Massachusetts set aside the revenue from ACPs collected from the solar carve-out obligation to fund more solar deployment. These funds can benefit communities in a wide variety of ways, including environmental health improvements, energy costs reductions achieved through energy efficiency, financial assistance to low-income customers and support to home-owners for home improvement initiatives.

28 Stockmayer, et al., 2012; U.S. Department of Energy. (2010). *Public Benefit Funds: Increasing Renewable Energy & Industrial Energy Efficiency Opportunities.* U.S. Department of Energy.

# Appendix B: Case Study: Various Carbon Policies

Many countries around the world and states within the United States have set goals on limiting carbon emissions from fossil fuel combustion. To achieve these goals, many governments have formed carbon policies that limit emissions in single or multiple sectors of their economies, either directly through emissions caps or carbon pricing, or indirectly through regulated mandates on technologies or emissions controls. Quantity targets generally involve market mechanisms through cap-and-trade systems, whereby entities can buy and sell emissions permits in order to comply with emission limits. Price targets are often implemented in the form of a carbon tax: parties that emit carbon dioxide ($CO_2$) pay the government a set amount per ton of $CO_2$ emitted. Hybrid systems include imposing upper limits on the price for emissions permits by making additional permits available at a predetermined price. These policies can often be more efficient than pure price or pure quantity-based policies, because they are better equipped to deal with market uncertainty.[29]

A key difference from the RFS is that carbon policies are designed to reduce emissions, not to provide direct incentives for increasing a certain activity (like blending renewable fuels). Therefore, carbon allowances are generally not created by market participants, but rather auctioned by the government or freely allocated. Similar to the RFS, however, these credits are tradable and they are submitted by obligated parties to cover their annual emissions.

Successful carbon cap-and-trade programs have been implemented in Europe, New Zealand, Australia, North America, and recently in China. Several countries across Africa, Asia, Europe, Central and South America currently have a carbon tax in place.[30] There exists an expansive literature on the possible design and implementation of a carbon policy in the United States, although no such policy has been approved at the federal level. Instead, there are regional policies, such as the Regional Greenhouse Gas Initiative (RGGI) in the Northeast U.S. and the AB 32 program in California, which is in the process of expanding.

Price containment mechanisms feature prominently in both the existing carbon policies and the many proposals at the U.S. federal level. They are often referred to as "safety valves" in the carbon policy context. The most common form involves the government releasing additional allowances into the market if a set carbon price is reached. This additional supply of allowances moderates the price. The added allowances are either newly created or borrowed from future years. An example of such a program is the Cost Containment Reserve (CCR) in the RGGI program, described in the next section.

## 5.3.1. Regional Greenhouse Gas Initiative

The Regional Greenhouse Gas Initiative (RGGI) was the first mandatory cap-and-trade program to limit $CO_2$ emissions from the power sector in the U.S. The participating states are all located in the Northeast and Mid-Atlantic regions and include Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

29 Aldy, J., Hafstead, M., Metcalf, G., Murray, B., Pizer, W., Reichert, C., & Williams, R. (2017). *Resolving the Inherent Uncertainty of Carbon Taxes.* Harvard Environmental Law Review.

30 The World Bank. (2017, December 01). *Carbon Pricing Dashboard.* Retrieved February 09, 2018, from http://carbonpricingdashboard.worldbank.org/map_data

$CO_2$ emissions are regulated through $CO_2$ Budget Trading Programs that vary by state, but are all aligned with the RGGI Model Rule.[31] The overarching RGGI regulation requires fossil-fuel-based electric power generators above a certain size to obtain allowances equal to their $CO_2$ emissions over a three-year control period. Each allowance corresponds to the permission to emit one short ton of $CO_2$ and can be traded between different regulated parties. Allowances are issued by the states' Budget Trading Programs, which also establish participation in regional allowance auctions. There is a cap to the maximum amount of allowances that can be issued, which is set yearly by the RGGI and decreases over time.

RGGI includes a Cost Containment Reserve (CCR). The CCR consists of additional allowances on top of the caps, which are made available only when the allowance prices exceed a predefined threshold. The goal is to protect participants from exceedingly high emissions reduction costs. Both the threshold price at which the CCR is triggered and the size of the reserve is set to change every year: the former increases, while the latter decreases over time.

All 15 million CCR allowances were sold in 2014 to 2015, but the reserve was not triggered in 2016. Those 15 million allowances represent 2.5% of all allowances expected in RGGI from 2014 to 2020.[32] The independent market monitor for RGGI, Potomac Economics, emphasizes the value of the CCR, stating that "Since the program changes announced in February 2013, the CCR has been a significant factor in reducing the volatility of allowance prices."[33] Adding that the CCR "...may have helped to limit price volatility: (a) directly by providing for the sale of ten million additional allowances during 2015 and (b) indirectly since the potential for CCR allowances to be sold in future auctions limits upward speculative pressure on prices.[34]

The nine RGGI states receive significant revenues from the initial auctions of allowances and the CCRs. Through 2015, they had generated $1.7 billion, most of which has been invested in initiatives that further reduce emissions or assist ratepayers with the added cost on their electricity bills. The investment categories are summarized in the table below:[35]

| Spending Category | Percentage of 2015 RGGI investment | Outcome |
|---|---|---|
| Energy Efficiency | 64% | $1.3b lifetime energy bill savings to over 141,000 households and 5,700 businesses |
| Clean and Renewable Energy | 16% | $785.8m lifetime energy bill savings to 19,600 households and 122 businesses |

31 The Regional Greenhouse Gas Initiative. (2018). *Program Overview and Design: Elements of RGGI.* Retrieved 02 21, 2018, from https://www.rggi.org/program-overview-and-design/elements

32 Potomac Economics. (2017). *Annual Report On The Market For RGGI CO2 Allowances: 2016.* Potomac Economics. Retrieved February 22, 2018 from https://www.rggi.org/sites/default/files/Uploads/Market-Monitor/Annual-Reports/MM_2016_Annual_Report.pdf

33 Idem

34 Potomac Economics. (2016). *Annual Report On The Market For RGGI CO2 Allowances: 2015.* Potomac Economics. Retrieved February 22, 2018 from https://www.rggi.org/sites/default/files/Uploads/Market-Monitor/Annual-Reports/MM_2015_Annual_Report.pdf

35 The Regional Greenhouse Gas Initiative. (2017). *The Investment of RGGI Proceeds in 2015.* RGGI, Inc.

| | | |
|---|---|---|
| Greenhouse Gas Abatement | 4% | Avoided release of 636,000 short tons of CO2 |
| Direct Bill Assistance | 10% | $40.4m returned in bill credits and assistance to consumers |

### 5.3.2. Revenue Recycling

As just discussed, carbon polices with both initial emissions auctions and allowance-based reserve systems can bring in substantial amounts of money. Therefore, an important aspect of carbon policy design is determining how the revenues collected are to be returned to the economy. This is often referred to as "revenue recycling" and is covered in a large amount of academic literature.

One option is to use some of the revenues to pay for emissions reductions in sectors not covered by the carbon regulation, in the case where emissions targets have not yet been met.[36] Alternatively, the revenues could be used to invest in energy efficiency, renewable and other low-carbon technologies. Another option is to reinvest the revenues in other initiatives that touch the economy at large, such as income tax cuts or infrastructure spending.[37] For example, returning the revenues to individuals and businesses through lump-sum rebates can significantly lower the cost of a carbon tax. This cost offsetting idea has been popular in recent proposals that seek to achieve a carbon policy with minimal regulatory burden.

36 Murray, B., Pizer, W., & Reichert, C. (2017). *Increasing Emissions Certainty Under a Carbon Tax.* Harvard Environmental Law Review.

37 Goulder, L., & Hafstead, M. (2013). *Tax Reform and Environmental Policy.* Washington: Resources For the Future; Metcalf, G. (2017). *Implementing a Carbon Tax.* Washington: Resources For the Future.

# Appendix C: Case Study: California's Low Carbon Fuel Standard

California's Low Carbon Fuel Standard (LCFS) is administered by the California Air Resources Board (ARB). Implemented in 2011, its goal is to reduce the carbon intensity of the transportation fuel consumed in California by at least 10% by 2020.[38] Unlike the RFS, it does not specify which fuels or what volumes of each are necessary to satisfy the requirement, letting the market determine the mix of fuels needed. Instead, it assigns to each fuel type a carbon intensity rating, measured in CO2 equivalent, which can be above or below the standard. LCFS deficits and credits are then defined as the difference between the fuel's rating and the standard (positive for deficits, negative for credits). Obligated parties must maintain compliance by purchasing or generating enough credits to offset the deficits they have produced in a calendar year.

The LCFS includes a price cap in the form of a Credit Clearance Market (CCM). It was developed with the following goals:[39]

- Allow compliance even if a credit shortfall occurs
- Strengthen incentives to invest in low carbon intensity fuels
- Increase certainty regarding the maximum cost of compliance
- Prevent extreme market volatility
- Ensure that willing credit generators can sell available credits

The CCM works as follows: If the obligated parties fail to offset their annual deficit, they must purchase their pro-rata share of credits in the CCM. Other parties that hold available credits for that year offer them for sale in this market at a set price of $200 per metric ton, adjusted annually for inflation. The LCFS Credit Prices have never come close to this ceiling, having traded at their highest point just above $120 per metric ton.

Prior to selecting the CCM option, the ARB staff had also considered a credit window option, which was closer in design to the price caps in RGGI and many RPS programs. One of the major differences between these two mechanisms is the way in which the revenues collected are reinvested. In the clearance market process, the proceeds are kept within the clean fuels marketplace: the money flows from parties that have not been able to offset their deficits to those that hold credits. In the credit window process instead, proceeds are distributed to low-carbon intensive fuel producers or used for other greenhouse gas reductions to mitigate the loss in LCFS benefits.[40]

With such cost-containment mechanisms in place, the LCFS achieved 98% compliance in 2015. Given that one party was short after the deadline, a CCM was held in 2016, which enabled them to cover their remaining 2015 obligation.[41] In 2017, the CCM for 2016 did not occur since all obligated parties with deficits were able to meet their compliance obligation.

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38 California Air Resource Board. (2016, May 10). *LCFS Basics*. Retrieved February 08, 2018, from https://www.arb.ca.gov/fuels/lcfs/background/basics.htm

39 Idem.

40 Wade, S. (2016). *California Low Carbon Fuel Standard Cost Containment Provisions*. California Air Resources Board.

41 Wade, 2016

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Message

**From:** Mack, Sara [mack.sara@epa.gov]
**Sent:** 4/29/2019 9:04:28 PM
**To:** AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
**Subject:** Daily Clips 4/29

**Daily News Clips**

**April 29, 2019**

**Administration**

- Bloomberg Environment: EPA Region Reshuffle Could Thwart Enforcement, Union Head Says
- E&E News: First bills ready to move as disaster deal remains elusive
- E&E News: The inside ethics advice for air chief
- The Gazette: Trump must keep promises he made to Iowa farmers
- The Hill: Ex-Trump Cabinet heads' lobbying gigs challenge 'drain the swamp' message
- PoliticoPro: Democrats say EPA stonewalling their oversight efforts
- The Washington Post: New EPA document tells communities to brace for climate change impacts

**Chemicals**

- American Legal News: EPA's Proposed Toxic Chemical Regulations Criticized As Too Weak
- Chemical Watch: Court orders US EPA to revisit CBI substantiation
- Chemical Watch: Senators urge EPA to extend methylene chloride protection to workers
- E&E News: Trump admin to alter rollback over HFC concerns
- Inside EPA: States Back Environmentalists' Bid To Preserve IRIS' EtO Value For Air Rules
- Michigan Advance: Oscoda residents vent to Air Force brass about PFAS worries
- The National Law Review: EPA Publishes Draft Screening and Remediation Recommendations for Groundwater Contaminated with PFOA and PFOS
- NBC News: States weigh banning a widely use pesticides even though EPA won't
- Reuters: EPA, EDF split win in D.C. Circuit fight over chemical notification rules

**Energy/Emissions**

- CarBuzz: America Nails Another Major Automaker For Cheating
- E&E News: House committee to target Trump energy policies

- Reuters: U.S. oil-storage industry fines soar on air, water violations

**Water**

- ABC 13: US EPA giving money to Ohio to protect drinking water
- Hockessin Community News: Carper releases statement on EPA's failure to address contamination
- Truthout.org: EPA Decides Not to Regulate Fracking Wastewater as Pennsylvania Study Reveals Recent Spike
- WaterWorld: EPA Seeks Public Input for Development of National Water Reuse Action Plan

**Administration**

**Bloomberg Environment**

**EPA Region Reshuffle Could Thwart Enforcement, Union Head Says**

https://news.bloombergenvironment.com/environment-and-energy/epa-region-reshuffle-could-thwart-enforcement-union-head-says

**Abby Smith**

**Posted: 4:02pm, April 29, 2019**

- At least four regions must create separate enforcement divisions under reorganization
- Changes could subject enforcement decisions to political interference, AFGE president says

The EPA's reorganization of its 10 regional offices risks dampening the agency's enforcement of environmental protections by leaving decisions to the "whim of political appointees in D.C.," the president of largest government workers' union says.

The reorganization, which will finish taking effect the week of April 29, changes the structure of the 10 regional offices to mirror that of the Environmental Protection Agency's headquarters office. For some regions, that involves significant changes to their organization, including for four regions consolidating enforcement into a separate division.

But moving environmental enforcement in those regions from the air, water, and other program offices to a separate division could undermine the enforcement work of those regions by exposing it to political interference, J. David Cox Sr., national president of the American Federation of Government Employees union, wrote in an April 29 letter to EPA Administrator Andrew Wheeler, obtained by Bloomberg Environment. The union represents more than 700,000 federal and D.C. government workers, including 8,000 EPA employees.

Each of the four enforcement divisions would have a director who reports to a politically appointed regional administrator, who then reports to headquarters.

"These changes would weaken environmental enforcement and expose enforcement decisions to the whim of political appointees in DC," Cox wrote. "If enforcement is influenced by political motivation, then there will be no structure to hold polluters accountable."

The EPA didn't immediately respond to a request for comment on enforcement concerns and the implementation of the regional reorganization.

## Reorganization Takes Effect

The EPA's regions began reshuffling April 15, though the reorganization plan has been in the works since September 2018.

EPA officials, including Wheeler, have said the regional office restructuring is aimed to improve coordination between the agency's headquarters and the regional offices.

But the reorganization has drawn criticism from Democratic lawmakers in recent weeks.

Sen. Tom Udall (D-N.M.), the top Democrat on the panel overseeing the EPA's funding, raised concerns about the EPA's staffing losses in a letter to Wheeler earlier in the month, urging him to focus resources on filling vacant positions rather than reorganizing.

## Staffing Losses

Cox also pointed to dramatic staffing losses at the agency.

He said 1,600 EPA staffers have left the agency since 2016 and fewer than 400 new employees have been hired to fill those slots. Of those totals, 670 employees have left the regional offices since January 2017, and the EPA has only hired 73 workers to fill regional positions.

"With this decline in hiring, EPA employees who remain at the agency get stuck with an ever-increasing workload," Cox said.

Cox, in his letter, asked Wheeler to pledge to allow enforcement staff to "pursue cases free from political interference and with adequate resources at their disposal." That includes ensuring any new regional enforcement divisions have enough funding to travel to conduct inspections necessary for enforcement actions, he added.

Cox also urged Wheeler to undertake "accelerated hiring" in the 10 regional offices. In total, the EPA should reach 16,500 full-time equivalent employees, Cox said.

**E&E News**

**First bills ready to move as disaster deal remains elusive**

https://www.eenews.net/eedaily/stories/1060236831/search?keyword=EPA

**By: Geof Kiss, George Cahlink**

**Posted: April 29, 2019**

Capitol Hill returns from spring recess this week to begin the arduous and complicated push to write the 12 fiscal 2020 spending bills.

The House has the most ambitious goal, with leaders aiming to begin markups this week, have them clear committee by Memorial Day and have them all pass the House floor before the July 4th recess.

The Senate isn't expected to begin markups until later, with an aim of having the 12 measures approved in committee before the July break.

House appropriators will start tomorrow with the largest discretionary spending bill, the Labor, Health and Human Services, and Education measure.

The Legislative Branch and Military Construction-Veterans Affairs measures are due to move Wednesday. Only subcommittees will vote on the trio of bills this week.

The Energy-Water bill is expected to move as soon as next week at the subcommittee level, while the Interior-EPA bill is not due to be considered until the later part of May.

The full Appropriations Committee will need to approve allocations for the 12 spending bills before they move any of them to the floor.

Already, the House has set overall spending at $1.3 trillion for fiscal 2020, which sets appropriators on course to provide $664 billion for defense and $631 billion for non-defense programs.

Despite the push with split control of Capitol Hill, Congress will likely struggle to get all 12 bills signed into law before the new fiscal year begins on Oct. 1.

Already, the House and Senate have failed to come to an accord on overall spending for next year, despite stringent budget caps due to kick in without a change in law.

**Energy-Water bipartisanship**

Advocates are closely watching to see whether budget negotiations can yield an increase for programs funded by the Energy-Water Development spending measure that funds the Energy Department and the Army Corps of Engineers.

Historically one of the more popular spending bills with both parties because of its broad impact on water infrastructure projects nationwide, Energy-Water is usually one of the earlier appropriations bills to move on both sides of the Capitol.

"Every member of Congress has an Army Corps of Engineers project in their district," said Energy and Water Development and Related Agencies Appropriations Subcommittee ranking member Mike Simpson (R-Idaho) earlier this month.

Simpson predicted that lawmakers will reject proposed cuts to the Army Corps budget, which is likely to end up being propped up "substantially like to the tune of probably 2 billion more."

Deep cuts proposed by the White House to DOE's Office of Energy Efficiency & Renewable Energy, Advanced Research Projects Agency-Energy (ARPA-E) and the National Renewable Energy Laboratory are also likely to be jettisoned — as key renewable energy trade groups urged appropriators to do last week.

While the House has already adopted spending numbers to guide appropriators, Simpson said his hands are tied until House and Senate negotiators can strike a deal on common funding levels.

"What happens when they get to conference, when you are trying to negotiate differences in bills, but you have different numbers also?" he asked. "That's going to be a challenge."

**Interior-EPA challenges**

Spending legislation funding EPA and the Interior Department could be the more contentious to move this year, given deep partisan differences over environmental and land policies.

Rep. Betty McCollum (D-Minn.), the chairwoman of the Interior-EPA Appropriations Subcommittee, has said the bill will ignore the White House request that calls for cutting EPA spending by nearly a third next year. She also wants to avoid partisan policy riders that have made the spending measure among the hardest to get signed into law over the past decade.

Former Rep. Jim Moran of Virginia, who previously served as the top Democrat on the panel, said it is more "aspirational than realistic" that the bill would be free of riders. He said Democrats are anxious to push back against Trump's environmental policies and attaching riders to a must-pass spending bill may be one of their best options.

Moran expects McCollum will be able to get the measure out of committee, but he said if riders are attached it could hamstring it on the floor, where the GOP would tie it up with time-consuming amendments. He said it could find more success on the floor if it were combined with other bills in a minibus spending package.

Majority Leader Steny Hoyer (D-Md.) said last month he was open to moving spending bills in packages of three or four bills to meet his goal of having them all finished by July. A similar strategy worked last year for moving many of the House's bills by midsummer.

**Disaster dilemma**

Talks will also resume this week on freeing up a stalled package of disaster aid for states and territories that are continuing to recover from extreme weather events over the past two years, including hurricanes, wildfires, tornadoes and flooding.

The House will vote on a new, nearly $17 billion package, **H.R. 2157**, unveiled before the two-week recess by Appropriations Chairwoman Nita Lowey (D-N.Y.) that aims to break the logjam, which centers around President Trump's opposition to sending more emergency aid to Puerto Rico.

Trump has complained that the island territory has already received sufficient recovery aid, while also questioning its government's fiscal management abilities.

Lowey's proposal would add about $3 billion in additional assistance for Midwest states recovering from spring flooding as well as funds for preparing for future storm risks. It mirrors a proposal floated by Senate Minority Leader Chuck Schumer (D-N.Y.) and Appropriations Committee ranking member Patrick Leahy (D-Vt.), which has not yet seen a vote in the Senate.

Appropriations Chairman Richard Shelby (R-Ala.) said this month that the White House was cool to the Schumer-Leahy proposal. His own $14 billion plan was blocked by Senate Democrats earlier this month to protest what they said was insufficient funds for Puerto Rico (***E&E Daily***, April 2).

