



## Top Stories

**12/20/18** – The Bureau of Land Management (BLM) [published](#) a draft environmental impact statement (EIS) concerning oil and gas operations in the Arctic National Wildlife Refuge (ANWR). The EIS highlights that drilling would be limited to the 1.5-million-acre coastal plain and lays out four options for exploring the area which note stipulations on surface occupancy and timing restrictions on activity. The possibility of oil and gas operations is the result of Congress directing the Department of Interior (DOI) to hold at least two lease sales each for 400,000 acres or more in the Tax Cut and Jobs Act of 2017. BLM plans to begin holding those sales in 2019.

**12/20/18** – The U.S. Department of Agriculture (USDA) announced its [final rule](#) for the labeling of genetically engineered food, requiring companies to disclose the presence of genetically modified ingredients in food. The standard defines bioengineered foods as those that contain detectable genetic material that has been modified through lab techniques and cannot be created through conventional breeding or found in nature. Specifically, by January 2022, items of food that contain genetically modified ingredients will need to include one of three disclosure options: a USDA-selected logo that is a picture of a field with the letters "BE"; the phrase "bioengineered"; or a QR code. However, products will not be subject to the rule if they do not contain any detectable genetic material, which is likely to impact many products. Companies can voluntarily disclose their presence even if not required by the rule. The rule results from legislation, S.764, enacted in July 2016.

**12/19/18** – China [purchased](#) 1.2 million metric tons of U.S. soybeans, as the trade "truce" between the United States and China continued. The sale marks China's third major soybean

purchase since USDA began keeping records. China made two soybean purchases earlier in the month, totaling about 1.43 million metric tons. By this point last year, U.S. exporters had sold 21.5 million tons of soybeans to China.

**12/17/18** – USDA [announced](#) a second and "final" round of trade aid for farmers and ranchers impacted by retaliatory tariffs. This round of relief payments will apply to production from the second half of 2018 for producers of corn, soybean, wheat, sorghum, cotton, shelled almonds, sweet cherries, dairy and pork. Payment rates for each farm good included in the program were unchanged from the first round of direct aid. Producers only need to sign up once to be eligible for both rounds of payments. The sign-up period ends Jan. 15, 2019, but producers have until May to certify their 2018 production. Direct payments under the relief program will total \$9.6 billion. More than \$7.25 billion, or 75 percent, is devoted to soybean growers. Corn growers will still receive just 1 cent per bushel for their crop, while the National Corn Growers Association said producers have lost 44 cents per bushel on average since tariffs were first announced.

**12/15/18** – President Donald Trump [announced](#) that Department of Interior (DOI) Secretary Ryan Zinke is leaving the department by the end of 2018.

**12/14/18** – USDA's Rural Utilities Service [announced](#) a \$600 million rural broadband program that will include approximately \$200 million for grants with applications due to the agency by April 29, 2019; \$200 million for loan and grant combinations with applications due May 29, 2019; and \$200 million for low-interest loans with applications due by June 28, 2019. Projects funded through this initiative must serve communities with

fewer than 20,000 people with no broadband service or where service is slower than 10 megabits per second (mbps) download and 1 mbps upload, Parker said. To help potential applicants with the application process, USDA is holding a series of online webinars and regional in-person workshops. Nonprofits, for-profits and local governments are among those that can apply. USDA won't fully fund projects; instead, it will provide a 25 percent matching grant, a 2 percent low-interest loan, or a combo of the two.

**12/13/18** – The Department of Interior (DOI) [announced](#) the completion of the nation's eighth and highest-grossing competitive lease sale for renewable energy in federal waters. The lease sale offered approximately 390,000 acres offshore of Massachusetts for potential wind energy development and drew competitive winning bids from three companies totaling approximately \$405 million. If fully developed, the areas could support approximately 4.1 gigawatts of commercial wind generation, enough electricity to power nearly 1.5 million homes.

