



Top Stories

8/29/17 – The Department of Energy (DOE) released a [report ordered](#) by Secretary Rick Perry in April to review the closure of “baseload” coal and nuclear plants and the “distorting effects of federal subsidies that boost one form of energy at the expense of others.” The report finds that low natural gas prices are a primary cause of recent coal plant closures, and recommends that power markets explore how to correctly value the contributions of coal and nuclear power. However, DOE has little authority to institute such changes itself and would have to rely upon the Federal Energy Regulatory Commission (FERC).

8/22/17 – The U.S. Court of Appeals for the D.C. Circuit [ruled](#) that the Federal Energy Regulatory Commission (FERC) must consider the potential greenhouse gas (GHG) emissions that could result from its 2016 approval of three natural gas pipeline segments in the southeast, vacating FERC’s previous approval. The court also directed FERC to redo its environmental impact statement it used in its decision to approve the segments.

8/15/17 – President Donald Trump issued an Executive Order titled, “[Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure](#),” which seeks to shorten the time for environmental reviews for infrastructure projects. The order also undoes the previous administration’s [EO 13690](#), which was aimed at requiring certain infrastructure projects funded in part by federal funds to withstand a 500-year storm, an increase from the previous requirement of withstanding a 100-year storm.

8/10/17 – The White House announced that [Neil Chatterjee](#) will serve as Chairman of FERC until [Kevin McIntyre](#), is confirmed by the Senate. Now that the regulatory body has quorum, it can

begin work on orders dating back to February, when former Chairman Norman Bay resigned.

8/8/17 – The U.S. Court of Appeals for the District of Columbia Circuit [issued](#) an order holding Clean Power Plan litigation in abeyance for an additional 60 days. In April, the court granted a 60-day stay of the proceedings and asked parties to weigh in on the future of the litigation; no action has been taken since. The administration sent a draft rollback plan to the White House for interagency review in June; no further steps have been taken.

8/2/17 – The National Oceanic and Atmospheric Administration (NOAA) [measured](#) the largest ‘dead zone’ in the Gulf of Mexico ever recorded, covering 8,776 square miles. A dead zone is an area of low oxygen that can kill fish and marine life, caused in this instance, by Mississippi River nutrient runoff from agricultural and developed lands.

From Congress

8/3/17 – The Senate approved [Dan Brouillette](#) to be President Donald Trump’s first deputy energy secretary, [79-17](#). Brouillette worked as the Energy Department’s assistant secretary for congressional and intergovernmental affairs from 2001 to 2003. He also served as a member of the Louisiana State Mineral and Energy Board from 2013 to 2016, and chief of staff for the House Energy and Commerce Committee.

From the Administration

8/24/17 – The Food and Drug Administration (FDA) released [guidance](#) to aid small businesses to comply with the agency’s final rule on intentional adulteration, which is required under the Food Safety Modernization Act (FSMA). The compliance date for small businesses under the Intentional Adulteration Rule is July 27, 2020. Additionally, FDA released a [tool](#) to guide businesses through software that helps businesses create their own written food safety plans to comply with FSMA’s preventative controls rule which began phasing in in 2016.

8/22/17 – The U.S. Court of Appeals for the Fifth Circuit [granted](#) EPA’s request to delay industry challenges to portions of a [2015 regulation](#) limiting toxic metal levels in wastewater discharged from coal-fired power plants while the agency revises them. The decision follows a request sent by EPA to hold challenges in abeyance, and two weeks after EPA Administrator Scott Pruitt sent a letter to the U.S. Small Business Administration, announcing EPA’s plan to conduct a new rulemaking to “potentially revise” portions of the rule.

8/22/17 – The Commerce Department [announced](#) that it will impose import duties on biodiesel shipments from Argentina and Indonesia, as a preliminary report found that both governments set up subsidies in violation of international trade laws.

8/17/17 – The U.S. and Argentina [reached](#) an agreement, allowing the export of all U.S. fresh, chilled and frozen pork to the nation for the first time since 1992. In addition, the U.S. has also reached an [agreement](#) with South Korea to reopen its markets to American poultry and fresh eggs, lifting a ban imposed in March due to the number of avian flu cases in the U.S.

8/17/17 – EPA [announced](#) its intent to revisit provisions of its [Phase 2 Greenhouse Gas \(GHG\) Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines](#) rule, following stakeholder concerns. In October 2016, EPA and the National Highway Traffic Safety Administration (NHTSA) updated the standards for medium- and heavy-duty vehicles MY 2021-2027 (“Phase 2”), and regulated trailers and gliders – for the first time under the GHG program – with compliance deadlines beginning in 2018.

8/11/17 – FDA issued [guidance](#) on cheese labeling, allowing more cheeses in the U.S. to use ultra-filtered ingredients, with the aim of alleviating the oversupply of ultra-filtered milk in the U.S.

8/11/17 – DOE approved the [Northern Pass project](#), a proposed 192-mile transmission line to carry energy from hydropower plants in Canada to New Hampshire following a favorable [environmental impact statement](#) which found the project would have only minimal adverse impacts on the environment.

8/7/17 – The Office of Natural Resources Revenue (ONRR) [published](#) a final rule repealing the 2016 Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule.

8/3/17 – The Government Accountability Office (GAO) [recommended](#) that the Pipeline and Hazardous Materials Safety Administration (PHMSA) take steps to ensure that the formula it uses to identify which pipelines pose the greatest safety risk is effective. GAO said the agency needs to document its reasoning behind each component of its formula and create a process to periodically review its effectiveness.

Other

7/28/17 – The U.S. Court of Appeals for the D.C. Circuit [rejected](#) EPA’s justification for reducing renewable fuel standards (RFS) in 2016, ruling that the agency wrongly relied on its “inadequate domestic supply” waiver authority to lower the nation’s renewable fuel targets. In its rule setting out biofuels targets for 2014-2016, EPA for the first time relied on its authority to waive the overall renewable fuel target for 2016 based on “inadequate domestic supply.” Although the court noted that EPA “acted reasonably” in setting the 2014 and 2015 targets at the actual volume of biofuel that was produced and used those years, it criticized EPA for folding demand constraints into its analysis of “inadequate domestic supply” when it came to the 2016 targets.