Sen. David Perdue (R-Ga.), who is anxious to see billions of dollars in aid flow to farmers struggling to recover from hurricane losses in his state and elsewhere in the South, said that Trump "is open to pretty much anything right now to get relief to these people" in a number of states.

Perdue complained that Democrats have rejected several plans offered by Trump over the past three weeks.

"We are still negotiating back and forth again, but this is the most frustrating process I have been involved with up here," he told reporters last week. "This is beyond ridiculous, it's time to get this done."

**Schedule:** The House Science, Space and Technology subcommittee hearing on the NOAA budget is Tuesday, April 30, at 10 a.m. in 2318 Rayburn
**Witness:** Acting NOAA Administrator Neil Jacobs.
**Schedule:** The House Appropriations subcommittee hearing on the FEMA budget is Tuesday, April 30, at 1 p.m. in 2359 Rayburn.
**Witness:** Acting FEMA Administrator Peter Gaynor.
**Schedule:** The House Appropriations subcommittee markup on the Labor, Health and Human Services, and Education bill is Tuesday, April 30, at 4 p.m. in 2358-C Rayburn.
**Schedule:** The House Appropriations subcommittee hearing on the Defense budget is Wednesday, May 1, at 10 a.m. in 2359 Rayburn.
**Witnesses:**

- Gen. Joseph Dunford, chairman of the Joint Chiefs of Staff.
- Patrick Shanahan, acting secretary of Defense
- David Norquist, Defense comptroller and CFO.

**Schedule:** The House Armed Services subcommittee hearing on military environment spending is Wednesday, May 1, at 2:30 p.m. in 2122 Rayburn.
**Witnesses:**

- Robert McMahon, assistant secretary of Defense for sustainment.
- John Henderson, assistant Air Force secretary for installations, environment and energy.
- Alex Beehler, assistant Army secretary for installations, energy and environment.
- Todd Mellon, performing the duties of principal deputy assistant Navy secretary for energy, installations and environment.

**Schedule:** The Senate Appropriations hearing on the NASA budget is Wednesday, May 1, at 2:30 p.m. in 192 Dirksen.
**Witnesses:** TBA.
**Schedule:** The Senate Appropriations subcommittee hearing on the Nuclear Regulatory Commission budget is Wednesday, May 1, at 2:30 p.m. in 138 Dirksen.
**Witnesses:** TBA.
**Schedule:** The House Appropriations subcommittee markup on the Military Construction bill is Wednesday, May 1, at 3 p.m. in HT-2 Capitol.
**Schedule:** The Senate Appropriations subcommittee hearing on the Labor, Health and Human Services and Education spending bill is Thursday, May 2, at 10 a.m. in 124 Dirksen.
**Witnesses:** TBA.

**E&E News**

**The inside ethics advice for air chief**

https://www.eenews.net/greenwire/2019/04/29/stories/1060241291

**Kevin Bogardus, Sean Reilly**

**Posted: April 29, 2019**

EPA ethics officials drafted multiple recusal statements for Bill Wehrum, the agency's air chief whose industry ties have attracted scrutiny.

Records obtained by E&E News under the Freedom of Information Act shed some light on the ethics considerations behind Wehrum's dealings with companies and trade groups with interests regulated by EPA as well as the 10-month process to have him sign a recusal statement.

Sworn in at EPA in November 2017, the agency's ethics officials soon began to work on drafting such a statement for Wehrum that would list his potential conflicts of interests with the multitude of clients he represented in private practice.

"We will also need to start working on his recusal statement," said Justina Fugh, EPA's senior counsel for ethics, in an email the day after Wehrum was sworn in.

About a week later, Wehrum was sent a recusal statement and asked to meet to discuss its terms. More drafts would follow.

In March last year, Josh Lewis, chief of staff for EPA's air office, sent Wehrum a recusal statement dated that month. "Bill, Attached is the latest draft of your recusal," he said in an email.

Fugh shared another recusal statement dated last May with Kevin Minoli, then EPA's top career lawyer and designated agency ethics official. The email's subject line read, "that Wehrum thing."

Months later in July, she emailed Wehrum a revised recusal dated that month. "Hi Bill, Attached is a draft recusal statement to be sent by you to the Acting Administrator," Fugh said, referring to Andrew Wheeler, who has now been confirmed as head of EPA.

Those efforts to have Wehrum sign a recusal statement were not successful. The next month in August, *The New York Times* reported the head of EPA's air office was declining to sign such a document.

"I have gotten three different interpretations, and what I don't want to do is sign a recusal letter and then have the rules change again," he told the newspaper.

Wehrum, however, did sign a recusal statement the following month.

Calling the EPA air chief "a walking conflict of interest," Sen. Sheldon Whitehouse (D-R.I.) said at a Senate Environment and Public Works Committee markup last September that he was preparing to offer an amendment to force Wehrum to provide a recusal but withdrew the measure after the agency official signed the document. Wehrum's recusal statement, dated Sept. 17 last year, included his obligations to avoid particular EPA matters dealing with roughly 40 ex-clients and his former law firm, now known as Hunton Andrews Kurth LLP (*Greenwire*, Sept. 18, 2018).

Emails show Wehrum was still searching for something to sign that night. "I have not received a draft. Is there someone I should contact?" he said in one message.

"Bill, this version is ready for signature," wrote Matt Leopold, EPA's general counsel, attaching the latest recusal statement to his email.

Other top EPA officials, who like Wehrum had been involved in litigation against the agency or had clients overseen by its regulations, moved much quicker on their recusal statements.

Former EPA Administrator Scott Pruitt signed his recusal more than two months after being sworn in. Wheeler signed his statement the month following his confirmation as deputy administrator.

Asked about Wehrum's multiple recusal statements, EPA spokesman James Hewitt said, "Mr. Wehrum previously shared he was concerned by the lack of clarity surrounding the different recusal letters. He has since signed a recusal letter."

**Wehrum's former clients seek his time at EPA**

Wehrum spent six years in EPA's Office of Air and Radiation under President George W. Bush. After leaving in 2007, he built a lucrative law practice representing businesses and trade groups.

In a financial disclosure report signed by him before President Trump nominated him in September 2017 to head the agency air office, Wehrum said he received compensation for legal services from nearly 20 corporations and business associations.

Soon after, he won Senate confirmation for the post two months later, some were knocking on his door.

"Good morning, Bill, I hope you're settling in nicely," Richard Moskowitz, general counsel for the American Fuel & Petrochemical Manufacturers, wrote in an email in early December 2017.

"AFPM would like to schedule a meeting with you and your team to discuss state ZEV mandates," Moskowitz continued, using an acronym for "zero emission vehicles." "Would you please reply to this email with some times that work for you and your team?"

Not long before, Hilary Moffett, then the head of federal relations for the American Petroleum Institute, had also come calling, saying in an email to another EPA staffer that a group of people from some of the organization's member companies wanted a meeting with Wehrum "to discuss priorities."

Wehrum's calendar for those months, previously provided to E&E News in response to a separate FOIA request, does not reflect meetings with either trade group. AFPM and API are listed as former clients of Wehrum's on his recusal statement.

An AFPM spokeswoman told E&E News that the meeting did not take place.

Asked about its meeting request, API said, "API regularly engages with officials at all levels of the administration on public policies that will strengthen our country, and benefit all American workers, consumers, and the environment."

Hewitt said, "As you know, Mr. Wehrum's calendar is made publicly available online."

Emails show Wehrum was advised to stay clear of his former law firm and clients and also how his ethics considerations created considerable workload at the agency.

He forwarded on all kinds of meeting requests and invitations to ethics officials, including one to the National Association of Manufacturers' holiday party. One invitation asking Wehrum to speak at the American Coke and Coal Chemicals Institute fall meeting last year sparked much discussion.

"Bill should remember not to engage in any 'side bar' discussions with Hunton on any particular matters that involve the firm or their clients," said one EPA staffer in an email about the meeting.

EPA officials were aware of Wehrum's industry ties and sometimes tried to have others at the agency respond. After the Truck Trailer Manufacturers Association Inc. requested a meeting, it was discovered that Wehrum and his senior counsel David Harlow's old law firm were part of a court case that involved the group.

"Bill/David can't take the meeting," Lewis said in an email. "Our plan is to respond to the attached and let them know Mandy/Clint are available for the meeting."

Clint Woods is a deputy assistant administrator in EPA's air office. Mandy Gunasekara was the office's principal deputy assistant administrator but resigned to run a nonprofit group in support of President Trump's energy policies.

Records show that EPA last year sought to emphasize ethics when scheduling meetings for its top political appointees. More ethics training was offered as well as guidance in how to vet agency meetings.

In one communication entitled "Embedding Ethics into Your Calendaring Process," Minoli, who has since left the agency to practice private law, said ethics officials hoped to help prevent conflicts of interests by including ethics review for scheduling principals.

"The best way to help you identify and resolve ethics issues with your calendars is to work more closely with your ethics issues," Minoli wrote, encouraging officials "to embed ethics in the vetting process of your calendar," such as screening for obligations under one's recusal statement.

Hewitt with EPA noted, "This email was addressed to all EPA principals and wasn't specific to any individual employee."

**Democrats investigate**

Wehrum's meetings inside and out of EPA have attracted scrutiny from Capitol Hill. Congressional Democrats have homed in on Wehrum's activities of interest to two Hunton clients: DTE Energy Co., a Detroit-based utility, and the Utility Air Regulatory Group, a trade organization that regularly challenges air pollution regulations.

His calendars show that in December 2017, Wehrum gave a speech at his former law firm that included UARG in the audience. DTE is a former member of the group. Wehrum addressed regulations affecting power plants and other sources of air pollution, according to the records (*Greenwire*, June 13, 2018).

Sens. Whitehouse and Tom Carper (D-Del.) as well as Rep. Frank Pallone (D-N.J.) asked the EPA Office of Inspector General to investigate whether Wehrum and Harlow broke federal ethics law by getting involved in a regulatory policy shift important to DTE. During the Obama administration, the utility had spent years battling EPA in court over whether a power plant overhaul qualified as a "major modification" that required a preconstruction permit under EPA's New Source Review program.

After the company twice lost before the 6th U.S. Circuit Court of Appeals, then-EPA Administrator Scott Pruitt highlighted the litigation in a December 2017 memo announcing the agency would no longer challenge companies' forecasts of the emissions increases expected from plant upgrades or other projects. That issue had been at the crux of DTE's legal challenge.

Both Wehrum and Harlow were sent a version of the memo shortly before it was released, according to emails cited in Whitehouse's request, although another EPA appointee said she had redacted potentially offending language "given your recusal issues."

In a February interview with *The Washington Post*, Wehrum acknowledged discussing the memo with colleagues before its release but said his involvement had been limited to a discussion of a 2002 set of air rules dating back to his prior stint at the air office under Bush.

EPA IG spokesman Jeff Lagda told E&E News that the Democratic lawmakers' request for investigation "is still currently under review by acting EPA IG Chuck Sheehan and his leadership team."

"Since Bill Wehrum and David Harlow started at EPA, they have both been recused from all particular matters where DTE is a party," Hewitt said.

Hunton is also home base for UARG, a former Wehrum client.

Earlier this month, Rep. Pallone asked Hunton for all communications between firm members and Wehrum, Harlow and 20 other past and present EPA employees. Alongside concerns that Wehrum and Harlow, his former firm partner now at EPA, "may have violated federal ethics rules by helping reverse EPA's position" in the DTE litigation, Pallone wrote that the air office appeared to have an agenda "remarkably similar" to that of UARG.

In separate requests, Pallone also sought records from DTE and seven other power producers, setting in all cases an April 25 deadline for responses. A committee spokeswoman told E&E News that the panel has received initial responses from all those who received a letter as part of its UARG investigation.

DTE, citing a planned shift away from coal-fired generation, recently dropped out of UARG but continues to use Hunton for representation in "a number of legal matters," according to a spokesman.

Wehrum received ethics advice on giving speeches to former employers and clients. On the day before he left the federal government, Minoli sent an email sharing direction from the Office of Government Ethics with the air chief.

"This memo gives an appointee some additional ability to make such speeches and presentations, but also establishes an absolute prohibition on such speeches or presentations when the event would have a 'demonstrable financial effect on the former employer or client,'" Minoli said.

OGE guidance states government employees are barred from giving speeches to organizations that may help develop their business "such as a seminar for current or prospective clients."

**The Gazette**

**Trump must keep promises he made to Iowa farmers**

https://www.thegazette.com/subject/opinion/letters-to-the-editor/trump-must-keep-promises-he-made-to-iowa-farmers-20190429

**Mark Mueller**

**Posted: April 29, 2019**

In 2016, candidate Donald Trump promised to protect the Renewable Fuel Standard to ensure ethanol made from U.S. grains has a place in our nation's fuel mix. By producing homegrown biofuels, we both grow our economy and stem the flow of foreign oil. Trump's promises attracted the Iowa farmers' votes and got him elected president.

Since then, the Environmental Protection Agency's blanket approval of ethanol exemptions has allowed dozens of refiners to bypass the RFS with nothing more than their word that they are "suffering economic hardships." The EPA has approved dozens of exemptions in the last two years, not refusing a single request. Even oil giants like Exxon Mobil with record profits have had every application approved.

The petroleum industry has never been a fan of cleaner-burning American-made ethanol. Through the use of regulatory loopholes, their lobbyists and lawyers have reduced demand for over 2.5 billion gallons of ethanol. This has effectively dumped hundreds of millions of bushels of corn onto an already depressed grain market. This will spill over into all the other jobs that are related to agriculture.

Politicians from oil-producing states are getting everything they ever hoped for. We are fortunate to have Sens. Joni Ernst and Chuck Grassley pushing the president. President Trump could easily keep his campaign promise to heartland farmers and rural workers who voted for him by directing his new EPA

Administrator, Andrew Wheeler, to follow the law. Refinery exemptions are little more than handouts to the petroleum industry.

Mark Mueller

Director, Iowa Corn Growers Association

Waverly

**The Hill**

**Ex-Trump Cabinet heads' lobbying gigs challenge 'drain the swamp' message**

https://thehill.com/business-a-lobbying/440905-lobbying-gigs-for-two-former-heads-of-trumps-epa-and-interior-challenge

**Alex Gangitano, Miranda Green**

**Posted: 4:49pm, April 27, 2019**

Former Environment Protect Agency (EPA) Administrator Scott Pruitt and former Interior Secretary Ryan Zinke's latest gigs since leaving the administration, and the backgrounds of their replacements, have shed light on how the Trump administration isn't following through with the president's initial "drain the swamp" message.

Pruitt last week registered as a lobbyist for a state regulator covering energy and natural resources. His replacement, EPA head Andrew Wheeler, is a former energy lobbyist.

Zinke has also found a new home at a lobbying firm that deals with energy issues. His successor, newly-confirmed David Bernhardt, was a lobbyist for agriculture and energy clients for multiple years before joining the Trump administration.

The revealed revolving door within the two agencies, each mired in controversy under Trump's tenure in the past two years, paints one of the clearest pictures of the president's failed promises to eliminate special interests in Washington.

"The Trump administration's track record is not great in this area. It's frustrating because it feels like a missed opportunity. When Mr. Trump ran and said he wanted to drain the swamp... that just simply hasn't materialized," Tyler Cole, legislative director at Issue One, a nonpartisan government reform group, told The Hill.

The president requested in 2017 that executive branch appointees sign a pledge that any appointee in an executive agency will not engage in lobbying activities with respect to that agenda for five years after termination.

Pruitt left his post at EPA last July on the heels of a number of ethics and staffing controversies. He registered as a lobbyist with state regulators in Indiana last week to work on energy and natural resources issues.

He has since listed himself as a self-employed consultant with RailPoint Solutions LLC, the parent company of Terre Haute-based mining company Sunrise Coal. The company is attempting a long shot last ditch effort to keep two coal fired plants from shuttering in the state.

"Pruitt is confirming what we knew all along while he was EPA Administrator, he was not interested in doing all he could to protect our kids and our health from pollution, he was doing the bidding of special interests in the fossil fuel industry," a former EPA spokeswoman told The Hill.

Eric Shaeffer, former director of EPA's Office of Civil Enforcement under Presidents Bill Clinton and George W. Bush, said Pruitt's landing as a registered lobbyist is not surprising.

"I'm not shocked to see Pruitt come back to life as an energy lobbyist." he said.

"There are too many revolving doors in DC as a general matter, but only Trump would pick a coal lobbyist to head EPA. I never took his 'drain the swamp' yak-yak seriously. That was just a lot of misdirection."

Zinke left his post in January on the tail of an ongoing Justice Department investigation into his actions while Secretary. He signed on with the lobbying firm Turnberry Solutions in February and is also on the board of the Nevada-based gold mining firm U.S. Gold Corp, which focuses on mining exploration and development.

Zinke is not formally registered to lobby, which means he's not spending 20 percent or more of his time lobbying. He has said that his work would not require him to do so.

In an interview with S&P Global Market Intelligence this week, Zinke shrugged off criticisms that he so quickly moved into the privatized lobbying sphere from public service, saying it's not a conflict of interest.

"As a former secretary, there are restrictions and prohibitions. I have a lifetime ban on foreign lobbying. I have a ban on lobbying the executive branch and using undue influence and there is a prohibition on directly coordinating, corresponding and influencing Department of Interior on those issues that I was personally involved in," Zinke said.

"It's all in federal law and there is no conflict of interest. Once again, it's a fake, false allegation without substance."

Issue One's Cole said the recent cycling of Interior and EPA agency heads in and out of lobbying careers is especially notable.

Both agencies largely deal with energy related issues ranging from drilling on public lands to emissions regulations at coal fired plants. Pruitt and Zinke's replacements, Wheeler and Bernhardt, respectively, are already facing a number of congressional complaints and a handful of investigations into potential breaches of their ethics promise by keeping contact with old clients or writing rules that appear to favor old employers.

Bernhardt was formerly with the Denver firm law and lobbying firm Brownstein Hyatt Farber Schreck, where he was a shareholder and chairman of the natural resources law practice.

Wheeler was formerly with the law and lobbying firm Faegre Baker Daniels and represented a number of energy clients, among others.

"While every industry plays the lobbying game, it does seem that the energy sector features a notable amount of revolving door activity. I suspect that the vast amounts of money behind both traditional energy sources and renewables is largely what drives individuals to move between regulatory agencies and regulated businesses," Cole said.

Greg Louer, managing director at Arnold & Porter, said the short time it took for the former agency heads to move to lobbying careers was suspect.

"Registering to lobby soon after public service may be an unusual break in past practice, and I can't recall a former EPA administrator or Interior Secretary departing the government and becoming a registered lobbyist so soon after their

service," he said.But David Tamasi, former finance chairman for the Trump Victory Fund, said all former administration officials are in demand after leaving.

"There is always strong demand on K St. and corporate interests from people, regardless of the issue who have real insight into an administration," Tamasi, founder of Chartwell Strategy Group, told The Hill. "It is even more so with this administration, which continues to vex even experienced Washington hands regarding the policy making process."Edward Karr, CEO for U.S. Gold Corp, said Zinke's relationship with the Interior Department was part of the reason he was hired and that one of the mining projects the company has is on land controlled by the Bureau of Land Management.

Instead of criticism, a number of lobbyists heaped praise on Pruitt for officially registering as a lobbyist, a move they said offers a level of transparency not often embraced by former Washington officials.

Initially registering to lobby is "partially commendable," Cole noted, as other former officials don't until they are forced by public scrutiny.Karl Rove, former deputy chief of staff to President George W. Bush, just registered this year for the first time to lobby for Rivada Networks. He has been working as an advisor and is an investor in the company.

Former Sen. Joe Lieberman (I-Conn.) faced criticism over work for the Chinese telecom company ZTE earlier this year. He initially said he would not be lobbying for the company, but in January registered as a lobbyist after he was pressed to do so by watchdogs.

Registering puts you "in the public eye and subject to government oversight and enforcement, so one would assume they're doing their work accordingly," Louer said.

He added that a registered lobbyist provides the public with additional insight into their work that would not be available without registration.

"We've seen so many people attempt to circumvent the rules and the rules are very easy to get along," Cole said.

While Louer doesn't see the energy and environment connection as odd, he does see a positive in Pruitt and Zinke's career decisions.

"This can certainly be a net positive for the public, since they carry forward that experience and can offer unique insights that enrich government service. There is nothing unusual about that or particularly unique to the energy and environmental community, from my perspective," Louer said.

