



Top Stories

5/27/2015—The U.S. Environmental Protection Agency (EPA) along with the U.S. Army Corps of Engineers released the [final rule](#) that clarifies which water bodies in the United States are subject to the Clean Water Act (CWA) permitting requirements. The Clean Water Rule: Definition of Waters of the U.S. was [originally proposed](#) in March 2014. One of the more controversial issues of the proposed rule was whether or not ditches would be considered “water bodies” and therefore would require a CWA permit. EPA Administrator Gina McCarthy noted that determination of ditches will need to be made on a case-by-case basis, but any ditch not defined as a tributary would not be covered by the CWA. For more details see [NCSL's Info Alert](#).

5/18/2015—The World Trade Organization (WTO) [ruled](#) that mandatory U.S. Country of Origin Labeling (COOL) requirements are out of compliance with the United States' international trade obligations. This is the fourth ruling by the WTO and formally allows both Canada and Mexico to impose retaliatory tariffs against U.S. agricultural and manufactured goods that could be in place as early as late summer. On May 20, the House Agriculture Committee [approved](#) a bill that would repeal COOL in the hopes of avoiding retaliation by Mexico and Canada.

5/22/2015—The Senate approved the Bipartisan Congressional Trade Priorities and Accountability Act ([H.R. 1314](#)), which would provide the president with Trade Promotion Authority (TPA) or “fast-track” negotiating. Action on the bill now turns to the House, which is expected to take up the legislation in the coming weeks.

From the Administration

5/21/2015—The Office of Management and Budget (OMB) released the spring 2015 regulatory agendas for all federal agencies. The [regulatory agenda](#) for EPA lists August as the tentative date for the final greenhouse gas emissions regulations for power plants. EPA's agenda also notes a June 1 deadline for the Renewable Fuels Standards volumes for 2014, 2015 and 2016. The Department of Energy (DOE)'s [agenda](#) lists energy efficiency standards for computers and battery backup systems, originally meant to be released in February, as being out by the end of June. DOE does not list a timeline for proposed rules related to methane emissions, stating “next action undetermined” in the agenda.

5/19/2015—President Obama released a strategy for improving the health of honey bees in the country. [The National Strategy to Promote the Health of Honey Bees and Other Pollinators](#) lays out plans to reduce honey bee colony loss to no more than 15 percent within 10 years; increase the eastern population of the monarch butterfly; and restore or enhance 7 million acres of land for pollinators over the next five years. Part of the strategy will involve a plan by the U.S. Department of Transportation (DOT) and the U.S. Fish and Wildlife Service to rehabilitate butterfly habitats alongside Interstate 95, all the way from the Texas/Mexico border to Minnesota.

5/6/2015—EPA sent its Renewable Fuel Standards (RFS) proposal for 2014, 2015 and 2016 to the White House for review. The proposal mandates the amount of ethanol and other biofuels to be mixed into the nation's fuel and must be completed by Nov. 30. By law, EPA must finalize the previous

year's mandates by Nov. 30 in the following year. The agency, however, has missed the deadline for both 2014 and 2015.

5/6/2015—Southern Gardens Citrus, an orange juice processing company out of Florida, [received](#) temporary exemption from federal laws regarding pesticide residues by EPA. This exemption will allow the company to experiment with the insertion of two spinach genes in its citrus crop to combat the citrus greening disease that has plagued the Florida's citrus industry as of late. EPA also [granted](#) Monsanto exemption from federal law for its pest-resistant soybean. Monsanto initially requested exemption for all of its agricultural crops.

4/28/2015—The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) [confirmed](#) the presence of the H5N2 avian influenza in six flocks in Iowa, North Dakota, Wisconsin and Minnesota. No human infections with the virus have been detected at this time. CDC considers the risk to people from these HPAI H5 infections in wild birds, backyard flocks and commercial poultry, to be low. In response to the confirmation, facilities have been quarantined and birds on the property will be destroyed to prevent the spread of the disease. For more information about the ongoing avian influenza disease incidents visit the [APHIS website](#). More information about avian influenza can be found on the [USDA avian influenza page](#).