**12/11/18** – EPA and the U.S. Army Corps of Engineers (Corps) [released a new proposed](#) "Waters of the United States" definitional rule, more commonly referred to as WOTUS, consistent with the February 2017 [executive order 13778](#), "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The action is the second step in a two-step process to repeal and replace the 2015 WOTUS final rule promulgated by the previous administration to clarify federal authority under the Clean Water Act. It outlines [six clear categories](#) of waters that would be considered WOTUS, and identifies waters not regulated as WOTUS. The acting administrator also stated that the proposal "recognizes and respects" the primary responsibilities and rights of states and tribes to regulate and manage their land and water resources, while protecting the nation's navigable waters. For more information, and for a regulatory timeline of WOTUS, read NCSL's [Info Alert](#) and timeline [here](#).

**12/11/18** – The Department of Energy (DOE) released an [updated chart](#) highlighting electric vehicle adoption rates by state—California had 8.64 plug-in vehicle (PEV) registrations

per 1,000 people in 2017, followed by Hawaii with 5.12, and Washington state with 4.06. Other states with PEV registrations per 1,000 people greater than two were Oregon, Vermont, Colorado, Arizona and Maryland.

**12/7/18** – EPA [proposed](#) to revise the New Source Performance Standards (NSPS) for greenhouse gas emissions from new, modified and reconstructed fossil fuel-fired power plants. The agency is proposing, under section 111(b) of the Clean Air Act (CAA), to revise its determination of the best system of emission reduction (BSER) for these plants. This determination would replace EPA's 2015 determination that partial carbon capture and storage (CCS) technology was the BSER for new coal units. Specifically, the proposal would raise the power plant emissions limit to 1,900 pounds of CO<sub>2</sub> per megawatt-hour of output. Smaller units would be subject to a higher rate of 2,000 lb/MWh, which could allow for less-efficient technologies. EPA also said it plans to create separate standards for any new plants that burn coal refuse, the lower-quality waste leftover from mining coal seams. Such plants could emit up to 2,200 lb/MWh. The changes in allowable rates are increases from 2015, when the final rule limited emissions to 1,400 lb/MWh. In addition, the proposed rule also includes a series of questions concerning a previous EPA conclusion that electrical generating units (power plants) "significantly contribute" to rising carbon dioxide levels in the atmosphere. The CAA requires EPA to determine that power plants or other broad source categories "cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare."

**12/6/18** – The Energy Information Administration (EIA) [reported](#) that the United States was a net exporter of oil and petroleum products for the week ending Nov.30, 2018 when the country imported 8.84 million barrels per day of crude oil and petroleum products and exported 9.05 million barrels per day, amounting to a net daily export of 211,000 barrels. Last year, the United States imported nearly 20 percent of its petroleum supply, or about 3.8 million barrels per day of products, EIA data shows, while earlier last month net imports hovered between 1.4 million and 2.6 million barrels per day.

**12/4/18** – EIA [expects](#) total U.S. coal consumption in 2018 to fall to 691 million short tons (MMst), a 4 percent decline from 2017 and the lowest level since 1979. U.S. coal consumption has been falling since its peak in 2007, and EIA forecasts that 2018 coal consumption will be 437 MMst (44 percent lower than 2007 levels), mainly driven by declines in coal use in the electric power sector. EIA also noted that “one of the main drivers of coal retirements is the price of coal relative to natural gas. Natural gas prices have stayed relatively low since domestic natural gas production began to grow in 2007. This period of sustained, low natural gas prices has kept the cost of generating electricity with natural gas competitive with generation from coal. Other factors such as the age of generators, changes in regional electricity demand, and increased competition from renewables have led to decreasing coal capacity.”