**PoliticoPro**

**Democrats say EPA stonewalling their oversight efforts**

https://subscriber.politicopro.com/article/2019/04/democrats-say-epa-stonewalling-their-oversight-efforts-1385681

**Anthony Adragna**

**Posted: 5:01am, April 29, 2019**

Congressional Democrats say EPA is slow-walking their oversight demands even more under Administrator Andrew Wheeler than his scandal-tarred predecessor Scott Pruitt.
Sen. Tom Carper (D-Del.), ranking member of the Environment and Public Works Committee, has not received a "complete or adequate response" from EPA in more than a year and heard nothing from the agency on any of the 10 letters he's sent since Wheeler first became acting administrator in July 2018, according to a spokesperson. Similar complaints are popping up across the Capitol where the Democratic-led House Energy and Commerce Committee says the lack of transparency is as bad as under Pruitt's tenure.

The Democratic frustration comes as the Trump administration has amplified its stonewalling of other Democratic oversight requests concerning a wide variety of matters, including the president's tax returns, White House security clearances, questions over the U.S. Census and testimony from former White House Counsel Don McGahn.
"I would say that Scott Pruitt's scandal-ridden administration at EPA should not serve as the baseline for success on any issue, but the sad truth is that EPA has actually been less responsive to Democrats' oversight requests since the time Administrator Wheeler became acting administrator," Carper said in a statement to POLITICO. "I had hoped that Administrator Wheeler would be more receptive and responsive to Congressional oversight than his predecessor, and work earnestly to restore trust, communication and accountability both within the agency and between EPA and Congress."

Among the letters Democrats say they've received "zero response" to are ones seeking information on potential political meddling in a health assessment linking the chemical formaldehyde with cancer, the dismissal of scientists from an agency's clean air advisory group, detailson the amount of taxpayer funding spent in court cases defending actions taken under Pruitt, documents that informed the agency's criticism of the congressionally-mandated Fourth National Climate Assessment, the interagency review of EPA's national PFAS action plan, and the agency's proposed freezing of fuel economy standards for cars.

EPA pushed back on Carper's statement, claiming it had provided EPW Democrats with more than 25,000 pages of documents and continues to do so. It further said it is providing technical assistance on legislative efforts.

"With the information provided to the minority staff, EPA has been exceedingly responsive and more than 'adequate' as the Agency has made officials available for testimonies, briefings, and phone calls," said Michael Abboud, an EPA spokesperson, in a statement. "Unfortunately, Ranking Member Carper chooses to air their exaggerated claims and complaints to the media when many of these issues have not been raised to the Agency through the proper channels, though they have had ample opportunity to do so."

An EPW Democratic spokesperson said sending over records the agency deems "pertinent" does not equate to "actually answering the questions asked or providing the documents requested." The spokesperson further said making officials available in response to oversight is "EPA's responsibility — not some kind of commendable endeavor."

Similar complaints have emerged in the House, where Democrats' majority gives them subpoena power that Carper lacks.

The House Oversight Committee has already warned it would consider subpoenaing Wheeler if he failed to provide documents related to a biofuels client he failed to disclose in his financial reports by the end of the month. The committee originally sought those documents in February.

At the Energy and Commerce Committee, Democrats say they too have struggled to receive adequate responses to their oversight requests, though have not yet given any indication they're pondering subpoenas of their own.

"The EPA under Administrator Wheeler continues to slow walk requests and fails to substantively respond to committee inquiries," said a panel spokesperson. "The agency's lack of transparency remains as serious a concern as ever."

The committee says it has received no response to a December 2018 request for data on PFAS chemicals led by Environment and Climate Change Chairman Paul Tonko (D-N.Y.) and a response that "did not substantively answer" a late January letter seeking information on potential actions from political appointees to block the release of a PFAS hazard study.

In addition, EPA provided "mostly unresponsive and redacted documents" in "partial responses" to a February letter seeking a wide range of materials related to rollbacks of Obama-era power plant, fuel economy and methane emissions regulations, according to a committee spokesperson. The agency did provide a briefing but "several requests remain outstanding," according to the aide.

In response to E&C, Abboud said EPA had provided "substantive responses" to all six of their oversight letters this Congress, four briefings with senior officials and nearly 7,000 pages of documents to date. He said the agency planned five additional briefings for the next month and continues to hold discussions each week on various oversight and technical assistance issues.

"EPA has been responsive to requests from the Senate and House Democrats, any assertion otherwise is false," Abboud said in a statement.

As a longtime Senate staffer and former EPA official, Wheeler gave Democrats hope that he would show greater deference to oversight requests. He has respected other Washington routines like making the rounds for budget hearings and incorporating career staff into meetings as rules make their way through the regulatory process.

But former EPA staff still in contact with current employees argue those are mere stylistic changes. Critics and backers of Wheeler alike see little daylight between his and Pruitt's deregulatory agenda that's prioritized the rolling back of regulations governing the Clean Water Act's jurisdiction, mercury emissions from power plants and fuel economy standards.

And EPA veterans say Wheeler is not listening to career staff even as he allows them in the same room.

"He's made the decision that as part of this administration he's going to do whatever the political donors to the Trump administration request him to do," said Betsy Southerland, a long-time career EPA staffer still in touch with current employees. "The process seems to be more open in terms of including career staff in meetings but the end result is no different at all."

Wheeler's extensive experience with the regulatory process at least ensures he'll probably get final versions of his top-tier regulations released, even if they face a less-than-certain path in the courts. Republicans say they welcome his low-key style compared to his predecessor.

"Pruitt comes in carrying a backpack of 110 pounds through his own personal decisions. Wheeler does not," Rep. John Shimkus (R-Ill.), a senior Energy and Commerce Committee Republican, said. "Since I think my [Democratic] friends would like to have a more combative witness, I think he's more successful for the EPA in telling their story versus having someone that can focus on their personal decisions and kind of weave a corruption story based upon other things."

**The Washington Post**

**New EPA document tells communities to brace for climate change impacts**

https://www.washingtonpost.com/national/health-science/new-epa-document-tells-communities-to-brace-for-climate-change-impacts/2019/04/27/09cf8df6-6836-11e9-82ba-fcfeff232e8f_story.html?utm_term=.bfd79d370f53

**By: Juliet Eilperin, Brady Dennis**

**Posted: April 27, 2019**

The Environmental Protection Agency published a 150-page document this past week with a straightforward message for coping with the fallout from natural disasters across the country: Start planning for the fact that climate change is going to make these catastrophes worse.

The language, included in guidance on how to address the debris left in the wake of floods, hurricanes and wildfires, is at odds with the rhetoric of the EPA's own leader, Andrew Wheeler. Just last month, Wheeler said in an interview with CBS that "most of the threats from climate change are 50 to 75 years out."

Multiple recent studies have identified how climate change is already affecting the United States and the globe. In the western United States, for example, regional temperatures have increased by almost 2 degrees Fahrenheit since the 1970s, and snowmelt is occurring a month earlier in areas, extending the fire season by three months and quintupling the number of large fires. Another scientific paper, co-authored by EPA researchers, found that unless the United States

slashes carbon emissions, climate change will probably cost the United States hundreds of billions of dollars annually by 2100.

The divergence between Wheeler and his own agency offers the latest example of the often contradictory way that federal climate policy has evolved under President Trump. As the White House has sought to minimize or ignore climate science, government experts have continued to sound the alarm.

The president has said he intends to withdraw the nation from a key international climate accord, but last fall 13 agencies issued a reportconcluding that "the evidence of human-caused climate change is overwhelming and continues to strengthen, that the impacts of climate change are intensifying across the country, and that climate-related threats to Americans' physical, social, and economic well-being are rising."
The White House has repeatedly sought ways to question the broad scientific consensus that human activities are driving climate change, and it is considering creating a federal advisory panel to reexamine those findings. But while the National Security Council is still pursuing the task force proposal, it has encountered resistance from military and intelligence officials as well as the White House Office of Science and Technology Policy.

Scientists say that as global warming nears an irreversible level, the president has been promoting business growth, not climate fixes. (Jenny Starrs/The Washington Post)
Even some of the administration's symbolic efforts to change the government's climate message have fizzled. In the summer of 2017, top EPA officials had plans to tweak references to climate change in the agency's official museum, and possibly to put a piece of coal on display. The overhaul plans stalled and are now not expected to materialize, according to two individuals who spoke on the condition of anonymity to discuss internal deliberations.

Still, Trump officials often home in on references to climate change in key documents.

In the case of the April 24 guidance from the EPA's Office of Land and Emergency Management, documents show, the White House's Office of Information and Regulatory Affairs sought to downplay climate change's impact on the intensity of natural disasters. But these efforts, first reportedby E&E News, did not entirely remove those references.

The document published Wednesday in the Federal Register repeatedly makes the link between climate change and more-severe floods, wildfires and storms.

While the White House struck one phrase attributing extreme weather events to climate change, the document still refers to "climate change" and "a changing climate" 22 times.

"According to the 2014 National Climate Assessment, which is a detailed report on climate change impacts on the U.S., climate change is expected to increase the frequency and intensity of some natural disasters," it states. "The amount of debris generated by natural disasters, and the costs to manage it, will likely increase as a result."

The guidance is directed toward "communities at increased risk from natural disasters due to climate change," according to the document, which included a section titled "Incorporate Climate Change Adaptation into Debris Management Planning."

Asked about the document Friday, the EPA declined to comment.

"This EPA guidance is clearly telling the public you need to start dealing now with disasters that are being made worse by climate change and will be made even worse due to climate change," said Amit Narang, regulatory policy advocate at the group Public Citizen. "It's pretty troubling to me to see the head of EPA saying the exact opposite thing."

To some extent, the new document reflects the advances scientists have made attributing extreme events to climate change since a landmark analysis was published in 2004 looking at a deadly European heat wave the year before.

The U.S. government's main climate change website, Climate.gov, features a detailed explanation of how the science has evolved in recent years, including how federal researchers have contributed to the field.

"Scientists are increasingly able to distinguish evidence of human-induced climate change from natural variability," according to the government explainer.
But the research into extreme event attribution is hardly limited to the government. Since 2011, the American Meteorological Society has compiledan annual assessment of how human-caused climate change probably affected the strength and frequency of extreme events such as record heat waves, droughts and wildfires.

The group has said that of the more than 130 peer-reviewed studies published as part of the annual reviews, about 65 percent have identified the fingerprints of climate change in extreme weather events, while about 35 percent found no clear connection.

"The science has really developed in the last decade, in particular, around the influence of global warming on extreme events," said Noah Diffenbaugh, a professor and senior fellow at Stanford University who studies the climate system.

For starters, he said, researchers are constantly gathering more data and studying more weather events, so that the observational record has grown over time. Computing power and modeling capabilities have improved. And there also has been an "explosion of research" on the topic, as scientists have developed frameworks for better evaluating the role of climate change in specific events.

The result, he said, is a growing body of research that details how human-caused climate change is contributing to record heat, more-intense storms, more-severe flooding and other events.

"It's very clear from multiple lines of evidence that we are already being impacted by the global warming that's already happened," Diffenbaugh said.

During Wheeler's confirmation hearing early this year, Democrats repeatedly tried to pin down Wheeler, who has lobbied in the past for the fossil fuel industry, about exactly where he stands on climate change and the risks it poses.

Sen. Bernie Sanders (I-Vt.) pressed Wheeler about whether he agreed with Trump's comment that climate change amounted to a Chinese "hoax." After being pressed, the acting administrator replied, "I have not used the 'hoax' word myself."

Sanders then asked Wheeler whether he accepts the consensus of most scientists that climate change is one of the most serious problems facing the nation. "I would not call it the greatest crisis, no, sir," he replied. "I would call it a huge issue that needs to be addressed globally."

**Chemicals**

**American Legal News**

**EPA's Proposed Toxic Chemical Regulations Criticized As Too Weak**

https://americanlegalnews.com/epas-proposed-toxic-chemical-regulations-criticized-as-too-weak/

**Andrew Bare**

**Posted: April 29, 2019**

For years, scientists and environmental activists have been pushing the Environmental Protection Agency to strictly regulate the family of fluorinated chemicals known as per- and polyfluoroalkyl substances (PFAS). These chemicals have been infiltrating soil and groundwater in locations across the country.

The EPA finally took the first step in April, releasing draft interim regulations designed to provide the initial regulatory guidelines for addressing these potentially dangerous chemicals. Chemical regulations require an involved process and the EPA is still a long way from finalizing any new restrictions.

However, environmental groups were dismayed by the details of these recommendations, as the thresholds recommended by EPA were far less stringent than activists hoped. In fact, the EPA's proposed benchmarks for PFAS were higher than those set by several states.

These groups are calling on the public to make their concerns known during the EPA's public comment period, which extends until June 10. Meanwhile, scientists have their work cut out for them in studying the danger of this nearly ubiquitous class of chemicals.

## What Are PFAS?

"PFAS" is an umbrella term referring to a group of thousands of different chemicals that exist within the same family. They are exceptionally popular and can be found in a massive range of products. Because these chemicals are resistant to water and stains and have impressive non-stick properties, they are a crucial component of carpeting, non-stick cookware, furniture, food packaging and firefighting foam – PFAS are particularly popular with the military, which uses them for a range of purposes at a number of military bases spread across the world.

Due to this popularity, PFAS can be found in soil and groundwater across the country. Almost every American has some level of these chemicals inside their blood. Scientists, however, are growing concerned about what that might mean for our health and well-being.

There remain a host of important unanswered questions regarding the danger level of these chemicals. PFAS are often referred to as "forever chemicals" since they don't break down easily. This ensures they stay in soil and groundwater – and even the human body – far longer than most chemicals.

Because this family of chemicals is so vast, studies of them have been slow going. However, early studies – many conducted as part of a lawsuit related to PFAS exposure in Ohio and West Virginia – have found a link between long-term exposure to the chemicals and serious health problems, including kidney cancer and thyroid disease.

The research is still in its early stages. Scientists are studying, among other things, how these chemicals move in the human body.

## Disappointing Standards

Activists anxiously awaited the EPA's interim draft standards, which represent the first step in a much longer process of regulating PFAS. They were disappointed when the standards were released.

The EPA recommended a screening level of 40 parts per trillion – a "screening level" is a threshold which necessitates further investigation at a given site. The threshold for a groundwater site cleanup would be 70 parts per trillion.

The Environmental Working Group blasted these recommendations as "woefully inadequate," while Harvard researcher Laurel Schaider said the proposal represented a "drop in the bucket."

The EPA's recommendations came in much higher than the levels proposed by several states currently undergoing PFAS crises. Michigan, New York, New Jersey, California, Minnesota, Vermont and Massachusetts have all proposed lower thresholds for the chemicals affected by the EPA recommendations.

This prompted the National Resources Defense Council to argue that the "EPA has failed to carry out its duty...."

The Trump Administration's EPA has made it a point of pride to disappoint environmental activists with its regulatory decisions. Public comment on the PFAS proposal will be open until June 10. Environmental groups plan to submit strongly critical comments and have urged citizens to do the same.

**Chemical Watch**

**Court orders US EPA to revisit CBI substantiation**

https://chemicalwatch.com/76954/court-orders-us-epa-to-revisit-cbi-substantiation

**Kelly Franklin**

**Posted: April 29, 2019**

A US court has ordered the EPA to revisit how it requires substantiation of confidentiality claims under TSCA, as the result of an NGO lawsuit. And according to the petitioning organisation's attorney, this will result in companies needing to provide "significantly more evidence" before they can protect as confidential the identity of a substance.

The US Court of Appeals for the DC Circuit issued a 26 April order on the Environmental Defense Fund's 2017 legal challenge to the EPA's final inventory notification (inventory reset) rule, EDF v EPA.
In the case, the EDF challenged:

- the EPA's failure to include a substantiation question addressing whether a substance's identity could be determined through reverse engineering;
- that a company could "maintain" an existing confidentiality claim even if it was not the original claimant;
- the agency's omission of certain confidentiality requirements in the rule;
- a failure to implement provisions related to the application of 'unique identifiers'; and
- the notification exemption for exported chemicals.

With respect to all but the first item, the court upheld the EPA's rule, on the grounds that it was not "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" – the standard of review for this type of case.

But the court agreed with the EDF that the agency's rule "comes up short" on the requirement that companies substantiate that a confidential chemical identity is not "readily discoverable through reverse engineering".

As a result, the court has ordered the EPA to "address its arbitrary elimination" of substantiation questions regarding reverse engineering. But it otherwise denied the EDF's petition for review.

Court's position
Under the 2016 amendments to TSCA, the identity of a chemical substance can be withheld as confidential if four specific criteria are met.

In its ruling, the court noted that the original proposed inventory reset rule – floated under the Obama administration in 2017 – included more than twenty substantiation questions, including questions related to each of these four statutorily required assertions.

But by the agency's own admission, the court's decision says, the final rule sets forth an "extensively re-written" list, which scrapped all questions related to the requirement that a substance's identity not be susceptible to reverse engineering.

And this omission, it says, "effectively excised a statutorily required criterion from the substantiation process," it said.

"The EPA's rule offers no sensible explanation at all for that gap in substantiation, nor does it even acknowledge the consequence of its omission," it added. "That error is fatal."

Outside of this provision, however, the court generally gave the agency deference to how it had interpreted the statute.

For example, it said that the EPA "acted well within its discretion" in concluding that any manufacturer or processor of a chemical can file a claim to maintain confidentiality, regardless of whether that company was the original claimant.

'Significant win'

Robert Stockman, EDF senior attorney, hailed the decision as a "significant win for public disclosure".

"EPA will now have to require significantly more evidence from companies before they can conceal the identities of chemicals they make and sell," Mr Stockman said.

"As a result, fewer such claims will be allowed."

But the American Chemistry Council's deputy general counsel, Allison Starmann, said the group is "disappointed that some activist NGOs continue to consume the resources of the agency that could otherwise be dedicated to effective and efficient implementation of the law."

Ms Starmann said the ACC was pleased that the court denied the majority of the petitioner's challenges, which she said is a "clear sign that EPA's approach is consistent with the statute and congressional intent".

Implications

The court's decision will require the EPA to revisit its final notification rule through a formal notice and comment process. But the ruling also has implications for the agency's recent proposed rule that lays out a procedure for substantiating and reviewing confidentiality claims under the reformed TSCA.

The proposal, like the inventory notification rule, does not include a substantiation question addressing reverse engineering. And the EDF's Richard Denison told Chemical Watch that this is an omission that will need to be remedied, which he said should be done by re-proposing the rule.

Dr Denison also pointed out that there are companies that already provided CBI substantiation during the inventory notification process. And these, he said, will likely need to re-substantiate their claims, because the questions they responded to have been deemed inadequate by the court.

Also of note is that the court disagreed with the EPA's arguments that the EDF did not have legal standing to bring the case. In order to meet this bar, the NGO had to "demonstrate that it has suffered a concrete and particularised injury in fact that is both fairly traceable to the EPA's action and likely to be redressed by a favourable judicial decision".

To this end, the court said "the law is settled" that denial of access to information qualifies as an injury in fact. This interpretation may send encouraging signals to NGOs seeking to challenge other aspects of TSCA in court.

A spokesperson for the EPA said it is currently reviewing the DC Circuit's decision and then will determine next steps.

**Chemical Watch**

**Senators urge EPA to extend methylene chloride protection to workers**

https://chemicalwatch.com/76911/senators-urge-epa-to-extend-methylene-chloride-protection-to-workers

**Lisa Martine Jenkins**

**Posted: April 29, 2019**

Twenty-two US Senate Democrats have written to EPA Administrator Andrew Wheeler and agency toxics head Alexandra Dunn, expressing concern at the decision to exclude commercial uses from the methylene chloride ban the agency announced in March. In the 26 April letter, the senators urge the agency to finalise a more comprehensive ban. The move comes hot on the heels of a lawsuit jointly filed by five NGOs and two mothers whose sons died after using the substance.

Methylene chloride is a solvent commonly used in paint strippers. The EPA's own 2014 assessment of the substance concluded that it can cause harm to the central nervous system, liver and kidney toxicity and cancer. Since a ban was proposed in January 2017, there have been a number of deaths associated with exposure to the substance.

The announcement that the final rule will not cover commercial uses resulted in protests from both Democratic lawmakers and NGOs.

Meanwhile, the EPA has looked for feedback on its advanced notice of proposed rulemaking (ANPRM) for a programme of "training, certification, and limited access requirements", aimed at mitigating the substance's risk.

However, the senators – led by Chuck Schumer (D-New York), Tom Carper (D-Delaware) and Tom Udall (D-New Mexico) – write in their letter that the "failure to protect commercial users of methylene chloride in its ban is likely to lead to more illnesses and deaths that are entirely preventable".

They also argue that the methylene chloride rule flies in the face of the 2016 updates to TSCA, which specifically charges the agency with protecting "potentially exposed or susceptible subpopulations". They cite the EPA's own determination that workers are particularly vulnerable to the substance's risks, and encourage it to withdraw the ANPRM and finalise an across-the-board ban on the substance.

