



Top Stories

12/18/17 – The Environmental Protection Agency (EPA) [issued](#) an advanced notice of proposed rulemaking requesting public comment on how a replacement to the Clean Power Plan (CPP) could be structured. Specifically, EPA is requesting “information on the proper respective roles of the state and federal governments in that process, as well as information on systems of emission reduction that are applicable at or to an existing electric utility generating unit, information on compliance measures, and information on state planning requirements under the Clean Air Act (CAA).” EPA also acknowledged that the agency has authority and obligation to regulate greenhouse gasses as they harm human health. This action comes as the agency is in the process of [repealing](#) the CPP. For more information, please read [NCSL's Info Alert](#).

12/18/17 – EPA [released](#) a draft risk assessment on glyphosate, a herbicide used in agricultural production, which found that the product creates “no other meaningful risks to human health when the product is used according to the pesticide label.” The agency added that its findings were consistent with other research groups, including the 2017 National Institute of Health Agricultural Survey. The issue has become highly contentious since 2015 when the International Agency for Cancer Research, which is part of the World Health Organization, announced that glyphosate was a “probable carcinogen.”

12/18/17 – The U.S. Department of Agriculture (USDA) [published](#) a proposed rule to withdraw welfare standards for organic livestock production, believing that the final rule, [published](#) in January 2017 and be delayed until May 2018, exceeded USDA’s statutory authority and went “beyond the intent” of the [federal law](#) that created the organic program.

12/12/17 – The Government Accountability Office (GAO) [reported](#) that the Department of Energy (DOE) violated federal law when it withheld \$91 million budgeted for the [Advanced Research Projects Agency-Energy \(APRA-E\)](#) program in FY 2017. The program, which the administration had proposed eliminating entirely in its FY 2018 budget, selects energy technology projects and awards funding as those ventures meet a series of development milestones.

12/10/17 – DOE [granted](#) a 30-day extension for the Federal Energy Regulatory Commission’s (FERC) to take final action on the proposed [Grid Reliability and Resiliency Pricing rule](#), which considers compensating coal and nuclear power plants by providing a guaranteed cost-recovery mechanism.

12/8/17 – EPA [sent](#) a memo to regional administrators outlining a review the agency will conduct regarding its understanding of [New Source Review \(NSR\)](#) regulations. The NSR program aims to protect air quality when factories, industrial boilers and power plants are newly built or modified. EPA’s review will attempt to assess opportunities “to make improvements” by clarifying or revising the relevant regulations, providing technical support and oversight for states that administer the program, as well as evaluate enforcement efforts. Most important, as part of the review, EPA will no longer challenge the preconstruction forecasts of a company regarding the expected air pollution increases stemming from a particular project.

12/7/17 – The Bureau of Land Management (BLM) [issued](#) a final rule to temporarily suspend or delay until January 2019 requirements within its [2016 Waste Prevention, Production](#)

[Subject to Royalties and Resource Conservation final rule](#). The rule is aimed at reducing “waste of natural gas from venting, flaring, and leaks” during oil and natural gas production through onshore federal and Indian leases. During this time, BLM will likely propose to either rescind or significantly revise the rule. Earlier this year, the U.S. District Court for the Northern District of California [ruled](#) that the department misused Section 705 of the Administrative Procedures Act (APA) when it froze certain provisions of the rule. The court’s decision resulted in the rule going into immediate effect.

12/4/17 – The U.S. Energy Information Administration (EIA) [reported](#) that the U.S. transportation sector is emitting more greenhouse gases than power plants for the first time since the 1970s.

11/30/17 – According to a recent USDA Economic Research Service [report](#), farms with at least \$1 million in annual gross cash income received 34 percent of commodity subsidies in 2015, an increase from 11 percent in 1991. The report, which analyzes the shift in distribution of commodity, conservation and crop insurance payments also found that these farms received one-third of crop insurance indemnities in 2015, up from 12 percent in 1997. This highlights how, as agricultural production has shifted to larger operations, so, too, have commodity and insurance payments.

From Congress

12/13/17 – A bipartisan group of lawmakers from Florida and Texas in both chambers of Congress [issued](#) a letter urging members of the appropriations committees to provide aid to farmers and ranchers in the next disaster-relief package. Specifically, the lawmakers are requesting that the disaster-relief package address backlogs in USDA recovery programs, including in the Emergency Conservation Program, as well as ease certain requirements under the Livestock Indemnity Program and the Emergency Assistance for Livestock, Honey Bees and Farm-raised Fish program.

