Top Stories

3/20/19 – The Environmental Protection Agency (EPA) announced that it has selected formaldehyde, in addition to 19 other high-priority chemicals, for the next round of study under the Toxic Substances Control Act. The announcement sets in motion a public comment period, with EPA expected to finalize by December. This is followed by a three-year evaluation to determine potential risks and eventually restrictions or even a ban on the chemicals studied. Other chemicals selected for prioritization include several flame retardants, a chemical used in musk fragrances, and six phthalates used to make plastic and vinyl.

3/19/19 – The U.S. District Court for the District of Columbia froze oil and natural gas drilling on 303,000 acres of federal land that the Department of Interior's (DOI) Bureau of Land Management (BLM) leased for oil and gas development in Wyoming between May 2015 and August 2016, noting that DOI did not adequately account for the climate effects. The judge noted that BLM “failed ... to provide the information necessary for the public and agency decision makers to understand the degree to which the leasing decision at issue would contribute to those [climate change] impacts,” and "In short, BLM did not adequately quantify the climate change impacts of oil and gas leasing.”

3/15/19 – BLM released revised records of decisions (RODs) concerning sage grouse conversation plans for seven western states including Wyoming, Nevada, California, Idaho, Oregon, Utah and Colorado. The initial RODs were finalized in 2015. The revisions center around removal of 10 million acres of sagebrush focal areas, which had previously been identified as critical habitat as well as state specific changes.

3/15/19 – EPA issued a final rule banning consumer sales of paint strippers that contain methylene chloride, although commercial sales will still be allowed in certain instances. The ban will start 180 days after the effective date of the final rule. Under the previous administration, EPA had proposed to ban the sale in all instances, not just consumer sales.

3/11/19 – The administration withdrew its appeal efforts regarding its 2017 attempt to delay the implementation date for EPA’s 2015 Clean Water Rule. Two different federal courts had ruled that EPA’s delay was unconstitutional. As a result, the 2015 rule will now be in effect for 22 states, the District of Columbia and U.S. territories. Previous regulations issued in the 1980s are in effect in the remaining 28 states. EPA is in the process of rescinding and revising the 2015 rule. For a complete analysis of Waters of the United States, read NCSL’s timeline.

3/11/19 – EPA Administrator Andrew Wheeler acknowledged that the administration would not be continuing conversations with California surrounding their plans to alter fuel efficiency standards and would move to “take care of the [California] waiver,” in the interest of a “50-state-solution.” The comments were in regards to the Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule, which would amend existing and establish new fuel economy and greenhouse gas (GHG) emissions standards for passenger cars and light trucks for model years 2021-2026 in addition to withdrawing the California waiver for the GHG and Zero Emissions Vehicles components of the regulations.

3/18/19 – President Donald Trump announced that he would nominate David Bernhardt to become secretary of DOI; he is
3/8/19 – EPA’s Clean Air Scientific Advisory Committee issued a letter identifying a number of criticisms with the agency’s draft Integrated Science Assessment of particulate matter pollution as the agency considers whether to update particulate matter pollution requirements. Specifically, the letter notes that the assessment does not provide a comprehensive or systematic review of the available science relevant to understanding the health impacts of exposure to fine particulate matter, nor does it follow widely accepted scientific methods for deriving sound, independently verifiable, scientific conclusions from available data. The advisory committee recommended the agency fix several “fundamental limitations” with the assessment and resubmit prior to finalizing. EPA last updated its soot standards in 2013.

3/7/19 – Acting Interior Secretary David Bernhardt announced that the Fish and Wildlife Service plans to soon publish a proposed rule removing Endangered Species Act protections for gray wolves. Specifically, the proposed rule would establish that management for the gray wolves would be returned to the individual states, as well as that the new rule would not apply to the Mexican wolf, a subspecies that is separately protected as endangered, or to the red wolf, a separate species.

3/7/19 – EPA reported that motor vehicle fuel economy hit a new record in 2017 and will likely further increase in 2018, although the increases are below the targets set by EPA and the Department of Transportation (DOT) in 2012. Specifically, 2017 vehicles reached 24.9 mpg with emissions of carbon dioxide decreasing by about 3 grams to 357 grams per mile. Preliminary data for 2018 vehicles indicates average fuel economy rates improved further to 25.4 mpg while CO2 emissions fell to 348 g/mi. Last year, EPA and DOT proposed revising both the emission and fuel economy targets down substantially with a final rule expected later this spring. All else being equal, more fuel-efficient vehicles require less gasoline leading to lower gasoline tax revenues.

2/28/19 – The Senate confirmed, 52-47, Andrew Wheeler as EPA administrator. He had been serving in an acting role since 2018 when former Administrator Scott Pruitt resigned.

