



Top Stories

6/22/17 – The Environmental Protection Agency (EPA) [issued](#) three new rules and documents related to implementation of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (LCSA), which amended the Toxic Substances Control Act (TSCA). Rules and guidance included: a [final rule](#) establishing EPA's process and criteria for identifying high priority chemicals for risk evaluation, and low priority chemicals for which risk evaluation is unnecessary; a [final rule](#) detailing how the agency plans to assess health and environmental risks from high-risk chemicals; a [final rule](#) requiring industry reporting of chemicals manufactured or processed in the U.S. within the last 10 years, thus reducing EPA's chemical inventory from 85,000 chemicals down to those only used commercially since 2008; and [guidance](#) for companies, industry groups, advocacy groups, research institutions and other organizations to submit draft risk assessments for individual chemicals. [Documents](#) were also released describing how the agency plans to evaluate the [first 10 chemicals](#) to be reviewed under the law. The first 10 chemicals include asbestos, various chemicals used in dry cleaning and flame retardants, and a dye often used in paints and plastics. The chemicals were chosen from a list of 90 high-hazard compounds determined under the agency's [2014 TSCA work plan](#).

6/12/17 – EPA [delayed](#) amendments of its [Risk Management Program](#) final rule until February 2019. The amendments were intended to go into effect in March in response to the West, Texas fertilizer plant explosion in 2013, and contained accidental release prevention requirements. EPA stated that the implementation delay was needed to review the program and "evaluate the public comments raised by multiple petitioners and consider other issues that may benefit from additional public input."

6/8/17 – EPA sent a [proposed rulemaking](#) to the White House's Office of Management and Budget to rescind the Clean Power Plan (CPP), a rule first released in 2015 that would have required states to develop plans to reduce carbon emissions from electricity 32 percent below 2005 levels by 2030. The rulemaking comes following the Executive Order on Promoting Energy Independence and Economic Growth, which [directed](#) EPA to review the statute. The CPP is currently undergoing judicial review, for more information see [NCSL's blogs](#).

6/7/17 – Department of Interior (DOI) Secretary Zinke [signed](#) a secretarial order establishing an internal review team that will evaluate both federal sage grouse plans and state plans and programs to ensure they are complementary. The team will explore plan modifications, economic growth and job creation.

6/7/17 – EPA sent a letter to governors [delaying](#) implementation of its 2015 National Air Ambient Quality Standards (NAAQS) for ozone. Specifically, EPA is extending the deadline for promulgating initial area designations for the 2015 ozone NAAQS by one year. The delay means EPA will not make final decisions on areas of nonattainment of the 70 parts per billion standard until October 2018. Earlier this year the U.S. Court of Appeals for the District of Columbia Circuit granted a request from EPA, postponing oral arguments on the rule previously scheduled for April 19, and held the case in abeyance pending further order of the court. The court also ordered the agency to provide updates every 90 days on its progress in reviewing the standard, as well as notify the court "promptly" if the agency decided to repeal or modify the standard. For more information, see [NCSL's blog](#).

6/1/17 – President Donald Trump [announced](#) the United States withdrawal from the [Paris Agreement](#) has begun, and negotiations to either re-enter or negotiate a new agreement with “more favorable terms for the United States” are underway. However, the United Nation’s body that facilitated the Agreement stated that it “cannot be renegotiated based on the request of a single party.” The withdrawal process is not anticipated to conclude until November 2020. For more information on the Paris Agreement, see NCSL’s blog posts, [here](#) and [here](#).

From the Administration

6/23/17 – The National Oceanic and Atmospheric Administration (NOAA) [requested](#) public comment to allow for oil and gas operations in its review of all designations and expansions of National Marine Sanctuaries and Marine National Monuments enacted since April 28, 2007 as directed by [Executive Order 13795](#) – Implementing an America-First Offshore Energy Strategy.

6/22/17 – The Fish and Wildlife Service (FWS) [announced](#) that the Yellowstone population of the grizzly bear will be delisted from the Endangered Species Act, and management will be returned to states and tribes. The population rebounded from 136 bears in 1975 to an estimated 700 today.

