Top Stories

10/24/18 – The Department of Interior’s (DOI) Bureau of Ocean Energy Management (BOEM) issued a conditional approval to Hilcorp Alaska LLC for its Liberty Project oil and gas development and production plan. If developed, the facility would be the first oil and gas production facility in federal waters off Alaska, in the waters of the Beaufort Sea. DOI Secretary Ryan Zinke stated the department was following through on “President Trump's promise of American Energy Dominance.”

10/24/18 – The White House announced that Federal Energy Regulatory Commission (FERC) Commissioner Neil Chatterjee will replace Kevin McIntyre as chairman. McIntyre will remain as one of the four current commissioners, and a potential fifth commissioner awaiting action by the Senate. It remains unclear how a new chairman will impact the direction of the historically independent federal commission. Earlier this month President Donald Trump nominated Bernard McNamee to serve as a FERC commissioner—McNamee currently heads the DOE’s policy office. The president also nominated Rita Baranwal to be assistant secretary of nuclear energy at Department of Energy (DOE). She currently directs DOE’s Gateway for Accelerated Innovation in Nuclear program and previously served as director of technology development and application at Westinghouse.

10/19/18 – The Food and Drug Administration (FDA) released draft guidance documents aimed at helping produce growers and processors comply with two Food Safety Modernization Act (FSMA) rules. The first draft guidance deals with helping farmers understand how they can meet the prevention expectations in the FDA’s produce safety rule and contains recommendations on topics ranging from employee training to equipment cleaning, and how to figure out when one shouldn't harvest produce that might have been contaminated by flooding or a wild animal. The second draft guidance is focused on how the preventive controls rule applies to fresh-cut produce, replacing a 2008 guidance on the same topic.

10/18/18 – U.S. Department of Agriculture (USDA) data shows that the U.S. has shipped just 201.7 metric tons of soybeans to China this marketing year, a 96 percent drop compared to the same time last year.

10/17/18 – The Environmental Protection Agency (EPA) released the 2017 greenhouse gas (GHG) data collected under EPA’s GHG Reporting Program. As directed by Congress, EPA collects annual, facility-level emissions data from major industrial sources, including power plants, oil and gas production and refining, iron and steel mills, and landfills, as well as upstream fossil fuel and industrial gas suppliers. Total reported GHG emissions decreased 2.7 percent from 2016 at large facilities; declined 4.5 percent from 2016 and 19.7 percent from 2011 at large power plants; and declined 1.4 percent from 2016 within petroleum and natural gas systems.

10/16/18 – U.S Trade Representative (USTR) Robert Lighthizer said that, “at the direction of the president,” he has notified Congress that he will negotiate separate trade agreements with Japan, the European Union and the United Kingdom. USTR is required to publish objectives for the negotiations at least 30 days before formal trade negotiations begin. However, EU trade chief Cecilia Malmström responded that any trade agreement between the EU and the U.S. would not cover agriculture. Additionally, in an interview with Bloomberg TV, Senate Majority Leader Mitch McConnell ruled out a vote on the new
United States-Mexico-Canada Agreement (USMCA) this year, indicating that the steps for getting the pact through Congress can’t be completed in time. McConnell noted that it “will be a next year issue because the process we have to go through doesn’t allow that to come up before the end of this year.”

10/15/18 – DOE’s National Nuclear Security Administration sent a termination notice to contractors working on the Mixed Oxide (MOX) Fuel fabrication facility in South Carolina. The project—designed to convert 34 metric tons of weapons-grade plutonium to fuel for nuclear reactors—is billions of dollars over budget and significantly behind schedule.

10/10/18 – Congress passed S. 3021, the “America’s Water Infrastructure Act of 2018,” informally referred to as the 2018 Water Resources Development Act (WRDA). WRDA plays a key role in protecting, maintaining and further developing our nation’s water infrastructure systems including, ports, waterways, and clean and safe drinking water. It provides states with added stability and certainty to meet water infrastructure needs while also supporting the safety, environmental protection and economic development of communities across the nation. For more information read NCSL’s Info Alert.