**11/30/18** – EPA announced the 2019 [final requirements](#) for the Renewable Fuel Standard (RFS). The agency will require 19.92 billion gallons of biofuel to be blended into the nation’s fuel system that maintains conventional ethanol volume at 15 billion gallons but increases the advanced biofuel volumes to 4.92 billion gallons. Within advanced biofuels, the agency would increase cellulosic biofuel requirements to 418 million gallons, up from 288 million gallons this year. The final rule will increase the 2020 requirement for biodiesel to 2.43 billion gallons, up 330 million gallons from the 2.1 billion gallons required this year and in 2019. Biodiesel volumes are set a year in advance of the other biofuels. Most importantly, the 2019 final numbers trigger a clause enacted in 2007, which states that EPA must redo the biofuels blending mandates if they miss those targets set by Congress in 2007 by 20 percent for two years in a row. The 19.92 billion gallons included in the final rule is well below the 28-billion-gallon mark that Congress included in the 2007 law.

## From Congress

**12/19/18** – Senator Maria Cantwell (D-Wash.) and Representative Frank Pallone (D-N.J.), the ranking members on both the House and Senate Energy committees, [requested](#) Department of Homeland Security Secretary Kirstjen Nielsen formulate a “specific plan of action” to address cybersecurity

vulnerabilities involving interstate natural gas pipelines. Representative Pallone will become the chairman on Jan. 1, 2019.

**12/7/18** – A bipartisan group of more than 90 members of Congress sent a [letter](#) to DOI Secretary Ryan Zinke and Commerce Secretary Wilbur Ross requesting that seismic testing in the Atlantic not be approved. “Offshore oil and gas exploration and development, the first step of which is seismic airgun testing, puts at risk coastal economies based on fishing, tourism and recreation,” and “our constituents would be left taking on significant risk without being involved in future development decisions,” the letter states.

**12/7/18** – The Senate, in a party line vote, confirmed [Bernard McNamee, 50-49](#), to serve as a commissioner at the Federal Energy Regulatory Commission (FERC) for a term ending in June 2020. McNamee previously served as the executive director of the office of policy and as deputy general counsel for energy policy at DOE.

**12/6/18** – The Senate passed by voice vote the [Precision Agriculture Connectivity Act of 2018](#), that would require the FCC to establish a task force to identify gaps in high-speed internet connectivity and recommend policies to expand broadband deployment.

## From the Administration

**12/20/18** – A [study](#) by the U.S. Geological Survey and other scientists has found that earthquakes triggered by the specific practice of hydraulic fracturing are “pervasive” in Oklahoma. The researchers linked fracking, by location and timing, to 667 earthquakes of magnitude 2 or greater, with the largest being magnitude 3.5. They linked bursts of seismicity to fracking at 274 oil and gas wells.

**12/5/18** – USDA was [sued](#) by various environmental advocates and local organizations for exempting medium-sized concentrated animal feeding operations (CAFOs) from the usual environmental analysis and community notification requirements under federal environmental rules prior to

receiving loans or guarantees from the agency. A "medium" operation is one that confines fewer than 700 dairy cows, or 1,000 cattle; 2,500 pigs; 55,000 turkeys; or 125,000 chickens—a significant increase from exemption limitations prior to 2016. The groups argued that these industrial operations contribute to climate change and damage local air and water quality.

**12/3/18** – USDA [announced](#) the appointment of Matthew J. Lohr to serve as the chief of the National Resources Conservation Service. Lohr owns and operates Valley Pike Farm, Inc. and previously held public office, serving in the Virginia House of Delegates from 2006-2010, and as Virginia's Commissioner of Agriculture and Consumer Services from 2010 to 2013.

**11/30/18** – USDA issued a [final rule](#) ending the Grain Inspection, Packers and Stockyards Administration and transferring the standalone agency's functions to the Agricultural Marketing Service.

**11/28/18** – USDA [announced](#) it will invest \$291 million to develop or enhance 41 infrastructure projects in rural portions of 18 states and Puerto Rico. USDA is providing the resources through the Community Facilities Direct Loan Program, which furnishes rural towns with low-interest loans to build or upgrade community facilities.