From Congress

3/20/19 – A bipartisan group of Senators is urging EPA Administrator Andrew Wheeler to not finalize the agency’s plan to withdraw its “appropriate and necessary” finding for the Mercury and Air Toxics rule. Senators Lamar Alexander (R-Tenn.), Thom Tillis (R-N.C.), Susan Collins (R-Maine), Tom Carper (D-Del.), Sherrod Brown (D-Ohio), and Joe Manchin (D-W.Va.) defended the existing rule in a letter to Wheeler. In December 2018, EPA issued a proposed revised Supplemental Cost Finding for the Mercury and Air Toxics Standards (MATS), finding that it is not “appropriate and necessary” to regulate hazardous air pollutant (HAP) emissions from coal- and oil-fired power plants. The proposed finding is due to the agency’s determination that compliance costs of the MATS rule ($7.4 to $9.6 billion annually) is significantly larger than the monetized HAP benefits of the rule ($4 to $6 million annually). In this proposal, total benefits do not include “co-benefits,” which can be attributed to emission reductions for pollutants other than HAP, and which the agency previously included and found provided $37 billion in benefits. However, as part of this proposal, the EPA is not proposing to rescind or repeal the HAP emission standards or other requirements of the MATS rule that have been in place since 2012.

3/13/19 – The Senate confirmed, 53-46, Neomi Rao, former head of the White House Office of Information and Regulatory Affairs (OIRA), to fill the seat vacated by Brett Kavanaugh on the U.S. Court of Appeals for the D.C. Circuit. Rao is a former professor of structural constitutional law, administrative law, and legislation and statutory interpretation at the Antonin Scalia Law School at George Mason University. Paul Ray will replace her as the acting head of OIRA. He has served as OIRA’s associate administrator for just under a year.

3/12/19 – A supermajority of members of the Senate Environment and Public Works Committee have sponsored
legislation that would reauthorize the Diesel Emissions Reduction Act through fiscal 2024 at current funding levels. The program, created in 2005, provides federal grants to help fund the conversion of diesel engines to cleaner technologies in vehicles like school buses.

3/8/19 – President Donald Trump signed a bill reauthorizing EPA’s pesticide approval program, The Pesticide Registration Improvement Act, S. 483, grants EPA authority to collect pesticide registration and maintenance fees through fiscal 2023. It expired in 2017 but has been continued through short-term resolutions.

3/7/19 – The Government Accountability Office (GAO) issued a report highlighting seven recommendations that the Department of Energy should undertake in its ongoing efforts to clean up nuclear waste pollution resulting from the federal government’s production and research of nuclear energy and bomb materials during the Cold War. GAO estimates the agency could face up to $500 billion in costs over the next 70 years in its cleanup efforts.

3/6/19 – A group of senators, Tom Carper (D-Del.), Gary Peters (D-Mich), Patty Murray (D-Wash), and Jack Reed (D-R.I.), sent a letter to EPA Administrator Andrew Wheeler requesting all documents and communications related to the recently released Per- and polyfluoroalkyl substances (PFAS) management plan and related groundwater cleanup guidance, to "better understand the views of the agencies involved in the finalization" of the documents. The lawmakers cited concerns with a lack of a "commitment to promulgate a drinking water standard for PFOA and PFOS," and that the groundwater cleanup guidance was not released in tandem with the plan.

3/1/19 – A bipartisan group of 20 senators introduced the "PFAS Action Act of 2019," that would force EPA to designate PFAS found in drinking water as hazardous substances under the agency’s Superfund law, which would subsequently require polluters to fund remediation work at sites that had been contaminated. EPA released its PFAS Action Plan earlier this year during which EPA Administrator Andrew Wheeler announced that the agency has already begun the process to get two types of PFAS covered by the Superfund law. For more information on the action plan, read NCSL’s Info Alert.

2/28/19 - All 45 Senate Democrats and two independents unveiled a climate change resolution, which simply says climate change is real, that human activity is the "dominant cause" and that Congress should take "immediate action" to address it.

From the Administration

3/8/19 – EPA issued a final rule undoing a requirement that states track the summertime releases of nitrogen oxides through "continuous emission monitoring systems" of power plants and other large polluters. The program had been known as the NOx SIP Call, and applied to 20 states, mostly in the eastern U.S., as well as the District of Columbia. Under the new rule, those states have the option of dropping the continuous monitoring requirement in favor of unspecified alternatives.

3/7/19 – The Government Accountability Office (GAO) released its 2019 High Risk List, a biannual report highlighting areas of financial risk for the federal government. This year’s report included a discussion on the federal government’s fiscal exposure to climate change noting that funding for disaster assistance had reached $430 billion since 2005, not including losses to economic productivity. GAO said federal investments to increase resiliency to natural disasters would be more effective if additional resources went to "pre-disaster hazard mitigation," as a component of a broader resilience investment strategy. The report also noted the financial risk associated with assessing and controlling certain toxic chemicals, which it stated had lost ground due to the inactivity of EPA’s Integrated Risk Information System.

2/26/19 – EPA officially decided to retain its primary air quality standard for sulfur dioxide at 75 parts per billion, ending a review that began in 2013. Specifically, EPA noted that “based on review of the scientific literature, recommendation from our independent science advisers, and public comment, we have concluded that the existing standard continues to provide adequate health protection to our most vulnerable populations.” SO2, produced mainly by coal-fired power plants is linked to
asthma and other lung ailments, and is one of a half-dozen "criteria" pollutants named in the Clean Air Act. EPA is required to review and, if necessary, revise the standards every five years based on the latest research into their health and ecological effects. According to EPA, SO2 concentrations have fallen 85 percent since 1990, and more than 60 percent since 2010.