"Given the dozens of deaths of workers, among even those who had been properly equipped and trained to protect themselves against methylene chloride exposure, EPA's failure to protect commercial users of methylene chloride in its ban is likely to lead to more illnesses and deaths that are entirely preventable," the letter continues.

The EPA will accept comments on the worker training ANPRM until 28 May.

**E&E News**

**Trump admin to alter rollback over HFC concerns**

https://www.eenews.net/climatewire/stories/1060235551/search?keyword=EPA

**Maxine Joselow**

**Posted: April 29, 2019**

The Trump administration is altering its rollback of Obama-era clean car rules in response to concerns from the air-conditioning and refrigeration industry, E&E News has learned.

In its proposal for the rollback, the Trump administration suggested eliminating compliance credits for automakers that install less-polluting air conditioners in their vehicles.

But in its final rule expected this spring or summer, the administration plans to restore the credits after hearing from concerned air-conditioning and refrigerant companies, according to a source with knowledge of the matter.

The less-polluting air conditioners rely on safer alternatives to hydrofluorocarbons, or HFCs. While short-lived in the atmosphere, HFCs are thousands of times more potent as greenhouse gases than carbon dioxide.

Several air-conditioning and refrigeration companies raised strong objections to the car rules proposal. They said it could encourage automakers to continue using HFCs despite their proven damage to the climate.

The companies were especially concerned, the source said, in light of the Trump administration's inaction on the heat-trapping gases.

President Obama had made phasing out HFCs a key plank of his climate agenda. The 2016 Kigali Amendment to the Montreal Protocol calls for a global step-down of the heat-trapping pollutants. Nearly 200 countries have said they're on board with Kigali.

But President Trump has not sent the amendment to the Senate for ratification. EPA has proposed rolling back a rule aimed at preventing HFC leaks. And a federal court has vacated Obama EPA efforts to phase out the potent greenhouse gases nationally (*Greenwire*, April 5).

When crafting the clean car standards, the Obama EPA provided several credits to help automakers comply with the rules. Its goal was to reward automakers for installing technology that reduces greenhouse gas emissions, even if that technology isn't directly related to the engine.

Besides less-polluting air conditioners, automakers can also receive credits for producing more electric vehicles and for installing start-stop technology. Most automakers could not meet the Obama-era standards last year without relying on some credits, EPA concluded in its recently released "Automotive Trends" report.

The credits are a largely overlooked component of the car rules rollback. Most news reports have focused instead on the freeze of fuel economy requirements at 2020 levels and the looming legal battle with California.

**'Cloud of uncertainty'**

Several air-conditioning and refrigeration companies — including Honeywell International Inc. and Chemours Co. — filed regulatory comments blasting the proposal to scrap the air-conditioning credits. They warned that the move could encourage automakers to switch back to HFCs, undermining nearly a decade of environmental progress.

Chemours said in its comments that the Trump administration had "created a cloud of uncertainty" over the mobile vehicle air-conditioning (MVAC) market.

"This cloud not only threatens to upend the current transition in MVAC refrigerants ... away from hydrofluorocarbons, specifically HFC-134a, but also creates the prospect — previously thought to be highly unlikely — that original equipment manufacturers might be motivated to 'switch back' to HFCs," the company warned.

Honeywell echoed those concerns. It also hinted the proposal would jeopardize thousands of manufacturing jobs in states that backed Trump in the 2016 presidential election.

Honeywell recently opened a manufacturing facility in Geismar, La., that produces a safer alternative to HFCs. Chemours operates a similar facility in Corpus Christi, Texas. Both Louisiana and Texas backed Trump over Democrat Hillary Clinton in 2016.

"This abrupt and unwarranted change in EPA's long-standing regulatory program would harm U.S. manufacturers and endanger thousands of American manufacturing jobs," Honeywell said in its comments.

The company added that a safer alternative to HFCs, known as HFO-1234yf, was "developed in Buffalo, New York and is manufactured in Texas and Louisiana, creating hundreds of U.S. jobs."

EPA officials decided to restore the air-conditioning credits because they were moved by the companies' pleas, which were made in writing and in person, according to the source with knowledge of how the process unfolded.

EPA air chief Bill Wehrum met individually with both Honeywell and Chemours last year, according to his public calendar. The companies also attended a joint meeting with Wehrum on March 20, 2018.

EPA's press office didn't respond to a request for comment. But in an **interview** with Reuters earlier this month, Administrator Andrew Wheeler confirmed that the agency is revising the car rules rollback in response to concerns from outside stakeholders.

"Our final regulation is not going to be the same as our proposal," Wheeler told the news outlet. "We've taken constructive comments, criticisms, concerns from a whole host of different interest groups. I hope our final regulation is something that everybody can get behind and support."

A Department of Transportation spokesman declined to comment.

**'Singing from the same sheet of music'**

In the absence of federal action on HFCs, states are ramping up their efforts to curb the potent pollutants (***Climatewire***, April 4).

California passed a law aimed at limiting HFCs last year. Regulators in Connecticut, Maryland and New York are now weighing similar measures.

Francis Dietz, vice president of public affairs at the Air-Conditioning, Heating and Refrigeration Institute, said federal action would create more regulatory certainty for his member companies than a state-by-state approach.

"You want to have it so everybody is singing from the same sheet of music, so everyone knows what the phase down is and everybody has to comply," Dietz said. "What we don't want, and what we are trying to avoid, is a patchwork of regulations state by state."

Dietz declined to comment on the car rule credits, which he said was outside the purview of his organization. But he said the shift in the auto industry toward safer alternatives to HFCs helped the world meet a goal of the Kigali Amendment earlier this year. The amendment calls for a 10% reduction in HFCs by 2019 and a 40% reduction by 2040.

"The truth is the transition in the auto industry is what enabled us to meet our first step-down under the Kigali Amendment that was due at the beginning of this year," Dietz said. "Even though the U.S. didn't ratify that yet, we still met our first step-down."

A Honeywell spokeswoman said in an emailed statement to E&E News that "the world will continue to focus on transitioning to environmentally preferable and energy-efficient technologies.

"Thus, we continue to actively encourage the government and the industry to work together to spur U.S. innovation in this growth sector," the spokeswoman added. "This includes support for the Mobile Air-Conditioning (MAC) refrigerant credit option, designed to incentivize the transition to new, cleaner refrigerants with a lower emissions footprint."

**Inside EPA**

**States Back Environmentalists' Bid To Preserve IRIS' EtO Value For Air Rules**

https://insideepa.com/daily-news/states-back-environmentalists%E2%80%99-bid-preserve-iris%E2%80%99-eto-value-air-rules

**Stuart Parker**

**Posted: April 29, 2019**

State regulators are joining environmentalists in urging EPA to continue using strict risk values for ethylene oxide (EtO), developed by its embattled Integrated Risk Information System (IRIS) program, in its air toxics rules for hydrochloric acid (HCl) plants, though the states stop short of threatening to sue over the issue as environmentalists are.

In its March 28 comments, the National Association of Clean Air Agencies (NACAA), representing air regulators from 41 states, says "it is correct and appropriate for EPA to use the updated IRIS risk value for EtO for regulatory purposes. It is troubling that the agency would even consider doing otherwise."

At issue is EPA's proposed risk-and-technology review (RTR) for the HCl manufacturing sector, an eight-year review of the adequacy of federal air toxics rules, where the agency invites comment on whether it should continue to rely on its conservative 2016 IRIS risk value for EtO.

The assessment affirmed long-suspected claims that the chemical, used as an intermediate to make other chemical products like detergent, antifreeze and polyester, and to sterilize medical equipment and foods, causes breast and lymph cancers. It also classified the substance as a known carcinogen and recommended a conservative risk value.

But chemical and other industry groups are concerned that the IRIS value will drive overly conservative regulatory standards. The American Chemistry Council (ACC) last year petitioned EPA to stop using the EtO values in rules, saying it is not justified since the substance is present in ambient air at much lower concentrations than what is assumed in the IRIS assessment.

However, EPA's reconsideration of the issue in the HCl rule has prompted significant concern from environmentalists and Democratic lawmakers, who charge it bolsters the chemical industry's pending petition and, if granted, would set a broad precedent that would undermine the protectiveness of the rules.

At a March 27 public hearing on the proposal, environmentalists, represented by Earthjustice, hinted at a lawsuit, warning EPA that any attempt to drop use of the IRIS value for EtO when crafting air toxics rules would result in unlawful regulations. The Clean Air Act "does not allow the agency to ignore the best available science," Michelle Mabson, a staff scientist at Earthjustice, said in her testimony.

The state regulators in their comments echo environmentalists concerns but stop short of issuing an explicit legal threat.

"Considering the importance of the IRIS process in general and the comprehensive nature of the EtO review in particular, there would be no justification for abandoning the use of the updated EtO information during the regulatory process. In fact, for EPA to hint that it is contemplating whether or not to use a value that was so recently and thoroughly reviewed and updated undermines the IRIS assessment process itself," NACAA says.

NACAA also raises concerns about EPA's use of census track "centroids" to evaluate exposure risks, arguing that the agency should instead evaluate risk to people located closest to sources of air emissions such as facility fencelines.

NACAA further faults the agency for relying on Acute Exposure Guideline Levels (AEGLs) or Emergency Response Planning Guidelines (ERPGs) values to address acute exposures in the residual risk assessments, saying these are inappropriate tools for RTRs.

"AEGLs and ERPGs do not include adequate safety and uncertainty factors and cannot be relied upon to protect the public from the adverse effects of exposure to toxic air pollutants. The use of AEGLs or ERPGs in residual risk assessments is not appropriate and does not ensure that public health is adequately protected from the acute impacts of HAP exposure," NACAA says.

**Local Officials**

Other local government officials are also backing states' calls for EPA to continue using strict risk values. For example, officials in DuPage County, IL -- home to the Sterigenics sterilization facility in Willowbrook, IL, which is at the center of

intense controversy over its EtO emissions and possible health impact on the surrounding community -- urged EPA in their comments to retain strict risk values.

"We are deeply concerned that the risk modeling used in conjunction with the risk assessment contained in the proposed rules document will be applied to other source categories that emit ethylene oxide that will result in greater health risks to residents living in areas impacted by Facilities emitting ethylene oxide," the officials write in a March 21 letter.

"We respectfully request that the risk modelling used for facilities emitting ethylene oxide not be lowered. Rather, we request that the health risk modeling for ethylene oxide emitting facilities reflect the most recent designation of the component as a carcinogen," the country officials say.

Meanwhile, a broad coalition of environmental and public health groups in its April 26 comments offers a detailed defense of the IRIS risk value for EtO, and takes direct aim at ACC's criticisms of the IRIS assessment.

The groups including the Natural Resources Defense Council, Earthjustice and a host of others reiterate their earlier argument that failure to use the IRIS value would be "ignoring the best available science."

And they push back on ACC's argument that the IRIS values are not appropriate for air toxics rules, saying such an approach would greatly underestimate potential risks. "The bottom line is that the IRIS toxicity and carcinogenicity modeling and approach are reasonably appropriate, though much more likely to underestimate risk than to overestimate it. The basis for ACC's claim is unclear and ACC's methodology has not been made public."

"ACC and its industry members defensively and seemingly endlessly challenge the existing evidence of harm -- often without any new data or information - while dangerous and deadly chemical pollution continues," the groups say. They call for EPA to evaluate the cumulative impact of not only EtO, but also other toxics pollutants released at the same locations. -- *Stuart Parker* (sparker@iwpnews.com)

**Michigan Advance**

**Oscoda residents vent to Air Force brass about PFAS worries**

https://www.michiganadvance.com/2019/04/27/oscoda-residents-vent-to-air-force-officials-about-pfas-worries/

**Michael Gerstein**

**Posted: April 27, 2019**

Beneath the natural beauty of Clark's Marsh in Oscoda lurks some of the highest concentrations of toxic chemicals from firefighting foam in the state.

The Huron National Forest destination north of Michigan's Thumb was once popular for hunting and fishing. Now it's covered with metal signs riddled with bullet holes and messages warning locals not to eat the fish or deer.

The forest sits next to the now-defunct Wurtsmith Air Force base, from which a plume of toxic chemicals has spread to the nearby Au Sable River, Van Etten Lake and Clark's Marsh, as well as more than 200 homes connected to private drinking water wells.

"I almost want to call it biological warfare on their own people," said Oscoda Township Supervisor Aaron Weed, who spent 22 years serving in the U.S. Air Force at bases in Oklahoma, Texas and North Carolina, before settling in Michigan about eight years ago.

Weed said he perceives it as "deliberate action on their part to slow down and avoid" cleanup, which is "almost the same thing."

Top Pentagon officials, on behalf of the Air Force, met with Weed during a public town hall-like public comment session on Wednesday at the Oscoda Community Center.

Residents aired their anger and frustration with the plodding pace at which Air Force officials have addressed the problem.

*Air Force response*

Wurtsmith Air Force base closed in 1993. It still may take at least another four years before the Air Force can begin acting on a formal cleanup plan for the area.

That's according to Air Force Assistant Secretary John Henderson, who came to Oscoda from Washington, D.C., at the invitation of U.S. Sen. Gary Peters (D-Bloomfield Twp.).

Henderson said the Air Force is "about halfway through" monitoring, testing and analyzing a large plume of per- and polyfluoroalkyl pollution known as PFAS that has affected the township's groundwater.

Two of the most common chemicals in Oscoda and elsewhere in Michigan are PFOS and PFOA — part of a suite of roughly 5,000 similar chemicals.

The substances were once widely used in a type of firefighting foam useful for putting out jet fuel fires, as well as in consumer products such as Scotchguard, Teflon, furniture and even cosmetics. They have now been linked to cancer and liver and thyroid problems.

Firefighting foam used in training procedures at the base leached into the soil and underground water, spreading off base. For years, the Air Force also had dumped untreated water containing the pollution into Van Etten Creek, which flows into Van Etten Lake and eventually Lake Huron, according to officials at the Michigan Department of Environment, Great Lakes and Energy (EGLE).

State officials have not found concerning PFAS levels in Lake Huron, but pollution is far above health advisory standards in the lake and creek.

Henderson said the Air Force is acting as quickly as it can.

"That process, unfortunately, takes a lot of time," he told frustrated Oscoda residents during the Wednesday public comment session.

"In some cases, we're just constrained by the laws of physics and the time it takes to get this done," Henderson said. "It's frustrating for us, too. I wish it could go faster. On the other hand, I don't want to rush to failure. If there is an opportunity to go faster, we certainly will."

*EPA's role*

Meanwhile, the U.S. Environmental Protection Agency (EPA) has proposed weaker cleanup standards at hazardous waste sites following pressure from the U.S. Defense Department.

In the years to come, the Air Force may have to contend with pollution from firefighting foam not just in Michigan, but in 401 known facilities where it was used across the country, according to a U.S. Government Accountability Office (GAO) report.

The Pentagon suggested in a report last year that 380 parts per trillion is an acceptable maximum cleanup threshold, the New York Times reported.

The U.S. Department of Health and Human Services' Agency for Toxic Substances and Disease Registry has suggested a safety threshold at levels about 30 times lower than that.

The EPA set an advisory level of 70 ppt, and is seeking to codify that number in order to compel cleanups where levels exceed it.

One part per trillion is equivalent to one drop in 20 Olympic size swimming pools.

Peters, who sits on the U.S. Senate Armed Services Committee, criticized the Air Force's timeline when speaking with reporters after the Oscoda community meeting Wednesday.

"I don't think four more years is acceptable to anyone; folks have been waiting too long," he said. "But I think there's also a recognition that you have to do the job right ... so we don't have to come back here later and do more, and also the taxpayers want to make sure the job is being done efficiently."

Peters said the Air Force could act quicker if EPA standards were tougher. But he also said that he trusted that Henderson "will move as quickly as the science and engineering allows him to do that."

The EPA plans to announce a new maximum contaminant level for PFOS and PFOA by the end of the year, Acting EPA Administrator Andrew Wheeler said in February. He said the 70 ppt advisory level "is a safe level for drinking water."

Once set, the standard will be enforceable under the federal Safe Drinking Water Act.

The process began under former EPA Administrator Scott Pruitt and has dragged on into Wheeler's tenure. That's vexed bipartisan critics like U.S. Reps. Dan Kildee (D-Flint) and Brian Fitzpatrick (R-Pa.), co-chairs of the Congressional PFAS Task Force, who say the agency should act faster.

Some critics, including Steve Sliver, who directs Michigan's PFAS response team, say the Air Force could take immediate interim actions to clean up contamination before the years-long federal review process is complete.

"There's not many barriers to interim measures that can't be overcome, and they have been doing some," Sliver said. "We think they could do more, quicker. And we've been very open about that and we'll continue to offer our help."

*Worried residents*

Anthony Spaniola, an attorney who owns property on the polluted Van Etten Lake in Oscoda, said he thinks the Air Force is making "a conscious decision ... to spend as little money as possible" because of the significant cost to clean up PFAS contamination at Air Force bases nationwide.

In the meantime, other local residents are aggravated and worried.

Edward Davison Jr., 83, owns 210 acres next to the base in Oscoda and laments that he can no longer rent out his property to hunters and anglers who fear the contamination. He said he wants action, not more analysis.

"These guys have been screwing around with Wurtsmith for 30 years," he said. "They know where the foams are."

Davison said he's tired of officials dragging their feet.

"I'm upset that my government would act like a bunch of jerks," he declared. "Nobody's asking for money. All they wanna do is get it cleaned up."

Sheila Bierlein, a 33-year-old bartender, said she can't plant a vegetable garden at her home because of the pollution. And she said she worries about her two young children.

"It's always in the back of my mind because my kids — they're going to grow up [swimming] in this water," Bierlein said between pouring cocktails and beers for the few locals coming into the Edelweiss Tavern on Wednesday night.

Bierlein added that she's lived here for the past 11 years.

"So it's like, are my kids going to grow up and have a health issue?" she wondered. "But, like I said, I can't stop my kids from living a normal life, either."

**The National Law Review**

**EPA Publishes Draft Screening and Remediation Recommendations for Groundwater Contaminated with PFOA and PFOS**

https://www.natlawreview.com/article/epa-publishes-draft-screening-and-remediation-recommendations-groundwater

**Nessa Horewitch Coppinger, Sarah Munger**

**Posted: April 29, 2019**

On April 25, 2019, the EPA published draft interim recommendations for screening and clean-up levels for groundwater contaminated with perfluorooctanoic acid (PFOA) and/or perfluorooctane sulfonate (PFOS). The draft recommendations apply to sites that are evaluated under federal clean-up programs, like CERCLA or RCRA.

EPA recommends a screening level of 40 parts per trillion (ppt) for PFOA and PFOS. Screening refers to the process of identifying and defining the areas, contaminants, and conditions at a site that may require further attention. It is not a cleanup level.

When PFOA and PFOS are below the screening level, generally no further action or study will be required. Even if levels are greater than 40 ppt, additional clean-up may not be necessary but further investigation will be warranted. EPA based its recommended screening level of 40 ppt on three factors:

1. The specific and limited purpose of a screening level.
2. The additive toxicity of PFOA and PFOS.
3. The possibility that other PFAS compounds, which may be toxic but for which toxicity values may not currently be available, may be co-located with PFOA and/or PFOS.

For the first time, EPA used a drinking water health advisory to inform its recommended preliminary remediation goal (PRG). EPA based its recommended PRG of 70 ppt for contaminated groundwater that is or has the potential to be drinking water on the Lifetime Drinking Water Health Advisory of 70 ppt for PFOA and PFOS.

PRGs represent levels that EPA believes, based on the best available science and preliminary site information, are protective of human health and the environment. PRGs are based on applicable or relevant and appropriate requirements (ARAR) (e.g. maximum contaminate levels) where available. EPA recommends using the PRG of 70 ppt where state or tribal laws do not have qualifying ARARs. EPA's draft recommendations recognize that PRGs are often modified to ensure that clean-up is protective of human health and the environment.

The public may comment on the draft guidance through June 10, 2019. EPA specifically invites comment on its use of the Lifetime Drinking Water Health Advisory level of 70 ppt as the recommend PRG.

**NBC News**

**States weigh banning a widely use pesticides even though EPA won't**

https://www.nbcnews.com/health/health-news/states-weigh-banning-widely-used-pesticide-even-though-epa-won-n998096

**By: Ana Ibarra, California Healthline, Kaiser Health News**

**Posted: 12:47pm, April 28, 2019**

Lawmakers in several states are trying to ban a widely used pesticide that the Environmental Protection Agency is fighting to keep on the market.

The pesticide, chlorpyrifos, kills insects on contact by attacking their nervous systems.

