



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, that found 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.”

12/12/17 – EPA hosted a [webinar](#) for state, local and tribal governments providing an update on the status of its work to rescind and revise the 2015 Clean Water Rule. The presentation focused on the [comments](#) the agency received following its announcement earlier this year that it would work to rescind and revise the 2015 rule. Additionally, the agency

provided an overview of next steps it plans to take as it begins the process of issuing a revised rule.

12/8/17 – EPA [sent](#) a memo to regional administrators outlining a review the agency will conduct regarding EPA’s 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 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](#) for the first time that the U.S. transportation sector is

emitting more greenhouse gases than power plants for the first time since the 1970s.

12/4/17 – President Donald Trump made [adjustments](#) to both the boundaries and management of the Bears Ears National Monument, and the Grand Staircase Escalante National Monuments—effectively removing federal protections from more than 2 million acres of land covered by the pre-existing monuments, and creating five unique monument units. The action was taken following recommendations by Department of Interior (DOI) Secretary Ryan Zinke who also later recommended reductions to additional national monuments in Nevada, Oregon and Utah, stating that monuments sites created via the Antiquities Act should contain objects of cultural, historical or scientific significance. Further, Zinke advised that commercial fishing be introduced to three marine national monuments: Rose Atoll, Pacific Remote Islands, and Northeast Canyons and Seamounts. It is widely expected that the reduction to Bears Ears and Grand Staircase will be challenged in court.

12/1/17 – The United States, EU, China, Russia, Japan, Canada, Denmark, Norway, South Korea and Iceland negotiated a [draft agreement](#) instituting a moratorium on unregulated commercial fishing in 2.8 million square kilometers of the central Arctic Ocean.

From Congress

12/13/17 – The House Natural Resources Committee advanced revisions to the [Magnuson-Stevens Act](#), which governs marine fishing and management in federal waters. It is intended to prevent overfishing and ensure safe and sustainable supply of seafood. The revisions adopted by the committee aim to provide greater flexibility for fishermen in part by modifying the framework for determining annual catch limits. The committee also approved the [Regionally Empowered Decision-making for Snapper, Noting the Angling Public and the Preservation of an Exceptional Resource \(RED SNAPPER\) Act](#), which would give Gulf Coast states more control in managing the species letting states work with federal fisheries managers to expand access for recreational fishermen to as much as 25 miles into the Gulf.

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](#) and from the [2018 National Defense Authorization Act](#), which mention climate change as a major threat to national security.

12/18/17 – DOI and the U.S. Geological Survey [released](#) a report that detailed the extent to which the United States is either fully, majorly, or partially dependent upon supplies in foreign of 23 "critical minerals."

12/18/17 - Cathy Stepp, the former head of Wisconsin's Department of Natural Resources, was [selected](#) as the new regional administrator for EPA Region 5, which includes Illinois, Indiana, Ohio, Michigan, Wisconsin and Minnesota.

12/15/17 – EPA [released](#) preliminary risk assessments that showed 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 – EPA [launched](#) a cross-agency effort to address Per- and polyfluoroalkyl substances (PFAS) contamination around the country. [PFAS](#), which includes PFOA, PFOS and GenX, are a diverse group of compounds resistant to heat, water and oil that are persistent in the environment and resist degradation. EPA did not offer any immediate specific actions but did note that it plans to identify a set of near-term actions to help support local communities, enhance coordination with states, and increase ongoing research efforts.

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.

12/12/17 – The National Oceanic and Atmosphere Administration [issued](#) a report regarding warming in the Arctic, saying it "shows no sign of returning to [the] reliably frozen region of recent past decades."

12/7/17 – DOI 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.

12/4/17 – Several states filed suit [against](#) EPA for missing a key deadline to implement the 2015 National Ambient Air Quality Standards (NAAQS) for Ozone. EPA faced a statutory deadline on Oct. 1 to formalize which counties of the U.S. were meeting the new ozone standard. Last month EPA issued designations for 85 percent of all counties, which it said met the standard or did not have enough information to decide. However, EPA did not issue any type of ruling on the remaining 15 percent. Any area deemed in "nonattainment" will have to write a plan to reduce ozone-related pollution.

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.

11/30/17 – The House passed, [409-8](#), the [Brownfields Enhancement, Economic Redevelopment and Reauthorization Act](#), which would reauthorize EPA's program for remediating and redeveloping former industrial or commercial sites where there is real or perceived environmental contamination. It would also increase the cap on grant size from \$200,000 to \$500,000 or even \$750,000 in certain circumstances. The Brownfields program has operated, and received federal funding, without authorization since 2006.

11/28/17 – 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.

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.