From the 114th Congress

Update on Senate Revenue Sharing Legislation: In May a number of senators introduced legislation related to distribution of oil and gas revenues to various regions of the country. On May 14, Senators Mark Warner (D-Va.), Tim Scott (R-S.C.) and a bipartisan group of other senators in the Southern-Atlantic region [introduced](#) legislation that would allow Mid-Atlantic and Southern-Atlantic states to share in the revenues of offshore oil drilling activities off their respective state coasts. The bill would allow Virginia, North Carolina, South Carolina and Georgia to benefit from offshore drilling practices as many of the Gulf Coast states already do. On May 12, Gulf Coast Senators Bill Cassidy (R-La.), David Vitter (R-La.), John Cornyn (R-Texas),

Thad Cochran (R-Miss.) and Roger Wicker (R-Miss.) [released](#) the Offshore Energy and Jobs Act, which would increase energy exploration and production in the Gulf of Mexico and create "better equity" in revenue sharing. On May 11, Lisa Murkowski (R-Alaska) [introduced](#) legislation designating specific destinations for Alaska's offshore oil and gas revenues. For the first 10 years, a guaranteed 2.5 percent of offshore oil and gas revenues would be dedicated to workforce development, additional exploration and drilling, and pipeline construction. In the long term, 12.5 percent of revenues would be dedicated to low-income heat aid and Arctic infrastructure development.

5/14/2015—U.S. Senator Shelley Moore Capito (R-W.V.) [introduced](#) the Affordable Reliable Energy Now Act, a bill that would alter EPA regulations related to greenhouse gas emissions in a number of ways. First, the legislation would extend the compliance date for EPA's Clean Power Plan pending judicial review. Second, it would also bar the EPA from setting a technology-based standard for new power plants until the standard has been in working order at separate power facilities for at least one year. Last, the bill would prevent EPA from using any federally funded projects from being used to set the standard.

5/13/2015—Senators Lisa Murkowski (R-Alaska), Heidi Heitkamp (D-N.D.) and 11 other Senate colleagues [introduced](#) the Energy Supply and Distribution Act of 2015. The bipartisan bill would end the 1970s ban on crude oil exports.

5/7/2015—Chairman of the Senate Energy and Natural Resources Committee Lisa Murkowski (R-Alaska) [introduced](#) a suite of 17 bills all related to modernizing energy policies. The bills range from increasing the use of renewable energy to operation of the Strategic Petroleum Reserve. The suite of bills were released in advance of a series of legislative hearings the committee will hold in the next few months related to infrastructure, supply, and accountability of various energy issues.

5/5/2015—Senator Al Franken (D-Minn.) and six Senate colleagues [sent](#) a letter to Congress supporting the National Animal Health Laboratory Network (NAHLN) to combat the

spread of avian flu and other animal diseases. This came one day after Senator Amy Klobuchar (D-Minn.) and a bipartisan group of 14 other senators [issued](#) a letter urging funding for APHIS, in preparation to adequately respond to the bird flu.

4/30/2015—Senator Dick Durbin (D-Ill.) and six Democratic colleagues [wrote](#) a letter to Senate Appropriations Committee leaders requesting \$109.5 million in additional funding for the Food and Drug Administration to fully implement the Food Safety Modernization Act in FY 2016. The reiteration of their desire for funding occurs in the wake of a recent listeriosis outbreak at Blue Bell creameries.

From the Department of Energy (DOE)

5/26/2015—DOE Secretary Ernest Moniz, along with his counterparts from Central and South America, created the [Western Hemisphere Clean Energy Initiative](#). The partnership will work together to collectively double renewable sources by 2030.

5/19/2015—DOE [released](#) a report on enabling wind power in all 50 states. DOE concluded that the U.S. has wind resources in all 40 states, and continued advancements in turbine will enable wind to be a “true nationwide economic resource.”

4/30/2015—New Mexico Governor Susana Martinez and Moniz [reached](#) a \$73 million settlement for New Mexico’s claim against DOE. The settlement related to the February 2014 incident in which radioactive waste leaked from the Waste Isolation Pilot Plant (WIPP) in New Mexico.

From the United States Department of Agriculture (USDA)

5/29/2015—USDA Secretary Tom Vilsack [announced](#) that the department will invest up to \$100 million in the Biofuels Infrastructure Partnership to provide competitive grants to match funding for state-led efforts to test and evaluate

innovative and comprehensive approaches to market higher blends of renewable fuel, such as E15 and E85. States that are able to provide greater than a 1-to-1 ratio in funding will receive higher consideration.