12/7/17 – The U.S. Senate confirmed [Joe Balash, 61-38](#), to serve as DOI’s assistant secretary for land and minerals

management. Balash served most recently as chief of staff to Senator Dan Sullivan (R-Alaska).

11/30/17 – The House Oversight and Government Reform Committee approved [H.R. 2623](#), which would make executive orders [13771](#), and [13777](#) permanent. The former required that two federal regulations be revoked for every new one issued, while the latter mandated that agencies set up regulatory reform task forces to target rules for repeal, revision or replacement.

From the Administration

12/18/17 – The White House unveiled its new [National Security Strategy](#), which emphasizes “energy dominance” and states unleashing “abundant energy resources—coal, natural gas, petroleum, renewables, and nuclear—stimulates the economy and builds a foundation for future growth.” However the strategy omitted the issue of climate change from the list of threats to national security, which is a reversal of both the [2015 strategy](#) that lists global warming as a threat, and from the [2018 National Defense Authorization Act](#), which mentions climate change as a major threat to national security.

12/15/17 – EPA [released](#) preliminary risk assessments that show birds, in addition to bees, can be negatively affected by insecticides known as neonicotinoids. In addition, EPA also released a separate document that describes the benefits of using the neonicotinoids on cotton and citrus crops, which would help fight the pest Asian Citrus Psyllid, and causes citrus greening. It also said that the chemicals would help control plant bugs and stink bugs on cotton plants.

12/15/17 – DOE [announced](#) it is modifying its organizational structure, splitting one undersecretary position into two jobs; an undersecretary for science and another undersecretary for energy. The undersecretary for energy will focus on “energy policy, applied energy technologies, energy security and reliability, and certain DOE-wide management functions,” while the undersecretary for science will focus on “supporting innovation, basic scientific research, and environmental cleanup.” Former DOE Secretary Ernest Moniz previously

combined the two jobs into one post in a massive reorganization in 2013.

12/11/17 – In a summary of newly released data, EIA [notes](#) that on a per capita basis, energy-related CO2 emissions decreased in 49 states (including the District of Columbia) and increased in two states, Louisiana and Nebraska, between 2005 and 2015.

12/7/17 – [Kevin McIntyre](#) was sworn in as chairman of FERC. He was [confirmed](#) by the Senate on Nov. 2, 2017. Prior to joining the commission, he was the leader of the global Energy Practice at the law firm Jones Day.

12/7/17 – The Department of Interior received only seven bids from two companies for 100,000 acres of more than 10 million available in an oil and gas lease sale in the National Petroleum Reserve in Alaska. The lease had been promoted as the [“largest ever”](#) by BLM.

12/5/17 – The U.S. International Trade Commission [approved](#) double-digit duties on imports of biodiesel from Argentina and Indonesia. The approval allows the Commerce Department to issue final countervailing duties in the range of 72 percent on imports from Argentina and 35 percent to 65 percent on imports from Indonesia.

12/1/17 – DOI [reported](#) that it disbursed \$7.1 billion from energy and minerals production on federal and tribal lands and offshore areas in FY 2017. Of this, \$1.44 billion was disbursed to states, \$676 million went to tribal governments and individual mineral rights owners, and \$950 million was allocated for the Land and Water Conservation Fund. The amount represents an increase from FY 2016 but remains below the high of \$23.4 billion [disbursed](#) in FY 2008.

11/28/17 – The Bureau of Safety and Environmental Enforcement [approved](#) a permit allowing Italian oil company, Eni U.S. Operating Co. Inc. to drill an exploratory oil and gas well in the Beaufort Sea off the northeast coast of Alaska. The approval is the first in two years to allow drilling in Arctic waters.

11/27/17 – A [report](#) from DOE’s inspector general noted the agency is struggling to both properly manage and oversee

contractors at federal laboratories and nuclear weapons facilities.

From the Courts

12/12/17 – The 9th U.S. Circuit Court of Appeals [upheld](#) DOI’s 20-year moratorium on uranium mining on approximately 1 million acres near the Grand Canyon that was instituted in 2012. The moratorium allowed existing uranium mining claims to move forward, but prevented any new mines from opening.