Several studies have linked prenatal exposure of chlorpyrifos to lower birth weights, lower IQs, attention deficit hyperactivity disorder and other developmental issues in children. But the EPA in 2017 ignored the conclusions of its scientists and rejected a proposal made during the Obama administration to ban its use in fields and orchards.

Hawaii was the first state to pass a full ban last year. Now California, Oregon, New York and Connecticut are trying to do the same.

Should California succeed, the rear-guard action could have a big impact.

"If California is successful, that's a big deal because it's such a big state — the biggest agricultural state," said Virginia Ruiz, director of occupational and environmental health at the Washington, D.C.-based nonprofit Farmworker Justice.

Earlier this year, congressional Democrats also introduced bills to ban the pesticide nationally, but experts believe states are more likely to succeed than Congress. Sen. Kirsten Gillibrand (D-N.Y.), who is running for president, introduced a separate bill last week that would prohibit schools from serving fruits and vegetables sprayed with the pesticide.

"I don't see this as something we should still be debating," said Irva Hertz-Picciotto, an epidemiologist and director of the Environmental Health Sciences Center at the University of California-Davis.

Hertz-Picciotto testified during a California Senate Health Committee hearing April 10 on California's bill to ban use of the pesticide. She said more than three dozen studies have demonstrated a connection between prenatal exposure of chlorpyrifos and developmental disabilities, including symptoms of autism.

"No study has identified a level at which we can consider it safe," she told lawmakers.

Almost two decades ago, the EPA, which regulates pesticides at the federal level, ordered chlorpyrifos for residential use off the market. But the chemical still is used on crops — including citrus, almonds and grapes — and on golf courses and other non-agricultural settings.

Globally, several companies make chlorpyrifos products. In the U.S., the most recognized brand names are Dursban and Lorsban, manufactured by Corteva Agriscience, formerly known as Dow AgroSciences.

Under the administration of President Barack Obama, the EPA in 2015 proposed a complete ban of chlorpyrifos, citing evidence of health risks. But in 2017, President Donald Trump's EPA administrator, Scott Pruitt, declined to ban it.

"Despite several years of study, the science addressing neurodevelopmental effects remains unresolved," the EPA says on its website. The agency did not return requests for comment.

Then the 9th U.S. Circuit Court of Appeals ordered the pesticide completely off the market last summer. The EPA is fighting that decision.

"The EPA is contradicting the findings of its own scientists," said Aseem Prakash, the director of the Center for Environmental Politics at the University of Washington.

Prakash accused the EPA of serving the interests of the chemical industry over people's health.

"It's bizarre," he added. "We have the research."

The manufacturers see it differently. Carol Burns, a retired epidemiologist with the Dow Chemical Company, which began manufacturing chlorpyrifos in 1965, is now a consultant for Corteva Agriscience. Burns said during the California Senate hearing that many studies link neurodevelopmental problems in children with the chemical compounds known as organophosphates, but not chlorpyrifos specifically.

"Chlorpyrifos is an organophosphate, but not all organophosphates are chlorpyrifos," she said. The science, she argued, is not clear-cut.

Besides, she added, some of those studies focused on children born in the late 1990s and early 2000s. Since then, children face less exposure to the chemical as a result of increasing restrictions on its use, Burns said.

Neither Corteva Agriscience nor the California Farm Bureau Federation would comment for this story.

Chlorpyrifos can be inhaled during application and as it drifts into nearby areas, or ingested as residue on food. People also can be exposed through their drinking water if their wells have been contaminated.

Brief exposure can result in dizziness, nausea and headaches, while more acute poisoning can cause vomiting, tremors and loss of coordination, according to the National Pesticide Information Center.

"The EPA is contradicting the findings of its own scientists."

But long-term exposure, even at low levels, is considered more harmful, especially for young, developing brains. A 2014 study by Hertz-Picciotto and other UC-Davis researchers found that pregnant women who lived near fields treated with chlorpyrifos, primarily during their second trimester, had an elevated risk of giving birth to a child with autism spectrum disorder.

Fidelia Morales has lived in Lindsay, Calif., a small town in Tulare County, for 12 years. Her home is surrounded by orange groves, and the skunky stench of freshly sprayed pesticides often drifts inside, especially during the summer, she said.

The more she learns about chlorpyrifos, the more she wonders whether it played a role in her 11-year-old son's behavioral issues. His teachers routinely complain about his inability to focus and sit still in class, she said. In fourth grade, he was reading at a second-grade level.

"I used to walk to the groves when I was pregnant — I had no idea that I could be exposing myself and my baby," she said. "The irony is I left Los Angeles in part to get away from all the pollution. I had no idea I'd end up somewhere worse."

Morales wants the pesticide banned.

But farmers told lawmakers during the health committee hearing that the state already restricts the use of chlorpyrifos through the Department of Pesticide Regulation. Any additional restrictions should be left to the department, they urged.

Based on the department's earlier recommendations, all California counties this year agreed to set strict restrictions on chlorpyrifos' application.

The restrictions include a ban on aerial spraying. For ground-based applications, farmers cannot apply the pesticide within 150 feet of houses, businesses and schools. The department considers the pesticide a "toxic air contaminant," and believes the new restrictions will reduce its use, said spokeswoman Charlotte Fadipe.

The use of chlorpyrifos in the state has declined by half in the past decade, she said.

Angel Garcia, a community organizer in Tulare County with the group Californians for Pesticide Reform, said the new restrictions aren't tough enough.

Those who face the most risk are largely the low-income people of color who live in agricultural areas, he said.

The restrictions "fall short of creating significant health protections," he said.

*This story was produced by* Kaiser Health News *(KHN), which publishes* California Healthline*, an editorially independent service of the* California Health Care Foundation*. KHN is not affiliated with Kaiser Permanente.*

**Reuters**

**EPA, EDF split win in D.C. Circuit fight over chemical notification rules**

https://www.reuters.com/article/toxic-substance-lawsuit/epa-edf-split-win-in-dc-circuit-fight-over-chemical-notification-rules-idUSL1N22B0C0

**Barbara Grzincic**

**Posted: 8:58am, April 29, 2019**

The Environmental Defense Fund's challenge to rules implementing the 2016 amendments to the Toxic Substances Control Act met with mixed results on Friday, as a federal appeals court upheld most of the provisions adopted by the Environmental Protection Agency.

The U.S. Circuit Court of Appeals for the District of Columbia agreed with the EDF on just one of its five objections to the Inventory Notification Requirements rule, in which the Environmental Protection Agency spelled out its procedure for updating its outdated inventory of chemicals manufactured or processed in the United States.

To read the full story on Westlaw Practitioner Insights, click here: bit.ly/2WcbRNx

**Energy/Emissions**

**CarBuzz**

**America Nails Another Major Automaker For Cheating**

https://carbuzz.com/news/america-nails-another-major-automaker-for-cheating

**Jay Traugott**

**Posted: April 28, 2019**

Ford has joined the list of automakers who have been or are under criminal investigation by the US Justice Department for allegedly not adhering to emissions standards. According to Reuters, the automaker is now facing potentially significant financial penalties for violating US environmental law. The Environmental Protection Agency has declined to comment.

We reported in February that Ford had begun its own internal investigation over inaccurate emissions testing following employee concerns regarding the new Ranger pickup truck. Ford also hired an outside law firm to conduct an

investigation regarding those concerns. "Ford is fully cooperating with the government, and we'll keep them posted on what we're finding through our investigation and technical review," the company said.

Ford has already submitted a new emissions testing plan for the Ranger but it still needs to be approved by regulators. Other vehicles are likely to follow but we don't know which specifics ones they are at this time. Ford will still likely face harsh financial penalties for emissions violations. "When people are not playing by the rules and they are creating more pollution... we will catch them, we will hold them accountable," said EPA Administrator Andrew Wheeler.

Unlike Volkswagen, we can confirm that so-called defeat devices are not involved in this situation, but rather the method in which the automaker tests new vehicle emissions. That method, according to whistleblowers, produces inaccurate results.

**E&E News**

**House committee to target Trump energy policies**

https://www.eenews.net/eedaily/stories/1060235935/search?keyword=EPA

**Scott Streater**

**Posted: April 29, 2019**

Democrats are expected to push for more renewable energy development on federal lands during a House Natural Resources oversight hearing tomorrow where the Trump administration's energy policies are expected to take center stage.

The Subcommittee on Energy and Mineral Resources hearing will focus on "the need to transition to clean energy development on public lands rather than remaining focused on fossil fuel extraction," according to a press advisory from the Democratic majority staff.

It follows a subcommittee hearing last month during which subcommittee Chairman Alan Lowenthal (D-Calif.) openly mocked the Trump administration's "single-minded" focus on fossil fuels. Fellow California Rep. Mike Levin (D) also urged the administration and Congress "to do more to spur responsible development of clean energy on public lands" (*E&E Daily*, March 13).

Arizona Rep. Paul Gosar, the subcommittee's ranking Republican, and other GOP members have staunchly defended the administration's efforts.

The subcommittee hearing highlighted the deep partisan divide regarding the Trump administration's quest for "energy dominance" through increased oil and gas drilling and mining activity on federal lands.

Expect similar fireworks at tomorrow's hearing, which will include testimony from Michael Gerrard, an environmental law scholar at Columbia University.

Gerrard, along with fellow environmental law scholar John Dernbach at Widener University, recently released an exhaustive playbook designed to help policymakers and lawyers devise strategies to cut carbon dioxide and other greenhouse gas emissions (*Climatewire*, April 24). Oil and gas drilling operations are a major source of greenhouse gas emissions worldwide.

During a recent interview with E&E News, Gerrard said some of the policy recommendations for EPA and other government agencies included in the book are "not likely" to be approved "during the current administration."

At the subcommittee hearing last month, Levin and Rep. Jared Huffman (D-Calif.) grilled Mike Nedd, the Bureau of Land Management's deputy director of operations, on the change of direction on energy policy under President Trump.

Nedd acknowledged to the subcommittee that only two solar power projects have been approved by BLM in the last two years, with no wind or geothermal project approvals.

By contrast, BLM during the Obama administration approved 60 solar, wind and geothermal projects that would have a total capacity to produce about 15,500 megawatts of electricity — enough to power more than 5 million homes and businesses on an annual basis.

Levin lamented to Nedd that "all the good work that you did under the Obama administration with significant new solar, wind and other clean sources of power now is under direct threat" by the Trump administration's ambivalence toward renewables.

During that hearing, Gosar ripped Obama-era regulatory policies that he said "significantly hampered oil production." Thanks to President Trump, "We are truly experiencing an energy renaissance in this country."

**Schedule:** The hearing is Tuesday, April 30, at 10 a.m. in 1334 Longworth.
**Witnesses:**

- Lyle Jack, chairman, Oceti Sakowin Power Authority.
- Erica Brand, director of California energy strategy, the Nature Conservancy.
- Michael Gerrard, Andrew Sabin professor of professional practice, Columbia Law School.
- Jim Lamon, CEO, DEPCOM Power.

**Reuters**

**U.S. oil-storage industry fines soar on air, water violations**

https://www.reuters.com/article/us-texas-energy-tank-violations/u-s-oil-storage-industry-fines-soar-on-air-water-violations-idUSKCN1S508Z

**Collin Eaton**

**Posted: 1:07am, April 29, 2019**

HOUSTON (Reuters) - Fines for violations of air, water and waste regulations by U.S. petroleum storage facilities so far this year have exceeded all of last year - even without including two major Houston-area disasters in the last month still under investigation - according to a Reuters analysis of federal data.

Federal and state fines of storage-tank operators totaled $5.2 million as of April, from $4.1 million for all of 2018 and $2.5 million in 2017, according to data on federal and state penalties analyzed by Reuters from the U.S. Environmental Protection Agency.

U.S. petroleum storage operators have added millions of barrels of capacity since 2015 when the United States lifted a 40-year ban on crude exports.

The nation is now shipping as much as 3.6 million barrels per day (bpd) overseas, and cheap natural gas prices have fueled a boom in petrochemical production that also necessitates more storage, particularly on the U.S. Gulf Coast. With that, however, have been more air and water quality incidents.

"There have been some accidents and an awful lot of expansion," said Eric Schaeffer, executive director of nonprofit Environmental Integrity Project and a former director of civil enforcement at the EPA. "There's been a drop in resources available for enforcement. There have been mixed signals on how much enforcement to do."

This year, the average penalty is $218,000, up from $52,000 in 2018. The total number of actions for violations of Clean Air and Clean Water Act regulations was 24, up from 17 by this time last year, the data showed.

That figure does not include two incidents in Texas for which federal and state investigations are underway, but no fines have yet been assessed.

A March fire at a Houston-area petrochemical storage facility raged for days, sending millions of pounds of carbon monoxide and other gases into the air, and leaking thousands of gallons of fuel and toxic foam into waterways.

The blaze at a site along the Houston Ship Channel in Deer Park, Texas, started when a leak from a tank containing volatile naphtha ignited and spread to others in the same complex. Those tanks hold tens of thousands of barrels of products used to boost gasoline octane, and make solvents and plastics.

Weeks later, a blast and fire at a separate plant north of Houston that makes an aviation fuel component killed one worker and injured two others.

Crude storage capacity is up 17 percent across the nation to 573.6 million barrels since 2015, according to the U.S. Energy Information Administration.

Companies including LBC Tank Terminals and Moda Midstream LLC are among those expanding to handle the growing U.S. crude exports.

Operators are expanding 23 storage terminals in Texas and seven in Louisiana, according to market data provider TankTerminals. Texas terminal operators are projected to boost capacity 7 percent by the end of 2019 to 393 million barrels, TankTerminals data shows.

**Water**

**ABC 13**

**US EPA giving money to Ohio to protect drinking water**

https://www.13abc.com/content/news/US-EPA-giving-money-to-Ohio-to-protect-drinking-water-509161351.html

**Bill Horman**

**Posted: 2:23pm, April 27, 2019**

**COLUMBUS, Ohio (AP) -** The U.S. Environmental Protection Agency has awarded $724,500 to Ohio to protect public drinking water systems.

The federal agency said in a release this week that it awarded the money to the Ohio Environmental Protection Agency to carry out its public water supply supervision program. Federal officials say the funding will help protect more than 4,400 public water systems in Ohio serving nearly a total of 11 million people daily.

The U.S. EPA said the funding is the second installment of a $1.2 million award to Ohio in 2019.

The money will allow Ohio EPA to conduct regular sanitary surveys of public water systems and provide technical assistance to system managers and operators. It also will be used for enforcement and to ensure systems keep consumers informed of water quality

**Hockessin Community News**

**Carper releases statement on EPA's failure to address contamination**

https://www.hockessincommunitynews.com/news/20190426/carper-releases-statement-on-epas-failure-to-address-contamination

**Submitted News**

**Posted: 5:45pm, April 28, 2019**

Sen. Tom Carper released a statement April 26 on the Environmental Protection Agency draft interim guidance for addressing groundwater contaminated with perfluorooctanoic acid and/or perfluorooctane sulfonate, two specific per- and polyflouroalkyl substances chemicals.

"After languishing in interagency review for months, the draft guidance finally released by EPA fails to adequately protect public health from this emerging crisis," said Carper. "Administrator (Andrew) Wheeler himself said that safe drinking water is the greatest environmental challenge facing our world, yet, again, we see that EPA is not addressing this issue in the manner in which it demands, nor with the urgency in which Americans deserve."

This guidance does not include an "emergency" removal level of PFAS that will trigger the provision of bottled water or other urgent measures to protect the public, meaning that people drinking water contaminated at levels well in excess of 70 parts per trillion, or ppt, may not be entitled to safe drinking water during the months or years cleanup could take to complete. It also means that there is no assurance that EPA will step in in cases where no responsible party exists to address 'emergency' levels of contamination.

This guidance also failed to provide the clarity that DOD has agreed to take action to clean up sites that are contaminated at levels between 70-380 ppt, a commitment DOD had previously objected to making.

And, while the second paragraph of the guidance says that it applies to "groundwater that is a current or potential source of drinking water," the second page states that, "In situations where groundwater is being used for drinking water, EPA expects that responsible parties will address levels of PFOA and/or PFOS over 70 ppt." This indicates that it is possible that polluters will not be required to clean up groundwater that states have designated as a future source of drinking water that is not yet being used as such.

Carper announced in February he had secured an EPA commitment to set a drinking water standard for PFOA and PFOS. This announcement came on the heels of the senator's consistent pressure on EPA throughout then-Acting Administrator Andrew Wheeler's confirmation process in the face of an on-going failure of EPA to set that standard.

In March, Carper and three other Senate committee ranking members requested documents from EPA, Department of Defense, the Department of Health and Human Services and the Office of Management and Budget related to the interagency review of EPA's February 2019 "PFAS Action Plan."

Later that month, after Carper's EPW staff learned that the Department of Defense may be pressuring EPA to weaken the stringency of PFAS groundwater cleanup guidelines, Carper encouraged EPA to resist pressure from other agencies and to finalize PFAS groundwater cleanup guidance at the drinking water Lifetime Advisory Limit of 70 ppt.

Carper authored and introduced the PFAS Action Plan of 2019, which would mandate EPA to declare PFAS as hazardous substances eligible for cleanup funds under the EPA Superfund law.

In April, Carper joined Sen. Bob Casey, D-Pennsylvania, for a roundtable with local officials and community leaders to learn about the community's struggle with widespread groundwater PFAS contamination.

**Truthout.org**

**EPA Decides Not to Regulate Fracking Wastewater as Pennsylvania Study Reveals Recent Spike**

https://truthout.org/articles/epa-decides-not-to-regulate-fracking-wastewater-as-study-shows-spike/

**By: Sharon Kelly, DESMogBlog**

**Posted: April 27, 2019**

On April 23, the U.S. Environmental Protection Agency (EPA) told two environmental groups that it had decided it was "not necessary" to update the federal standards handling toxic waste from oil and gas wells, including the waste produced by fracking.

State regulators have repeatedly proved unable to prevent the industry's toxic waste from entering America's drinking water supplies, including both private wells and the rivers from which public drinking water supplies are drawn, the Environmental Protection Agency concluded in a 2017 national study.

The corrosive salt-laden wastewater from fracked wells has been spread on roads as a de-icer. It's been sprayed into the air in the hopes of evaporating the water — a practice that spreads its blend of volatile chemicals into the air instead. Oil industry wastewater has even been used to irrigate crops — in California, where state regulators haven't set rules to keep dangerous chemicals like the carcinogen benzene out of irrigation water.

If equally contaminated waste came from other industries, it would usually be designated hazardous waste and subject to strict tracking and disposal rules designed to keep the public safe from industrial pollution. But in July 1988, after burying clear warnings from its own scientists about the hazards of oilfield waste, the EPA offered the oil and gas industry a broad exemption from hazardous waste handling laws.

The EPA's decision this week echoes that.

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[illegible] ct.

In the meantime, regulation has been left to the states — and the rules can vary widely.

Toxic Waste and Cancer in Pennsylvania

The decision comes as a new study, published in the peer-reviewed journal *Science of the Total Environment*, calls attention to the oil and gas waste produced in Pennsylvania for nearly that entire time.

The oil and gas industry has flooded Pennsylvania with over 380 million barrels of liquid waste from 1991 to 2017, that study found — enough to fill an area the size of a standard city block with a column of wastewater over 200 feet tall.

And that flood has been picking up pace. One out of every seven of those gallons was produced in 2017 alone.

A full 80 percent of the waste produced by the oil and gas industry in Pennsylvania stayed in Pennsylvania — or at least that's as far as the Commonwealth's reporting system tracked it.

"Pennsylvania also has the third highest cancer incidence rate of all U.S.states," Environmental Health News reported, citing data from theCenters for Disease Control and Prevention. "Approximately half of all Pennsylvanians will be diagnosed with cancer at some point in their lifetime, and about one in five Pennsylvanians will die of cancer."

Fifty-five known chemicals that fracked oil and gas operations release into the air and the water can cause cancer, a Yale Public Health analysisfound last year. Oil and gas workers are routinely exposed to dangerous levels of cancer-causing chemicals like benzene, a 2014 National Institute for Occupational Safety and Health found.

Fracking has also been linked to asthma, low birth weights, and other health problems. "Our examination of the peer-reviewed medical and public health literature uncovered no evidence that fracking can be practiced in a manner that does not threaten human health," a 266-page report by Concerned Health Professionals of New York and Physicians for Social Responsibility found in 2018.

Toxic and Radioactive

While many researchers have focused on just the waste from fracked shale wells (considered "unconventional" oil and gas), the new study looks at the wastewater from conventional oil and gas wells in Pennsylvania as well. The waste from both Marcellus shale wells and "conventional" wells can carry a wide range of pollutants and carcinogens.