6/22/17 – The Department of Interior (DOI) [released](#) an outline of the agency’s ongoing efforts to implement the president’s regulatory reform initiatives. The notice includes a number of potential actions including more use of advanced notices of proposed rulemakings, rewriting of the agency’s hydraulic fracturing on public and tribal lands rule, a review of the Bureau of Land Management’s (BLM) methane waste rule and regulations involving offshore energy development. Additionally, the agency is seeking input from the public on what DOI regulations may be appropriate for repeal, replacement or modification.

6/22/17 - The Nuclear Regulatory Commission (NRC) [suspended](#) an application by Waste Control Specialists to construct a nuclear waste storage facility in Texas following a

federal judge’s blocking of their proposed \$367 million merger with Energy Solutions, a company that handles low-level nuclear waste. DOJ argued that the merger is anti-competitive.

6/14/17 – BLM is [suspending](#) the implementation of provisions of the Methane and Waste Prevention Rule that have not yet gone into effect while litigation and an internal agency review are in the process of playing out.

6/13/17 – EPA [proposed](#) a two-year delay of the agency’s final rule aimed at limiting methane emissions from new and substantially modified sources in the oil and natural gas sector. The rule is already amid a [90-day stay](#), which was initiated by energy industry trade groups to administratively reconsider the rule.

6/12/17 – Department of Interior Secretary Ryan Zinke [submitted](#) a 45-day interim report on Bears Ears National Monument to President Donald J. Trump on Saturday, June 10, 2017, in accordance with the April 26, 2017, [Executive Order on the Review of Designations Under the Antiquities Act](#). The order directs the secretary to review monuments designated under the Antiquities Act between Jan. 1, 1996, and the present date that are 100,000 acres or more in size, or any monument the secretary deems to have been created without appropriate public input. Public comment on the monument is [extended](#) through July 10.

6/12/17 – DOE [removed](#) a section of its website dedicated to public comments concerning the storage of nuclear waste. All documents and studies associated with the department’s goal of consent based siting were removed and replaced with a statement noting the agency is updating the website’s language to align with the “priorities under the leadership of President Trump and Secretary Perry.” Earlier this year, NCSL submitted [comments](#) to DOE regarding our support for implementing a consent based siting process for the disposal of spent nuclear fuel and high-level radioactive waste, as based on the recommendations from the Blue Ribbon Commission (BRC) on America’s Nuclear Future.

6/12/17 – EPA’s Inspector General [found](#) that the agency acted reasonably and lawfully before and after the 2015 Gold King

mine spill that released 3 million gallons of polluted water into Colorado's Animas River. The report noted that while the release was harmful, the mine discharged the same amount of water every 10 days.

6/13/17 – DOI [awarded](#) \$1.1 billion to states in annual funding for state wildlife agencies from revenues generated by the Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Acts. State-by-state listings of FY 2017 apportionments of the Wildlife Restoration Program fund can be found [here](#), and the Sport Fish Restoration Program fund [here](#).

6/5/17 – The National Marine Fisheries Service posted draft authorizations forgiving firms for potential harm to marine mammals while employing seismic airguns to send sound waves into the earth's crust to determine the likelihood of finding crude oil and natural gas reserves. The authorizations follow [Executive Order 13795](#) – Implementing an America-First Offshore Energy Strategy which aims to increase oil and gas producers' access to federal waters.

5/31/17 – Secretary Zinke [signed](#) a secretarial order, directing the agency to review the possibility of increasing oil production in the National Petroleum Reserve in Alaska and to assess the quantity of oil and gas that could be extracted from a part of the Alaska National Wildlife Refuge.

Other

6/23/17 – The U. S. Supreme Court issued a decision in [Murr v. Wisconsin](#), and upheld that merger provisions in state law and ordinance, where nonconforming, adjacent lots under common ownership are combined for zoning purposes, is constitutional and is not considered a "taking." The State and Local Legal Center (SLLC) filed an [amicus brief](#) arguing that these very common provisions are constitutional.

NCSL Resources

Registration is open for [NCSL's 2017 Legislative Summit](#) taking place in Boston, Aug. 8-9.