10/9/18 – President Donald Trump directed EPA to develop a rulemaking allowing year-round sales of 15 percent ethanol gasoline (E-15). On Oct. 18, Acting EPA Administrator Andrew Wheeler said his agency has the legal authority to expand sales of 15 percent ethanol fuel. Speaking at an event in Washington D.C. he noted that “Yes we do have the authority to move forward on E15 and I hope that the oil industry will join us in helping to make the RFS program function better for the American public.”

9/27/18 – DOI finalized its rule repealing parts of a 2016 regulation on offshore oil and natural gas production safety systems. The new rule revises the Interior’s Bureau of Safety and Environmental Enforcement well safety rules first crafted in response to the BP’s 2010 Gulf of Mexico rig disaster explosion.

From Congress

10/11/18 – The Senate voted, 52-45, to confirm Jeffrey Bossert Clark to lead the Environment and Natural Resources Division at the Department of Justice. As assistant attorney general, he will lead the federal government’s litigation positions in cases dealing with pollution control laws, public lands, natural resources, wildlife and tribal issues. Prior to his appointment as assistant attorney general, Clark was a partner with the international law firm of Kirkland & Ellis LLP.

10/5/18 – A bipartisan group of 20 Senators sent a letter urging Trump not to order the EPA to expand sales of ethanol by allowing year-round sales of 15 percent ethanol fuel. In the letter sent Thursday, the group urged “a collaborative and transparent process with robust engagement on any RFS reform process.”

10/5/18 – Fifty members of the Congressional Climate Caucus called on EPA Acting Administrator Andrew Wheeler to reverse course on the agency’s proposed Clean Power Plan replacement rule, the Affordable Clean Energy (ACE) rule or, at minimum, allow for more public hearings and a longer comment period. Lawmakers said the rule would be detrimental to public health and the climate.

10/2/18 – The Senate Energy and Natural Resources Committee approved, 19-4, S. 3172, the “Restore Our Parks Act. The bill could reserve up to $6.5 billion to pay for delayed maintenance projects at 417 national park sites. Specifically, the legislation would set aside up to $1.3 billion for each of the next five years to pay for an array of projects, including building repairs and road construction. The money would go into a new National Park Service Legacy Restoration Fund, funded by unallocated revenue the government receives from onshore and offshore energy development.
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9/27/18 – Karen Evans, DOE’s assistant secretary for cybersecurity, energy security, and emergency response told lawmakers she didn’t believe the utility sector was prepared for a sophisticated cyberattack. In response to a question from Representative Jerry McNerney (D-Calif.), at a House Energy And Commerce Committee hearing asking “Do you feel confident that our utilities are adequately prepared and protected from Russian and North Korean cyberattacks to prevent massive blackouts or credible enough threats of massive blackouts to make our nation vulnerable to cyber blackmail?” she responded, “Since you asked me, ‘Do I feel confident?’ the answer would be no.”

From the Administration

10/19/18 – The Office of Foreign Labor Certification reported that U.S. farms hired more than 242,700 temporary workers in fiscal 2018 using the H-2A visa program, a 21 percent increase over the previous year. The produce sector continues to be the top user of H-2A, with berry operations accounting for 10.5 percent of all positions. Combined, apple, melon, lettuce, cherry and other fruit and vegetable farms hired another 22 percent of workers. The top destination for H-2A workers in fiscal 2018 was Georgia, followed by Florida, Washington, North Carolina and California.

10/19/18 – President Donald Trump issued a presidential memorandum that aims to increase water deliveries for agricultural interests in California. The memorandum would set swift deadlines on environmental reviews for projects in California’s Central Valley Project. However, the dams and canals that make up the Central Valley Project will still have to comply with endangered species laws. Further, the state of California could determine that it needs to alter the operation of its separate water delivery system to make up for the lost environmental protections. The memo also includes provisions aimed at hydropower projects on the Columbia River and Klamath River basins that seek to speed up certain reviews.

10/19/18 – The Federal Emergency Management Agency (FEMA) issued a $235 million Notice of Funding Opportunity for its Pre-Disaster Mitigation (PDM) program. Federal funds will be made available as grants to states to implement and sustain cost-effective measures designed to reduce the risk to individuals and property from natural hazards, while also reducing reliance on federal funding from future disasters. FEMA will provide allocations of $575,000 as required by the Stafford Act to states and territories. The remaining PDM funds will be awarded on a competitive basis with a focus on multi-state/tribal mitigation initiatives. The application closing date is Jan. 31, 2019.