"Radium is brought up with oil and gas wastewater for both conventional and unconventional oil and gas production," explained Lee Ann L. Hill, who is lead author of the report and with the research and policy institute PSE (Physicians, Scientists, and Engineers) Healthy Energy.

Radioactive materials — for example, the radium isotopes associated with drilling — have been found in the sediments downstream from treatment plants, which are often ill-equipped to handle the blend of corrosive salts, trade-secret chemicals, and radioactive elements produced by the state's oil and gas industry.

"7.6 percent of the wastewater over the whole study period, 1991 to 2017, was discharged to surface water," Hill, an Environmental Health Program Associate, added. "That ended up being 30 million barrels."

Tracking Toxic Waste — to Its First Stop

In the absence of federal hazardous waste rules, which require stop-by-stop tracking of dangerous toxic waste, states are left to craft their own requirements for the drilling industry — and left to enforce them.

Pennsylvania is one of the only places that requires drillers to file details about their solid and liquid waste to a centralized public reporting system — offering independent researchers a chance to understand how much waste drillers produced and where it all went — or at least where drillers told the state about their waste.

But the data is still incomplete, and not just because it's self-reported.

The Commonwealth requires drillers to report how much waste they produce and where it is shipped for disposal — but drillers are allowed to list temporary holding facilities — like wastewater "impoundments" or pits — in their reporting, without filing an update to show where the waste ultimately went.

"In addition, a third of the liquid waste across all years in the inventory lack a reported final destination," the study concludes.

It's a problem that appears to be getting worse in recent years. In 2017, 41 percent of the wastewater that drillers told Pennsylvania they produced wasn't tracked all the way through to disposal, researchers said.

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And while drillers reported sites in Pennsylvania as the first stop for 80 percent of the waste, a significant amount has found its way into neighboring states like New York and Ohio, the study found.

Over 650,000 tons of solid waste from Pennsylvania's drilling industry was hauled into New York state from 2010 to 2017, the researchers found, including about 20,000 tons in 2017.

Roughly 31 million barrels of liquid waste was shipped directly out-of-state during that time, the report found, with Ohio taking 29.3 million barrels and West Virginia receiving 1.44 million barrels of wastewater from Pennsylvania.

"It really brings to light that there is definitely inter-state involvement when you talk about oil and gas activities," said Hill. "It's not just isolated to one state — neighboring states are tied together when dealing with waste management."

But at least for the moment, the Trump administration's Environmental Protection Agency has decided not to step in, at least not where hazardous waste laws are concerned.

Representatives from civic groups who had asked the EPA to regulate responded in a statement.

"Disposal of waste from oil and gas operations is one of the biggest challenges the industry faces," Barbara Jarmoska, board member of the Responsible Drilling Alliance, said in a statement responding to the announcement. "Failure to update rules for the disposal and handling of dangerous oil and gas wastes is an egregious dereliction of duty and an intolerable threat to the health and safety of American citizens."

**WaterWorld**

**EPA Seeks Public Input for Development of National Water Reuse Action Plan**

https://www.waterworld.com/articles/2019/04/epa-seeks-public-input-for-development-of-national-water-reuse-action-plan.html

**Staff**

**Posted: April 29, 2019**

**WASHINGTON, DC, APRIL 29, 2019 --** The U.S. Environmental Protection Agency (EPA) is seeking public input on the development of an action plan to accelerate the application of water reuse as a safe, reliable, and sustainable way to meet the country's current and future water demands.

"To meet the country's most pressing water resources challenges, EPA recognizes the need for coordinated federal leadership," said David Ross, U.S. EPA's assistant administrator for the Office of Water. "Working with our federal partners, we are looking to tap the expertise of our nation's farmers, utilities, industry, NGOs, scientists, and others to craft a Water Reuse Action Plan that helps our country better prepare for current and future water challenges and meet the water needs of generations to come."

To facilitate public input on the Water Reuse Action Plan, EPA released a Discussion Framework for Development of a Draft Water Reuse Action Plan (Discussion Framework) which provides helpful background, context, and details on considerations the Water Reuse Action Plan could address. EPA invites ideas and input on all aspects of water reuse, including but not limited to:

- Specific actions that can be taken now and in the future by federal agencies, states, tribes, local governments, water utilities, industry, agriculture, and others;
- Key relevant sources of information, such as literature, about water reuse, not already identified in the Discussion Framework;
- Examples of water reuse, both past and future, which demonstrate opportunities and barriers;
- Concepts for applying water reuse strategies within integrated water resources management planning; and,
- Ways water reuse can improve water resiliency, security and sustainability through a more diverse water portfolio.

EPA will accept public input for the draft Water Reuse Action Plan through July 1, 2019, online via https://www.regulations.gov using Docket ID No. EPA-HQ-OW-2019-0174. After consideration of the input received, EPA will release a draft Water Reuse Action Plan for public comment in conjunction with the 2019 WateReuse Symposium in San Diego, Calif.
For more information on the Water Reuse Action Plan visit: www.epa.gov/waterreuse/water-reuse-action-plan.

Message

**From:** Humphreys, Hayly [humphreys.hayly@epa.gov]
**Sent:** 3/19/2019 8:37:51 PM
**To:** Abboud, Michael [abboud.michael@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Bloom, David [Bloom.David@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Dickerson, Aaron [dickerson.aaron@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; Eby, Natasha [eby.natasha@epa.gov]; Eng, Connie [Eng.Connie@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Greaves, Holly [greaves.holly@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Harlow, David [harlow.david@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Humphreys, Hayly [humphreys.hayly@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]; Konkus, John [konkus.john@epa.gov]; Kundinger, Kelly [kundinger.kelly@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; McIntosh, Chad [mcintosh.chad@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Nishida, Jane [Nishida.Jane@epa.gov]; Noga, Vaughn [Noga.Vaughn@EPA.GOV]; Orme-Zavaleta, Jennifer [Orme-Zavaleta.Jennifer@epa.gov]; Ex. 7(C) Richardson, RobinH [Richardson.RobinH@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Ex. 7(C) Ex. 7(C); Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Ex. 7(C) Ex. 7(C); Stanich, Ted [Stanich.Ted@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Vizian, Donna [Vizian.Donna@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Willis, Sharnett [Willis.Sharnett@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Woodward, Cheryl [Woodward.Cheryl@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]
**Subject:** Calendar for Administrator Wheeler: Wednesday, March 20, 2019

## Calendar for Administrator Wheeler
## Wednesday, March 20, 2019

| | |
|---|---|
| 8:30 AM – 9:00 AM | Daily Briefing<br>Administrator's office |
| 9:25 AM – 9:55 AM | Speaking Engagement: US Global Water Strategy Event (Arrive 9:25AM/Speaking at 9:35AM)<br>Ronald Reagan Building, The Wilson Center Flom Auditorium, 6th Floor |
| 10:05 AM – 10:25 AM | Depart for Dept. of Housing and Urban Development |
| 10:30 AM – 11:00 AM | Meeting with Secretary Ben Carson<br>Dept. of Housing and Urban Development<br>(451 7th Street SW) |
| 11:10 AM – 11:35 AM | Weekly Check-in via phone with Henry Darwin |
| 12:45 PM – 1:30 PM | Executive Planning |

| | | |
|---|---|---|
| ▩ | 1:30 PM – 3:30 PM | Quarterly Performance Review<br>Alm Room/Regions by Video Conference |
| ▩ | 3:30 PM – 4:00 PM | Briefing: California Bay Delta<br>Administrator's Office |
| ▩ | 4:00 PM – 5:00 PM | Briefing: Methane Policy Package<br>North 5400 (OAR Conference Room) |
| ▩ | 5:15 PM – 5:45 PM | Weekly Check-in Call with Francis Brooke |

Message

**From**: Wehrum, Bill [Wehrum.Bill@epa.gov]
**Sent**: 4/12/2019 6:55:29 PM
**To**: Lyons, Troy [lyons.troy@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
**Subject**: RE: EPA considers identifying refiners seeking biofuel waivers

I'm available if we want to make any calls or put together a statement. I have posed the question to OGC about whether we can withdraw the signed document. I'll let you know as soon as I get their opinion.

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

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**From:** Lyons, Troy
**Sent:** Friday, April 12, 2019 2:48 PM
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>
**Subject:** RE: EPA considers identifying refiners seeking biofuel waivers

Already receiving inquiries.

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**From:** Jackson, Ryan
**Sent:** Friday, April 12, 2019 2:33 PM
**To:** Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
**Subject:** Fwd: EPA considers identifying refiners seeking biofuel waivers

We need to speak into this. No story on the RFS is a good story but at least we can help.

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

Begin forwarded message:

**From:** "POLITICO Pro" <politicoemail@politicopro.com>
**Date:** April 12, 2019 at 2:26:28 PM EDT

**To:** <jackson.ryan@epa.gov>
**Subject: EPA considers identifying refiners seeking biofuel waivers**
**Reply-To:** "POLITICO subscriptions" <reply-fe8a1c707563037473-1159543_HTML-786581600-1376319-0@politicoemail.com>

By Eric Wolff

04/12/2019 02:23 PM EDT

EPA is considering changing its policy to allow it to identify the oil refiners seeking waivers that exempt them from biofuel blending requirements under the Renewable Fuel Standard, according to a request for comment the agency released today.

EPA has deemed most information about RFS waiver applicants to be Confidential Business Information, which restricts its public disclosure. EPA will take comment on whether it should release petitioners' names, identify the facility and its location, describe the relief requested and the time period it would cover, as well as EPA 's response to the request.

The agency has come under fire for dramatically expanding the number of waivers it has granted. It has yet to announce decisions on the 39 applications it has for the 2018 compliance year.

Ethanol groups applauded the move, but called for EPA to go further.

"Any move by EPA to increase transparency is long overdue but always welcome by this industry," Emily Skor, CEO of Growth Energy, an ethanol producers trade association, said in a statement. "It is imperative that EPA and the Department of Energy reveal the methodology behind granting these exemptions."

Refiners argued that the rule could identify refineries that are struggling and create business risks for the companies that own them.

"EPA's most recent proposal will cause more harm than good," the Fueling American Jobs Coalition, a coalition of refiners, said in a statement.

*To view online*:
https://subscriber.politicopro.com/agriculture/whiteboard/2019/04/epa-considers-identifying-refiners-seeking-biofuel-waivers-3083261

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

Message

**From**: White, Elizabeth [white.elizabeth@epa.gov]
**Sent**: 4/12/2019 6:45:53 PM
**To**: McIntosh, Chad [mcintosh.chad@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
**CC**: Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]
**Subject**: RE: Fast Track Letter from Administrator Wheeler to Chinese Minister Li Ganjie

Hi Chad – I will handle getting it through the signature process and make sure it is on appropriate letterhead, formatted correctly, etc.

Beth

**Beth White**
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

**From:** McIntosh, Chad
**Sent:** Friday, April 12, 2019 2:43 PM
**To:** Molina, Michael <molina.michael@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
**Cc:** White, Elizabeth <white.elizabeth@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>
**Subject:** Fast Track Letter from Administrator Wheeler to Chinese Minister Li Ganjie

This letter is in response to the Ministry of Ecology and Environment request for assistance to help them obtain clearance from their Ministry of Foreign Affairs. We recommend signing as quickly as we can. Thanks Chad

Background

The Office of International and Tribal Affairs (OITA) is moving forward to confirm and organize the U.S. – China Joint Committee on Environmental Cooperation (JCEC) in Beijing on your way to the G-20 in Japan. The JCEC is the bilateral ministerial between you and your Chinese counterpart to review the last two years of collaboration and to agree to the next two years of collaboration on air, water, waste, chemicals, enforcement, and laws/legal institutions. It is also an opportunity to raise emerging issues for collaboration such as marine debris. China is one of EPA's biggest and most successful bilateral programs and considered a bright spot in U.S. – Chinese relations.

ISSUE

We agreed to wait until the new/current Administration was in place. We were planning a JCEC under former Administrator Pruitt, when trade tensions escalated to a point that China cancelled high level engagements with the U.S. The Ministry of Ecology and Environment (MEE) is anxious to move ahead with the JCEC but needs clearance from the Ministry of Foreign Affairs(MOFA) before they can clear the meeting. MOFA had been saying they were waiting for demonstrated progress in trade negotiations and a successful summit between our heads-of-state. While negotiations appear to be doing well, a summit has been postponed until both sides feel there is something significant to announce.

The U.S. Embassy in Beijing has requested that you send a letter to your counterpart expressing our interest in having the JCEC in June. They would like to hand deliver the letter to both MEE and MOFA at an opportunity they have on Wednesday, April 17th. The high-level inquiry from you would be the tool the Embassy needs to cut through Chinese

bureaucracy to get a response in time to plan a meaningful JCEC. At the staff level, we have asked for confirmation before China begins its May Day holiday.

RECOMMENDATION

OITA recommends that you sign the attached letter and return it on via a high-quality PDF to OITA. OITA would transmit it to the Embassy, so they could print, and hand deliver to the appropriate officials at MEE and MOFA.

W.C. McIntosh
Assistant Administrator
International and Tribal Affairs
United States Environmental Protection Agency
202-564-6600

Message

**From**: Epp, Timothy [Epp.Timothy@epa.gov]
**Sent**: 4/22/2019 1:34:49 PM
**To**: White, Elizabeth [white.elizabeth@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Mejias, Melissa [mejias.melissa@epa.gov]; Lis-Coghlan, Kamila [lis-coghlan.kamila@epa.gov]
**Subject**: RE: Weekly Selected Requests 04/10/2019 to 04/17/2019
**Attachments**: Selected FOIA Requests. 04.10.2019-04.17.2019.docx

Hi all,

Please find attached the weekly selected FOIA requests for the period of 04/10/2019 to 04/17/2019. Please note, during this period we received 156 requests and 48 were selected at this first stage.

This is the first step in the awareness notification selection process; these are not yet selected for that process.

Tim

**Timothy R. Epp**
Acting Director | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309B
Phone (202) 564-2830| epp.timothy@epa.gov