5/29/2015—USDA [announced](#) that an additional 800,000 acres of environmentally sensitive land may be enrolled in Conservation Reserve Program (CRP) under certain wetland and wildlife initiatives that provide multiple benefits on the same land. New offers to participate in CRP will begin Dec. 1, 2015, and last until Feb. 26, 2016, while existing program participants with contracts expiring Sept. 30, 2015, will be granted an option for one-year extensions.

5/12/2015—USDA released [estimates](#) showing there will be a greater decline in Florida’s orange production than previously anticipated because of the ongoing plight of citrus greening. USDA predicts an 8 percent decline in orange production, from 104 million boxes in 2013-14 to 96.4 million boxes in 2014-2015.

5/4/2015—Vilsack [announced](#) the availability of up to \$235 million for investment in projects to improve water quality, soil health, and agricultural viability, protect wildlife habitat, and combat drought. This funding is available via the Regional Conservation Partnership Program.

4/27/2015—USDA [announced](#) \$285 million in payments from the Secure Rural Schools (SRS) program will go to 41 states this year to support local schools and roads. The SRS program provides that money earned from timber harvests on federal land will be given to the states where the timber was harvested.

From the Department of Interior (DOI)

5/11/2015—DOI [approved](#) Royal Dutch Shell to continue oil exploration off the Arctic coast of Alaska. Additional safety regulations have been imposed to avoid another oil spills, and Shell currently plans on drilling up to six exploratory wells in the Chukchi Sea.

Additional Resources and Reports of Interest

5/22/2015—The U.S. Energy Information Administration (EIA) released a [report](#) concluding that the proposed EPA regulation to limit greenhouse gas emissions from existing power plants will cause electricity prices to increase 4.9 percent by 2020. The report also estimates that a large number of coal-fired power plants will retire by 2040 because of the rule. On May 15, EIA released a different set of [projections](#) related to carbon dioxide emissions, finding that emissions from the power sector will increase through 2040. However, these projections do not take into account the proposed Clean Power Plan regulations.

5/14/2015—The Federal Energy Regulatory Commission (FERC) [proposed](#) a new reliability standard that addresses geomagnetic disturbances (GMDs) and its potential impact on electric transmission and reliability of the U.S. Bulk-Power System. GMDs are caused by solar activities, such as flares, that disrupt the Earth's magnetic field with varying intensity, frequency, and electrical impacts.

5/13/2015—FERC Commissioner Philip Moeller [announced](#) his plan to resign once a new FERC commissioner is nominated. Moeller has been acting commissioner since 2006.

5/10/2015—After 36 years of [construction](#), the Watts Bar nuclear power plant in Tennessee is nearing completion. The plant is estimated to generate enough electricity to power 650,000 homes in the Tennessee Valley once it is operating. Federal regulators now begin the process of determining if the nuclear plant will be granted a license to operate.

5/7/2015—The National Oceanic and Atmospheric Administration [reported](#) that global carbon dioxide levels in the atmosphere have risen to more than 400 parts per million (ppm). These are the highest levels in human history, and the first time atmospheric carbon dioxide was greater than 400 ppm since the Pliocene era, approximately 3 million years ago.

5/6/2015—The DOT inspector general is [auditing](#) the Pipeline and Hazardous Materials Safety Administration's (PHMSA's)

pipeline and hazmat safety program. Representative Peter DeFazio (D-Wash.), ranking member of House Transportation and Infrastructure Committee, requested the audit over concern with PHMSA's delay in improving the standards for crude oil transportation by rail.

NCSL Resources

NCSL's NRI Committee began its [2015 Spring Webinar Series](#) on April 30. The committee will host a webinar almost every Friday through June (for exclusions – [check website](#) for specific dates). Topics include: EPA regulations, general aviation, falling oil prices, invasive species, food safety and more. [Register online for free!](#)



[Registration](#) is open for NCSL's 2015 Legislative Summit taking place Aug. 3-5 in Seattle. See [the website](#) for more details and resources from last year. [Click here](#) to find resources from past meetings including session presentations, information, videos and more!