10/18/18 – USDA finalized four cooperative agreements with four organizations to help build rural prosperity through the Rural Development Innovation Center’s Rural Economic Development Innovation initiative. The four organizations—The Rural Community Assistance Partnership, McClure Engineering Company, Purdue University’s Center for Regional Development, and The National Association of Counties Research Foundation—will help rural communities create and implement economic development plans.

10/18/19 – The USDA, FDA and EPA signed a non-binding agreement to improve coordination on educating the public about the importance of reducing food loss and waste. The agencies aim to reduce food waste by 50 percent by 2030 through public-private partnerships.

10/18/19 – FERC approved a final rule aimed at tightening cyber security regulations for equipment and software used to operate electric grid infrastructure. The rule will be implemented over an 18-month timeline.

10/17/18 – BOEM will hold the next offshore wind auction that will include nearly 390,000 acres offshore Massachusetts on Dec. 13, 2018. Nineteen companies have qualified to participate in the auction for the Massachusetts Wind Energy Area, demonstrating continued strong commercial interest in the U.S. offshore wind market. Also wind-energy related, BOEM published a Notice of Intent to prepare an Environmental Impact Statement for the Construction and Operations Plan for the South Fork Wind Project offshore Rhode Island. If
approved, the plan would allow construction and operation of up to 15 turbines that connect via a transmission cable to a grid in East Hampton, New York—the end of Long Island. The project is approximately 19 miles southeast of Block Island. The 30-day public comment period closing on Nov. 19.

10/16/18 – USDA announced the deregulation of a genetically engineered cottonseed, potentially allowing it to become available for commercial sale, if the FDA determines it to be safe for human consumption. Although cotton is today primarily grown to produce fiber, its seed, which is toxic to humans, is used to feed cows or to make oil for cooking. A genetically engineered seed, which removed the poisonous compound could be used to address malnutrition as cottonseed has a high protein content: One cup of cottonseed kernels equals the protein amount in about 10 eggs.

10/15/18 – The USDA’s Agricultural Research Service plans to approve a license for Zoetis, a New Jersey-based company, to begin marketing a vaccine for African swine fever, a deadly disease that’s been affecting pig herds in Eastern Europe and China.

10/15/18 – DOE announced $46 million in Advanced Systems Integration for Solar Technologies: Situational Awareness and Resilient Solutions for Critical Infrastructure research grants aimed at strengthening solar power integration on the grid and to address the threats posed by cyber and physical attacks.

10/9/18 – USDA reported that U.S. beef producers exported more than $750 million in August 2018, an all-time high and an 11 percent increase from August 2017.

10/8/18 – USDA invested $181 million in 88 projects that will build community infrastructure and facilities in 27 states via the Community Facilities Direct Loan Program. Funding from the program helps rural areas make infrastructure improvements and provide essential facilities such as schools, libraries and day care centers.

10/1/18 – FDA reported, as part of its 2016 Pesticide Residue Monitoring Program, that its own internal testing of glyphosate residues in food found no detectable amounts of the herbicide in over half of commodities tested and only minimal amounts in corn and soybeans. Overall, the annual survey found that more than 99 percent of domestic and 90 percent of imported food samples were in compliance with federal pesticide standards. FDA stated that “the findings in this report demonstrate that overall levels of pesticide chemical residues measured by the FDA are below EPA’s tolerances, and therefore at levels that are not concerning for public health.”

9/27/18 – The Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a combined $89.9 million in fiscal year 2018 grants to states, local communities, tribal entities, and non-profit organizations that will be used to train first responders; educate the public on local safety initiatives, including pipeline damage prevention; and develop community incident response plans. Of the nearly $90 million, $3.7 million was awarded to four states as part of a new federal-state partnership in the oversight of underground natural gas storage safety while $56 million in pipeline state base formula grants will go to 46 states, the District of Columbia and Puerto Rico to support their participation in the federal-state base pipeline safety program. The award provides $20.5 million in hazardous materials emergency preparedness in grants to all 50 states, five U.S. territories, and eight federally recognized tribes and tribal organizations.

NCCL Resources

Registration is open for NCCL’s 2018 Capitol Forum, taking place in Washington, D.C., Dec. 5-7.