National FOIA Office
EPA Office of General Counsel

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 1. | EPA-HQ-2019-004926 | Mr. Alexander Guillen | POLITICO | 4/10/2019 | EPA-HQ-AO - Office of the Administrator | I request any emails sent to or by certain EPA employees that include the phrase **"45 Club"**. The timeframe for this request is from Jan. 20, 2017, until the date this request is processed. Please include the following current and former employees in the search: Michael Abboud; Chris Beach; Elizabeth "Tate" Bennett; Molly Block; Brittany Bolen; Derrick Bolen; Steven Cook; Preston Cory; Kelsi Daniell; Alex Dominguez; Nick Falvo; Drew Feeley; Stephen Gordon; David Harlow; Austin Henderson; James Hewitt; John Konkus; Will Lovell; Michael Molina; Charles Munoz; Patrick Traylor; Joseph Brazauskas; Kaitlyn Shimmin; Don Benton; Doug Ericksen; Kevin Chmielewski; Layne Bangerter; Sydney Hupp; Millan Hupp; Samantha Dravis; Sarah Greenwalt; Jahan Wilcox; Lincoln Ferguson; and Forrest McMurray. |
| 2. | EPA-HQ-2019-004954 | David Abell | Sierra Club, Environmental Law Program | 4/10/2019 | EPA-HQ-OW-OGWDW - Office of Ground Water and Drinking Water | **Any documents related to Class VI injection well applications** for the last 2 years. |
| 3. | EPA-HQ-2019-004957 | Mr. michael cybulski | GEM | 4/10/2019 | EPA-HQ-OAR-OAQPS - Office of Air Quality Planning and Standards | A list of **all continuous emission monitors and predictive emission emission monitors** in USA along with plant contact information (name, phone, email) |
| 4. | EPA-HQ-2019-004961 | Marisa Endicott | Mother Jones | 4/10/2019 | EPA-HQ-AO - Office of the Administrator | correspondence between the US Environmental Protection Agency and **Sen. Kamala Harris' office** from 2017 to present. |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 5. | EPA-HQ-2019-004962 | Marisa Endicott | Mother Jones | 4/10/2019 | EPA-HQ-AO - Office of the Administrator | correspondence between the US Environmental Protection Agency and Rep. **Tulsi Gabbard's** office from 2012 to present. |
| 6. | EPA-HQ-2019-004963 | Marisa Endicott | Mother Jones | 4/10/2019 | EPA-HQ-AO - Office of the Administrator | log of all correspondence between the US Environmental Protection Agency and **Rep. Jay Inslee's office from 1992 to 2012.** |
| 7. | EPA-HQ-2019-004964 | Mr. Jacob Rosenberg | Mother jones | 4/10/2019 | EPA-HQ-AO - Office of the Administrator | Date Range: January 1, 2013 - Present<br>A log of all correspondence between the Environmental Protection Agency and **Senator Cory Booker's office.** |
| 8. | EPA-HQ-2019-004965 | Mr. Jacob Rosenberg | Mother Jones | 4/10/2019 | EPA-HQ-AO - Office of the Administrator | Date Range: Jan. 1, 2003 - Present<br>A log of all correspondence between the Environmental Protection Agency and Representative **Tim Ryan's office** (both his 17th District office and his 13th District office). |
| 9. | EPA-HQ-2019-004966 | Mr. Jacob Rosenberg | Mother Jones | 4/10/2019 | EPA-HQ-AO - Office of the Administrator | Date Range: Jan. 1, 1991 - Present<br>â—ï A log of all correspondence between the Environmental Protection Agency an**d Senator Bernie Sander's** office.<br>â—ï A log all correspondence between the Environmental Protection Agency and Representative Bernie Sander's office. |
| 10. | EPA-HQ-2019-004969 | Dr. Gretchen L Boria Perez | | 4/10/2019 | EPA-HQ - Headquarters | Any and all records for Rincon Blue Water, LLC and it's affiliated company **Blue Water Development involving Puerto Rico**, including applications and permits obtained, violations and any relevant information regarding their hotel and casino development and business dealings and plans in Puerto Rico. |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 11. | EPA-HQ-2019-004972 | Mr. Mark Walker | The New York Times | 4/11/2019 | EPA-HQ-AO - Office of the Administrator | I request any emails sent to or by certain EPA employees that include the phrase **"45 Club"**. The timeframe for this request is from Jan. 20, 2017, until the date this request is processed. Please include the following current and former employees in the search: Michael Abboud; Chris Beach; Elizabeth "Tate" Bennett; Molly Block; Brittany Bolen; Derrick Bolen; Steven Cook; Preston Cory; Kelsi Daniell; Alex Dominguez; Nick Falvo; Drew Feeley; Stephen Gordon; David Harlow; Austin Henderson; James Hewitt; John Konkus; Will Lovell; Michael Molina; Charles Munoz; Patrick Traylor; Joseph Brazauskas; Kaitlyn Shimmin; Don Benton; Doug Ericksen; Kevin Chmielewski; Layne Bangerter; Sydney Hupp; Millan Hupp; Samantha Dravis; Sarah Greenwalt; Jahan Wilcox; Lincoln Ferguson; and Forrest McMurray. |
| 12. | EPA-HQ-2019-004973 | Mr. Mark Walker | The New York Times | 4/11/2019 | EPA-HQ-AO - Office of the Administrator | I request all **communications between EPA and Congress** regarding the **reorganization of regional offices** that takes effect on April 15, 2019. Please limit the search to communications on or after Sept. 6, 2019. For more, please see the attached staff memo from Administrator Andrew Wheeler on EPA's plans to submit a "realignment package" for congressional review. |
| 13. | EPA-HQ-2019-004974 | Mr. Mark Walker | The New York Times | 4/11/2019 | EPA-HQ-AO - Office of the Administrator | I request copies of all **correspondence between EPA and state governors** sent or received on or between March 1 and March 31, 2019 |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 14. | EPA-HQ-2019-004975 | Nick C Allen | M.M. Paralegal | 4/11/2019 | EPA-HQ-OARM - Office of Administration and Resources Management | Number of **GS 15 employees A**gency wide by race, Office i.e Region 1, Region 2, Headquarters. Headquarters should be separated into Headquartes (DC Only) & Headquarters (remote locations such as Labs, RTP, Cincinnatti, etc.)<br>Number of GS 14 employees Agency wide by race, Office i.e Region 1, Region 2, Headquarters. Headquarters should be separated into Headquartes (DC Only) & Headquarters (remote locations such as Labs, RTP, Cincinnatti, etc.)<br>Average Award for GS-15 employees agency wide by race, Office i.e Region 1, Region 2, Headquarters. Headquarters should be separated into Headquartes (DC Only) & Headquarters (remote locations such as Labs, RTP, Cincinnatti, etc.)<br>Number of GS 14 employees Agency wide by race, Office i.e Region 1, Region 2, Headquarters. Headquarters should be separated into Headquartes (DC Only) & Headquarters (remote locations such as Labs, RTP, Cincinnatti, etc.)<br>From 2015 to present. Number of EPA employees receiving training at the OPM Federal Executive Institute by Grade , and Office. Please incude summarized training cost at the Office level |
| 15. | EPA-HQ-2019-004979 | Ann Brown | Center for Biological Diversity | 4/11/2019 | EPA-HQ-OCSPP-OPP - Office of Pesticide Programs | From September 1, 2017 to the date EPA conducts this search, prioritizing the records associated with the December 6, 2018 meeting of the **"Interagency Working Group to Coordinate ESA Consultations for Pesticide Registrations and Registration Review"** ("Pesticide Working Group")1:<br>1. The emails sent or received by Richard Keigwin or Marrieta Echieverra about the Pesticide Working Group; and<br>2. The records from Mr. Keigwin and/or Ms. Echieverra from the Pesticide Working Group's meetings they attended, specifically preparatory materials, meeting materials, meeting notes and their records generated in connection with working group. |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 16. | EPA-HQ-2019-004982 | Erik Leckner | EPA (Former Federal Government Contractor/Lead Engineer) | 4/11/2019 | EPA-HQ - Headquarters | How does ERA (Energy Reorganization Act) and all the environment acts such as CERCLA pertain to the EPA EMP which is provided for by the EPA and funded by the public (the American taxpayer).<br>DOE has asked the U.S. Nuclear Regulatory Commission (NRC) to provide technical advice and consultation. Those NRC reviews are performed at the request of DOE under an Interagency Agreement. DOE may consult with NRC on waste determinations for closures of those tanks in the future. In accordance with the Hanford Federal Facility Agreement and Consent Order (Tri Party Agreement) and State-approved closure plans, those tanks will be closed in coordination with the U.S. Environmental Protection Agency and the State of Washington Department of Ecology.<br>ERA should therefore cover EPA's work via interagency agreements. Please investigate **how ERA and EPA are related via cooperative agreement with the DOE.** |
| 17. | EPA-HQ-2019-004993 | Mr. Max Shterngel | Office of the Attorney General of the State of New York | 4/11/2019 | EPA-HQ-OAR-OTAQ - Office of Transportation and Air Quality | The January 2019 FOIA Request seeks, inter alia, records in the possession of EPA submitted by **glider vehicle manufacturers subject to the Glider Rule,** covering the model year ending December 31, 2017, and the model year ending December 31, 2018 when those documents became available. |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 18. | EPA-R10-2019-004987 | Mr. Marshal Hoda | Gibbs Bruns LLP | 4/11/2019 | EPA-R10-ECL - Office of Environmental Cleanup | 1. communication that the U.S. Environmental Protection Agency (EPA) Region 10 treats as its effective law and policy concerning its settlement authority o**r ability to provide contribution protection to settling parties** under the Comprehensive Environmental Response, Compensation, and Liability Act;<br>2. All contracts, statements of work, guidelines, directions, or workplans executed by EPA and any neutral retained to aid in resolving a controversy and/or allocating liability at any of the Relevant Sites (as defined below), or otherwise provided by EPA to such a neutral;<br>3. All settlement agreements, consent decrees, administrative settlement agreements and orders on consent, administrative orders on consent, or similar agreements EPA entered into or reached with Potentially Responsible Parties (PRPs) with respect to any of the Relevant Sites;<br>4. Complete administrative records supporting any settlement EPA reached with any PRP with respect to any of the Relevant Sites.<br>For purposes of this request, the following Superfund sites are defined as the "Relevant Sites"?:<br>"¢ Commencement Bay Near Shore/Tide Flats, Tacoma, WA (EPA ID: WAD980726368)<br>"¢ Commencement Bay, South Tacoma Channel, Tacoma, WA (EPA ID: WAD980726301)<br>"¢ Lower Duwamish Waterway, Seattle, WA (EPA ID: WA0002329803)<br>"¢ Portland Harbor, Portland, OR (EPA ID: ORSFN1002155) |
| 19. | EPA-R10-2019-004996 | Mr. Norman A. Dupont | Ring Bender LLP | 4/11/2019 | EPA-R10-ECL - Office of Environmental Cleanup | All DOCUMENTS related to field notes collected and maintained by EPA Region 10's contractor, CDM Smith, related to the **PORTLAND HARBOR SUPERFUND SITE** and the PDI Investigation. |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 20. | EPA-R1-2019-004989 | Mr. Marshal Hoda | Gibbs Bruns LLP | 4/11/2019 | EPA-R1-OSRR - Office of Site Remediation and Restoration | 1. All non-privileged written opinions and communications, including those authored by the Office of Legal Counsel, that the U.S. Environmental Protection Agency (EPA) Region 1 treats as its effective law and policy concerning its settlement **authority or ability to provide contribution protection** to settling parties under the Comprehensive Environmental Response, Compensation, and Liability Act;<br>2. All contracts, statements of work, guidelines, directions, or workplans executed by EPA and any neutral retained to aid in resolving a controversy and/or allocating liability at any of the Relevant Sites (as defined below), or otherwise provided by EPA to such a neutral;<br>3. All settlement agreements, consent decrees, administrative settlement agreements and orders on consent, administrative orders on consent, or similar agreements EPA entered into or reached with Potentially Responsible Parties (PRPs) with respect to any of the Relevant Sites;<br>4. Complete administrative records supporting any settlement EPA reached with any PRP with respect to any of the Relevant Sites.<br>For purposes of this request, the following Superfund sites are defined as the "Relevant Sites":<br>"¢ GE-Housatonic River, Pittsfield, MA (EPA ID: MAD002084093)<br>"¢ Centredale Manor Restoration Project, North Providence, RI (EPA ID: RID981203755) |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 21. | EPA-R2-2019-004990 | Mr. Marshal Hoda | Gibbs Bruns LLP | 4/11/2019 | EPA-R2-ERRD - Emergency and Remedial Response Division | 1. All non-privileged written opinions and communications, including those authored by the Office of Legal Counsel, that the U.S. Environmental Protection Agency (EPA) Region 2 treats as its effective law and policy concerning its settlement authority or **ability to provide contribution protection to settling parties** under the Comprehensive Environmental Response, Compensation, and Liability Act;<br>2. All contracts, statements of work, guidelines, directions, or workplans executed by EPA and any neutral retained to aid in resolving a controversy and/or allocating liability at any of the Relevant Sites (as defined below), or otherwise provided by EPA to such a neutral;<br>3. All settlement agreements, consent decrees, administrative settlement agreements and orders on consent, administrative orders on consent, or similar agreements EPA entered into or reached with Potentially Responsible Parties (PRPs) with respect to any of the Relevant Sites;<br>4. Complete administrative records supporting any settlement EPA reached with any PRP with respect to any of the Relevant Sites.<br>For purposes of this request, the following Superfund sites are defined as the "Relevant Sites"⍰:<br>"¢ Gowanus Canal, Brooklyn, NY (EPA ID: NYN000206222)<br>"¢ Hudson River PCBs, Hudson River, NY (EPA ID: NYD980763841)<br>"¢ Newtown Creek, Brooklyn, Queens, NY (EPA ID: NYN000206282) |

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 22. | EPA-R4-2019-004986 | Yeliann Montanez | | 4/11/2019 | EPA-R4 - Region 4 | documents which in any way relate to the **City of Atlanta's Combined Sewer Overflows** ("CSOs"), Sanitary Sewer Overflows ("SSOs"), and/or Stormwater System located at, around, or about United Avenue S.E. (formerly "Confederate Avenue") and Walker Avenue S.E, Atlanta, Georgia, 30316. My request includes, but is not limited to, the following:<br>1. Any and all complaints about the City of Atlanta's CSOs, SSOs, and/or Stormwater Systems located at, around, or about United Avenue S.E. and/or Walker Avenue S.E., including backups, outages, malfunctions and/or upsets;<br>2. Any and all correspondence between the City of Atlanta and the Environmental Protection Division's Watershed Protection Branch ("EPD") and/or the United States Environmental Protection Agency Region 4's Water Protection Division ("US EPA Region 4") regarding the City Atlanta's CSOs, SSOs, and/or Stormwater Systems located at, around, or about United Avenue S.E. and Walker Avenue S.E.;<br>3. Any and all warnings and/or notices of violations issued by EPD and/or US EPA Region 4 to the City of Atlanta regarding the City's CSOs, SSOs, and/or Stormwater Systems located at, around, or about United Avenue S.E. and Walker Avenue S.E.;<br>4. Any and all hydrology studies taken at or from, including groundwater and surface water sampling and results, the City of Atlanta's CSOs, SSOs, and/or Stormwater Systems located at, around, or about United Avenue S.E. and Walker Avenue S.E.;<br>5. Any and all maps, sketches, plans and/or diagrams of the City of Atlanta's CSOs, SSOs, and/or Stormwater Systems located at, around, or about United Avenue S.E. and Walker Avenue S.E.;<br>6. Any and all permits issued to the City of Atlanta for stormwater CSOs, SSOs, and/or Stormwater Systems located at, around, or about Uni |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 23. | EPA-R5-2019-004988 | Mr. Marshal Hoda | Gibbs Bruns LLP | 4/11/2019 | EPA-R5 - Region 5 | 1. All non-privileged written opinions and communications, including those authored by the Office of Legal Counsel, that the U.S. Environmental Protection Agency (EPA) Region 5 treats as its effective law and policy concerning its settlement **authority or ability to provide contribution protection to settling parties** under the Comprehensive Environmental Response, Compensation, and Liability Act;<br>2. All contracts, statements of work, guidelines, directions, or workplans executed by EPA and any neutral retained to aid in resolving a controversy and/or allocating liability at any of the Relevant Sites (as defined below), or otherwise provided by EPA to such a neutral;<br>3. All settlement agreements, consent decrees, administrative settlement agreements and orders on consent, administrative orders on consent, or similar agreements EPA entered into or reached with Potentially Responsible Parties (PRPs) with respect to any of the Relevant Sites;<br>4. Complete administrative records supporting any settlement EPA reached with any PRP with respect to any of the Relevant Sites.<br>For purposes of this request, the following Superfund sites are defined as the "Relevant Sites":<br>"¢ Fox River NRDA/PCB Releases, Green Bay, WI (EPA ID: WI0001954841)<br>"¢ Allied Paper, Inc./Portage Creek/Kalamazoo River, Kalamazoo, MI (EPA ID: MID006007306) |
| 24. | EPA-HQ-2019-005017 | Ms. Tori Yundt | Center for Food Safety | 4/12/2019 | EPA-HQ-OCSPP-OPP - Office of Pesticide Programs | Any and all documents, from January 1, 2018 to present, regarding the Environmental Protection Agency's scientific assessment of **dicamba** formulations XtendiMax, FeXaPan and/or Engenia, which contain the communications from or to the following employees of the EPA's Office of Chemical Safety and Pollution Prevention:<br>(A) Deputy Assistant Administrator Erik Baptist;<br>(B) Deputy Assistant Administrator Nancy Beck;<br>(C) Deputy Assistant Administrator for Programs Charlotte Bertrand; and<br>(D) Environmental Engineer James Tyree. |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 25. | EPA-HQ-2019-005018 | Corbin Hiar | | 4/12/2019 | EPA-HQ-OECA - Office of Enforcement and Compliance Assurance | all records concerning **Susan Bodine's schedule** from September 2016 to the date on which this request is filled. |
| 26. | EPA-HQ-2019-005020 | Mr. Sean Reilly | Environment and Energy Publishing | 4/12/2019 | EPA-HQ-OAR - Office of Air and Radiation | **calendar of Clint Woods,** deputy assistant administrator of the Office of Air and Radiation, from March 1, 2019 through March 31, 2019. |
| 27. | EPA-HQ-2019-005021 | Mr. Sean Reilly | Environment and Energy Publishing | 4/12/2019 | EPA-HQ-OAR - Office of Air and Radiation | **calendar of Bill Wehrum,** assistant administrator of the Office of Air and Radiation, from March 1, 2019 through March 31, 2019. |
| 28. | EPA-HQ-2019-005022 | Mr. Sean Reilly | Environment and Energy Publishing | 4/12/2019 | EPA-HQ-AO - Office of the Administrator | All nominations, including the **names of the respective nominating individuals or organizations,** received by the **Science Advisory Board Staff Offic**e in response to the Feb. 28, 2019 Federal Register notice soliciting the nominations of scientific experts to be considered for appointment to the Clean Air Scientific Advisory Committee. |
| 29. | EPA-HQ-2019-005064 | Will Evans | Reveal News | 4/12/2019 | EPA-HQ - Headquarters | All **complaints made to EPA regarding Amazon, or any employer with "Amazon"** in its name, from Jan. 1, 2018 to the present. |
| 30. | EPA-R1-2019-005004 | Mrs. Randi Clark | Farm Journal | 4/12/2019 | EPA-R1 - Region 1 | I am requesting the **list of CAFO permits** for the States of Idaho, Massachusetts, New Hampshire and New Mexico as you are the permitting authority for these states. I am requesting all information regarding the facilities that is accessible via a FOIA request such as permit number, facility name, address, city, state and zip code and any other information that is available<br><br>For fees please provide an invoice so I can submit it to the proper department. |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 31. | EPA-R5-2019-005012 | Marc Edwards | | 4/12/2019 | EPA-R5 - Region 5 | 1) All emails between **Murray.Regan@epa.gov and s.mcelmurry@wayne.edu** from 10/2016-present<br>2) **Email sent to Murray.Regan@epa.gov** containing the search terms NCIMM and EPANET and ROSTER in September 2018 |
| 32. | EPA-HQ-2019-005048 | Ann Brown | Center for Biological Diversity | 4/15/2019 | EPA-HQ-OCSPP-OPP - Office of Pesticide Programs | from January 1, 2016 to the date EPA conducts this search:<br>1. A **list of the applications submitted to EPA's Office of Pesticide Programs seeking to register a new pesticide** product in a manner that would require issuance of a unique EPA registration number. If a list is not available, the Center requests the notice of receipts of those applications; and<br>2. The approval or denial decisions EPA made generated in connection to the applications referenced in Item #1 above. |
| 33. | EPA-R2-2019-005053 | David Schwartz | Newsday | 4/15/2019 | EPA-R2 - Region 2 | All written correspondence from 2010 through April 15, 2019, including e-mails, from then EPA regional administrator Judith Enck, former deputy administrator George Pavlou, and staff members Walter Mugdan, John Lapadula, Robert Avery, Walter Mugdan and Peter Lopez to staff or representatives of New York State Department of Environmental Conservation, as well as other outside agencies concerning **Naval Weapons Industrial Reserve Plant and Northrop Grumman Corporation Site** (NWIRP) in Bethpage, New York. EPA ID: NYD002047967<br>The site is located at 830 South Oyster Bay Road, Bethpage, New York 11714. It is also known as NWIRP-Bethpage, Grumman Aerospace Corporation, Northrop Grumman Corporation. |
| 34. | EPA-R3-2019-005055 | Mr. Mark R Cuker | Cuker law firm | 4/15/2019 | EPA-R3 - Region 3 | All Reports received from Aqua about **PFAS** contamination near the Willow Grove Base in Horsham PA |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 35. | EPA-R4-2019-005028 | Meaghan McElroy | | 4/15/2019 | EPA-R4 - Region 4 | 1. **detail any and all clean-up attempts of Superfund sites within a 30-mile radius of Laurel Bay Military Housing**, Marine Corps Recruit Depot (MCRD) at Parris Island, or Marine Corps Air Station (MCAS) Beaufort, particularly in relation to Kalama Specialty Chemicals, Blake and Johnson Company, and the small dye plant that once operated north of MCAS Beaufort; and/or<br>2. detail the claims of toxic tort made concerning military housing in Region 4 between the years of 2009 and 2019. |
| 36. | EPA-R5-2019-005027 | Miss Camille Johnson | | 4/15/2019 | EPA-R5 - Region 5 | The current **lead content of Flint, Michigan water as of 2019**<br>The records that capture the data depicting the lead content of Flint, Michigan water from 2014 to the present in order to determine a trend in if the lead content has truly decreased.D154 |
| 37. | EPA-R5-2019-005032 | Mr. Albert Ettinger | Sierra Club | 4/15/2019 | EPA-R5 - Region 5 | Records since **2012 regarding Facility Response Plans for the Chicago Region and the Superior Region for pipelines of Enbridge Energy** |
| 38. | EPA-R5-2019-005033 | Ms. Valerie V Panne | IN THESE TIMES | 4/15/2019 | EPA-R5 - Region 5 | **Any air quality report(s)**, or air monitoring data collected in the five years, in the **Southwest neighborhood of Detroit,** Michigan (areas including, but not limited to, the 48217 zip code) and nearby areas, such as South Dearborn |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 39. | EPA-R7-2019-005026 | Mr. David A Domina | Domina Law Group, PC, LLO | 4/15/2019 | EPA-R7 - Region 7 | This request concerns **Big Ox Energy**, LLC or Big Ox Energy "“ Sioux Land, LLC, located at, and then put in its street address, and the South Sioux City sanitary sewer system, and the Sioux City waste water treatment plant, and it has a plant number, NPPDES something. The time frame involved is August 1, 2016 to the present time. And then, requested are these items:<br>1.1. All reports to EPA concerning the matters involving, or suspected to relate to or involve, Big Ox Energy or any of its subsidiaries or affiliates and their operations at the company in Nebraska at any time since August 1, 2016.<br>1.2. All records of EPA's action involving the Sioux City, Iowa Waste Water Treatment Plant and overload of that plant attributed to:<br>1.2.1. City of South Sioux City, Nebraska.<br>1.2.2. Big Ox Energy, LLC.<br>1.3. All reports of or action concerning confirmed or suspected hydrogen sulfide releases or discharges emanating from or caused by Big Ox Energy and involving the sewer system of the city of South Sioux City.<br>1.4. Matters relating to alleged injuries or damages to residential properties or persons residing in them caused by discharges including but not limited to hydrogen sulfide discharges or development of it. |
| 40. | EPA-HQ-2019-005068 | Clay Keys | | 4/16/2019 | EPA-HQ-OIG - Office of the Inspector General | **List of all OIG closed cases** |
| 41. | EPA-HQ-2019-005069 | Clay Keys | | 4/16/2019 | EPA-HQ - Headquarters | **FOIA logs for 1-1-17 to 8-31-17** |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 42. | EPA-HQ-2019-005081 | Mr. Ken Klippenstein | | 4/16/2019 | EPA-HQ - Headquarters | A list of **all gifts received by any and all EPA employees** (present or former) from **foreign government sources** from January 20, 2017 to April 16, 2019. Federal law requires that federal employees file statements on such gifts with their employing agencies. Publication of this listing is required by Section 7342(f) of Title 5, United States Code, as added by Section 515(a)(l) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Pub. L. 95-105, August 17, 1977, 91 Stat. 865). Please include all gifts received by Scott Pruitt and Andrew Wheeler during the aforementioned time frame. |
| 43. | EPA-R10-2019-005070 | Ms. Elizabeth McNagny | Washington Dept. of Ecology | 4/16/2019 | EPA-R10 - Region 10 | Timeframe: From June 1, 2018 to present<br>We are requesting any and all records, EPA has relative to the reconsideration of **Washington's human health criteria,** including but not limited to emails, written materials, meeting information, calendar invitations, agendas, and memos.<br>This includes:<br>- March 20, 2019 memo signed by Erica Fleisig "Posting an FDMS Docket without a Federal Register Notice"<br>- Supporting materials related to the March 20, 2019 memo<br>- Any documents related to a proposal to reverse the 2016 disapproval of Washington's human health criteria<br>- Any documents related to docket numbers:<br>o EPA-HQ-OW-2015-0174<br>o EPA-HQ-OW-2015-0174-0433 |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 44. | EPA-R4-2019-005072 | Yeliann Montanez | | 4/16/2019 | EPA-R4 - Region 4 | Pursuant to the Freedom of Information Act, and by way of this letter, I formally request that the U.S. E.P.A. Region 4's Water Protection Division ("US EPA Region 4"), make available for inspection and copying any documents which in any way relate to the **City of Loganville's Wastewater Treatment Facility** located at 4479 H O Byrd Road, Loganville, Georgia. The relevant time frame for the requested documents set forth below is April 1, 2015 to the present:<br>1. Any and all complaints about the City of Loganville's Wastewater Treatment Facility, including backups, outages, malfunctions and/or upsets;<br>2. Any and all correspondence between US EPA Region 4 and the Environmental Protection Division ("EPD") and/or the City of Loganville regarding the City's Wastewater Treatment Facility;<br>3. Any and all warnings and/or notices of violations issued by EPD and/or US EPA Region 4 to the City of Loganville regarding the City's Wastewater Treatment Facility;<br>4. Any and all hydrology studies taken at or from, including groundwater and surface water sampling and results, the City of Loganville's Wastewater Treatment Facility;<br>5. Any and all maps, sketches, plans and/or diagrams of the City of Loganville's Wastewater Treatment Facility;<br>6. Any and all permits issued to the City of Loganville for its Wastewater Treatment Facility; and,<br>7. Planning documents, progress reports, and/or quarterly reports regarding the City of Loganville's Wastewater Treatment Facility. |
| 45. | EPA-R8-2019-005074 | Mr. Jack Greene | Jacobs | 4/16/2019 | EPA-R8-OWP - Office of Water Protection | I am interested in **Class I Injection Well Permits** issued by the Underground Injection Control in the State of Colorado. |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 46. | EPA-R9-2019-005066 | Mr. Patrick McMullen | Sparacino PLLC | 4/16/2019 | EPA-R9 - Region 9 | (1) All communications1 between, and records related to communications between, the U.S. Environmental Protection Agency ("EPA"⍰)2 and any entity or individual listed in Exhibit A.<br>(2) All external communications between, and records related to external communications between, EPA and any person, organization, company, or state or federal agency not within EPA, related to the use, government oversight, or regulation of **Hydrogen Fluoride, Modified Hydrogen Fluoride, or Sulfuric Acid by petroleum refinery operations** operating in California.<br>The relevant time period for this request is: December 1, 2014, through the present. |

Selected FOIA Requests – 04/10/2019–04/17/2019

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 47. | EPA-HQ-2019-005099 | Mr. Kevin Braig | Shumaker, Loop & Kendrick, LLP | 4/17/2019 | EPA-HQ - Headquarters | since January 1, 2005:<br>1. All **completed USDA Form AD-1026 that have been submitted or provided to Region 5 for any reason.**<br>2. All requests for information issued pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. 1318(a) to any person who has submitted an USDA Form AD-1026 to Region 5.<br>3. All records relating to all completed enforcement actions (including but not limited to any complaint, consent judgment, or consent order) taken by US EPA against a person on entity that submitted a USDA Form AD-1026 to the NRCS, obtained a wetlands determination from the NRCS, and engaged only in activity that was consistent with and complied with the NRCS' wetlands determination.<br>4. All records, including but not limited to guidance documents, relating to coordination of wetlands determinations by the US EPA and the USDA's NRCS or the U.S. Army Corps of Engineers and the USDA's NRCS.<br>5. All records, including guidance documents, relating to U.S. EPA's policy and procedures, if any that relate to making wetlands determinations on property that is subject to a USDA Form AD-1026.<br>6. All records, including but not limited to guidance documents, relating to the February 25, 2005 "Joint Guidance from the Natural Resources Conservation Service (NRCS) and the Army Corps of Engineers (COE) Concerning Wetland Determinations for the Clean Water Act and the Food Security Act of 1985.<br>7. All records, including but not limited to guidance documents, relating to the "Accardi Doctrine," which was first set forth in U.S. ex rel. Accarrdi v. Shaughnessy, 347 U.S. 260 (1954). |

| | FOIA # | Requester | Organization | Submitted | Assigned | Synopsis |
|---|---|---|---|---|---|---|
| 48. | EPA-R5-2019-005098 | Mr. Kevin Braig | Shumaker, Loop & Kendrick, LLP | 4/17/2019 | EPA-R5 - Region 5 | since January 1, 2005:<br>1. All **completed USDA Form AD-1026 that have been submitted or provided to Region 5 for any reason.**<br>2. All requests for information issued pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. 1318(a) to any person who has submitted an USDA Form AD-1026 to Region 5.<br>3. All records relating to all completed enforcement actions (including but not limited to any complaint, consent judgment, or consent order) taken by US EPA against a person on entity that submitted a USDA Form AD-1026 to the NRCS, obtained a wetlands determination from the NRCS, and engaged only in activity that was consistent with and complied with the NRCS' wetlands determination.<br>4. All records, including but not limited to guidance documents, relating to coordination of wetlands determinations by the US EPA and the USDA's NRCS or the U.S. Army Corps of Engineers and the USDA's NRCS.<br>5. All records, including guidance documents, relating to U.S. EPA's policy and procedures, if any that relate to making wetlands determinations on property that is subject to a USDA Form AD-1026.<br>6. All records, including but not limited to guidance documents, relating to the February 25, 2005 "Joint Guidance from the Natural Resources Conservation Service (NRCS) and the Army Corps of Engineers (COE) Concerning Wetland Determinations for the Clean Water Act and the Food Security Act of 1985.<br>7. All records, including but not limited to guidance documents, relating to the "Accardi Doctrine," which was first set forth in U.S. ex rel. Accarrdi v. Shaughnessy, 347 U.S. 260 (1954). |

Message

**From:** EPA Press Office [press=epa.gov@cmail19.com]
on behalf of EPA Press Office [press@epa.gov]
**Sent:** 5/8/2019 6:30:04 PM
**To:** Jackson, Ryan [jackson.ryan@epa.gov]
**Subject:** EPA Announces Availability of $2.6 Billion in New Funding to Improve Water Infrastructure Across the United States

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

# EPA Announces Availability of $2.6 Billion in New Funding to Improve Water Infrastructure Across the United States

**WASHINGTON** — The U.S. Environmental Protection Agency (EPA) announced the availability of $2.6 billion in new funds to assist states, tribes and territories with improving drinking water and wastewater infrastructure across the country. This funding advances President Trump's efforts to rebuild the country's aging water infrastructure, create local jobs, and ensure all Americans have safe and clean water.

"EPA is delivering on President Trump's commitment to modernize our nation's water infrastructure and improve public health and environmental protections," said **EPA Administrator Andrew Wheeler.** "EPA's $2.6 billion contribution to the State Revolving Funds will enable more communities to make the investments needed to ensure Americans have safe water for drinking and recreation. These funds can also be combined with EPA's WIFIA loans to create a powerful, innovative financing solution for major infrastructure projects nationwide."

The State Revolving Funds (SRFs) require state match, loan repayments, and interest that flows back to the funds. With more than 30 years of federal capitalization grants and state contributions, approximately $80 billion has been invested into these programs. According to the agency's estimate of national drinking water and wastewater needs, over $743 billion is needed for water infrastructure improvements. Through loan repayments and investment earnings, the SRFs have leveraged these contributions to provide more than $170 billion in financial assistance to over 39,900 water quality infrastructure projects and 14,500 drinking water projects across the country.

This year, EPA is making available more than $1 billion in new federal grant funding for the Drinking Water State Revolving Fund (DWSRF). This funding can be used for loans that help drinking water systems install controls to treat contaminants such as PFAS and improve distribution systems by removing lead service lines. In addition, more than $50

million in DWSRF grant funding is available to tribes, U.S. territories, and the District of Columbia to use for drinking water system upgrades.

EPA is also providing approximately $1.6 billion in new federal grant funding for the Clean Water State Revolving Fund (CWSRF). This funding is available for a wide range of water infrastructure projects, including modernizing aging wastewater infrastructure, implementing water reuse and recycling, and addressing stormwater. More than $64 million in CWSRF grant funding is available to tribes, certain U.S. territories, and the District of Columbia for infrastructure projects.

Background:

Under the Clean Water and Drinking Water State Revolving Fund programs, EPA provides funding to all 50 states and Puerto Rico to capitalize SRF loan programs. The states and Puerto Rico contribute an additional 20% to match the federal grants. The 51 SRF programs function like infrastructure banks by providing low-interest loans to eligible recipients for drinking water and clean water infrastructure projects. As the loan principal and interest are repaid over time, it allows the state's DWSRF or CWSRF to be recycled or "revolve." As money is returned to the state's revolving loan fund, the state makes new loans to other eligible recipients.

In 2018, the SRFs committed $9.6 billion in drinking water and clean water infrastructure loans and refinancing and disbursed $8.8 billion for drinking water and clean water infrastructure.

For more information, visit https://www.epa.gov/drinkingwatersrf and https://www.epa.gov/cwsrf.

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

**From:** Idsal, Anne [idsal.anne@epa.gov]
**Sent:** 4/15/2019 3:08:38 PM
**To:** Jackson, Ryan [jackson.ryan@epa.gov]
**Subject:** RE: All hands Political Appointee meeting 4/18

Ryan,

Thanks for the reminder. Bill, Clint, and I will be in Ann Arbor on Thursday and unfortunately will not be able to attend this meeting. Just wanted to give you a heads up.

Best,
Anne

---

**From:** Jackson, Ryan
**Sent:** Wednesday, April 10, 2019 7:09 PM
**To:** Abboud, Michael <abboud.michael@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Carter, Brittany S. <carter.brittanys@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Darwin, Henry <darwin.henry@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Dekleva, Lynn <dekleva.lynn@epa.gov>; Dixon, Sean <dixon.sean@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Doyle, Brett <doyle.brett@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Everett, Logan <everett.logan@epa.gov>; Fields, Jenifer <fields.jenifer@epa.gov>; Fitzmorris, Amanda <fitzmorris.amanda@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Gulliford, Jim <gulliford.jim@epa.gov>; Hage, Christopher <hage.christopher@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Harlow, David <harlow.david@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Jones, Lindsey <jones.lindsey@epa.gov>; Konkus, John <konkus.john@epa.gov>; Kopec, Slawomir <kopec.slawomir@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; Kundinger, Kelly <kundinger.kelly@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Lopez, Peter <lopez.peter@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>; Lyon, Christopher <lyon.christopher@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Marshall, William <marshall.william@epa.gov>; McDonough, Owen <mcdonough.owen@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Mills, William T. <mills.williamt@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Morgan, Ashley <morgan.ashley@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Servidio, Cosmo <Servidio.Cosmo@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Stepp, Cathy <stepp.cathy@epa.gov>; Stoker, Michael B. <stoker.michael@epa.gov>; Terwilleger, Brock <terwilleger.brock@epa.gov>; Thiede, Kurt <thiede.kurt@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Wheeler, Andrew <wheeler.andrew@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; English, Katherine <english.katherine@epa.gov>; Braid, Duncan <braid.duncan@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Scott, Corey <scott.corey@epa.gov>; hackett.johnathan@epa.gov;

hackett.jw@epa.gov
**Cc:** Dickerson, Aaron <dickerson.aaron@epa.gov>
**Subject:** All hands Political Appointee meeting 4/18

All –

I wanted to place on your calendars the notice of an all hands political appointees meeting on April 18 at 1pm EDT in the Green Room for some new introductions and updates. Please call or email Aaron Dickerson at Dickerson.aaron@epa.gov or 202-564-1783 if you are unable to attend. Administrator Wheeler will likely have some updates well.

April's meeting will feature Jeff Clark, Assistant Attorney General for the Environment and Natural Resources Division at the U.S. Department of Justice. ENRD prides itself as the nation's largest environmental law firm, and it serves as the litigator for EPA among other agencies. In October 2018, the U.S. Senate confirmed Jeff to be Assistant Attorney General for ENRD, however, Jeff also previously served as Deputy Assistant Attorney General for ENRD for President George W. Bush's first term from 2001 to 2005. For over 20 years Jeff has practiced at Kirkland & Ellis in a variety of legal fields including environmental law. In 2010, Jeff participated in a panel discussion hosted by the Federalist Society titled Environmental Law: EPA: An Agency Gone Wild or Just Doing Its Job? I think he has had us figured out for quite some time.

Regional staff are invited and will be connected through video and teleconference. Questions from the regional staff are just as encouraged.

**Video connection:** Regions will be connected at the video location they use for Monday's senior staff meeting. Please coordinate with your on-site coordinator on this. With questions, please call Aaron Dickerson at 202-564-1783.

**Audio Call-in:**
Ex. 6 dial-in
onference code

Thank you

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
(202) 564-6999

Message

**From:** Wehrum, Bill [Wehrum.Bill@epa.gov]
**Sent:** 4/10/2019 11:16:59 PM
**To:** Jackson, Ryan [jackson.ryan@epa.gov]
**Subject:** RE: All hands Political Appointee meeting 4/18

Ryan – Ann and I will be in Ann Arbor that day. Sorry to miss the show.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

**From:** Jackson, Ryan
**Sent:** Wednesday, April 10, 2019 7:09 PM
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**Cc:** Dickerson, Aaron <dickerson.aaron@epa.gov>
**Subject:** All hands Political Appointee meeting 4/18

All –

I wanted to place on your calendars the notice of an all hands political appointees meeting on April 18 at 1pm EDT in the Green Room for some new introductions and updates. Please call or email Aaron Dickerson at Dickerson.aaron@epa.gov or 202-564-1783 if you are unable to attend. Administrator Wheeler will likely have some updates well.

April's meeting will feature Jeff Clark, Assistant Attorney General for the Environment and Natural Resources Division at the U.S. Department of Justice. ENRD prides itself as the nation's largest environmental law firm, and it serves as the litigator for EPA among other agencies. In October 2018, the U.S. Senate confirmed Jeff to be Assistant Attorney General for ENRD, however, Jeff also previously served as Deputy Assistant Attorney General for ENRD for President George W. Bush's first term from 2001 to 2005. For over 20 years Jeff has practiced at Kirkland & Ellis in a variety of legal fields including environmental law. In 2010, Jeff participated in a panel discussion hosted by the Federalist Society titled Environmental Law: EPA: An Agency Gone Wild or Just Doing Its Job? I think he has had us figured out for quite some time.

Regional staff are invited and will be connected through video and teleconference. Questions from the regional staff are just as encouraged.

**Video connection:** Regions will be connected at the video location they use for Monday's senior staff meeting. Please coordinate with your on-site coordinator on this. With questions, please call Aaron Dickerson at 202-564-1783.

**Audio Call-in:**
Ex. 6 dial-in
onference code

Thank you

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
(202) 564-6999

Message

**From:** Myron Ebell [Myron.Ebell@cei.org]
**Sent:** 5/21/2019 8:58:51 PM
**To:** Myron Ebell [Myron.Ebell@cei.org]
**Subject:** Cooler Heads Coalition alert: Here is the EPA directive on cost-benefit analysis

I sent my earlier e-mail just before someone forwarded EPA's press release, which has a link to the memo, which is at https://www.epa.gov/environmental-economics/administrator-wheeler-memorandum-increasing-consistency-and-transparency

**From:** EPA Press Office <press=epa.gov@cmail20.com> **On Behalf Of** EPA Press Office
**Sent:** Tuesday, May 21, 2019 4:17 PM
**To:**
**Subject:** Administrator Wheeler Sends Cost-Benefit Analysis Memo To Agency Leaders

## EPA Administrator Wheeler Sends Cost-Benefit Analysis Memo to Assistant Administrators

### *Memo Directs Agency Leaders To Reform How Costs and Benefits Are Considered in Our Rulemaking Process*

WASHINGTON (May 21, 2019) - U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler signed a recent memo directing agency leadership to develop rules for notice and comment that outline how benefit-cost considerations will be applied to future rulemakings. This action supports the Trump Administration's efforts to identify regulations that impose costs that exceed benefits, providing clarity, transparency and consistency in how regulations are written.

Administrator Wheeler outlines the following principles be followed in developing the regulatory proposals:

- Ensuring the agency balances benefits and costs in regulatory decision-making.
- Increasing consistency in the interpretation of statutory terminology.
- Providing transparency in the weight assigned to various factors in regulatory decisions.

- Promoting adherence to best practices in conducting the technical analysis used to inform decisions.

A link to the memo is available here on EPA's website.

Visit The EPA's Newsroom

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*Stop continental drift!*

Message

**From:** Myron Ebell [Myron.Ebell@cei.org]
**Sent:** 5/21/2019 8:49:05 PM
**To:** Myron Ebell [Myron.Ebell@cei.org]
**Subject:** Cooler Heads Coalition alert: EPA directive to re-write cost-benefit analysis rules

Here's the Bloomberg story. Below that I have pasted CEI's statement, which is just going out now. Please support Wheeler's action. The 'viros are going to react strongly, as you can see already in the quotes from the Bloomberg story.

## EPA Plans to Rewrite Costs and Benefits of Anti-Pollution Rules

Bloomberg
Jennifer A. Dlouhy
May 21, 2019
https://www.bgov.com/core/news/#!/articles/PRVC3B6KLVR8

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 stiffen limits on pollution and combat climate change.

EPA Administrator Andrew Wheeler directed top agency officials to develop the changes, casting them as necessary to eliminate inconsistencies in assessing regulations. Environmentalists say the agency is altering its math to shrink estimates of how many lives are saved by rules governing clean air, chemicals and water contamination.

"Benefits and costs have historically been treated differently" depending on the Environmental Protection Agency office and underlying laws at play, Wheeler said in a May 13 memo obtained by Bloomberg News. In some cases, "the agency underestimated costs, overestimated benefits or evaluated benefits and costs inconsistently."

Wheeler's May 13 memo does not lay out specific changes, other than prescribing the use of "sound economic and scientific principles."

The formal rulemaking initiative builds on other efforts by President Donald Trump's EPA to discount the health benefits of environmental regulations and limit what scientific research that can be used to justify them. Because it would take the form of federal rulemaking that could be finished during Trump's first term the changes could bind future administrations until they could be rewritten.

The efforts are part of a "systematic" effort to downplay how much clean air rules help save lives, said John Walke, clean air director at the Natural Resources Defense Council. The administration has repeatedly sought to "deny that there are benefits, lives saved and monetizable benefits from reducing deaths below air quality standards."

Advocates, including manufacturers and other businesses that chafed against Obama-era environmental regulations, say the agency has too often given short shrift to the potential price of some mandates and relied on inflated estimates of spared premature deaths and hospital visits to justify what they regard as burdensome rules.

The EPA has already proposed ignoring broad benefits that spring from limiting power plant emissions of mercury, including ancillary reductions in airborne particle pollution -- and associated heart and lung disease -- that isn't directly targeted by the mandates. The EPA's science advisers on Monday outlined plans for reviewing how the agency estimates and uses such potential indirect benefits. And agency officials have signaled disregarding further health benefits tied to paring the amount of fine particulate matter in the air below an existing EPA standard of 12 micrograms per cubic meter.

The EPA is also working to finalize a rule limiting scientific data and studies that could be used to guide regulations, after proposing limits that would bar reliance on research that can't be reproduced or where the underlying data are not public. Public health experts say the proposed measure would rule out long-term epidemiological and public health studies, including the Harvard "six cities" study that linked dirty air to shorter lives -- and underpins EPA anti-pollution mandates.

The Trump administration has been trying "to inaugurate a new way of looking at benefits," former EPA Acting Administrator for Air Quality Janet McCabe said at a House hearing on mercury regulation Tuesday.

Wheeler's May 13 memo told assistant EPA administrators to develop reforms to benefit-cost analysis that ensure consistent use of key terms in federal law, such as what is "practical," "appropriate," "reasonable" and "feasible" -- frequent benchmarks for mandates on pollution-controlling technology. Wheeler said the first of these rules should come from EPA's Office of Air and Radiation, which is tasked with implementing standards on ozone, limits on particulate matter and curbs on power plant emissions.

The agency also will update its internal guidelines for analyzing the economics of regulations, including new counsel on what methodologies, assumptions and models should be used to vet rules.

Federal agencies undertake formal analyses of regulations to assess the potential compliance costs for businesses and consumers, as well as the financial value of their benefits, whether reducing asthma attacks or electric power demand. In a 2017 executive order, Trump directed his agencies to identify regulations that "impose costs that exceed benefits."

"With these improvements to our regulatory decisionmaking, the EPA is taking another step to provide the public with a more open federal government and more effective environmental and public health protection," Wheeler said.

## CEI Applauds EPA Directive to Improve Cost-Benefit Analysis of Environmental Regulations

According to a report by Bloomberg News, Environmental Protection Agency (EPA) Administrator Andrew Wheeler directed EPA leadership to write new rules for how it weighs the costs and benefits of environmental regulations. In a memo, Administrator Wheeler instructs staff to use "sound economic and scientific principles" when rewriting the rules.

**Director of CEI's Center for Energy and Environment Myron Ebell said:**

"Administrator Wheeler's directive to improve the ways cost-benefit analysis is used to formulate pollution rules is a most welcome initiative. EPA over the years has twisted their analysis of costs and benefits to justify rules that in reality cost far more than any direct

benefits. Finding huge ancillary or collateral benefits to offset enormous costs of Clean Air Act rules that have miniscule direct benefits has been an especially objectionable misuse of cost-benefit analysis. We hope that Administrator Wheeler's directive will result in new rules that at least curb the worst abuses."

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*Stop continental drift!*