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NCSL STANDING COMMITTEE ON NATURAL RESOURCES AND INFRASTRUCTURE MEMBERS

Updated July 20, 2015

NCSL’s Natural Resources and Infrastructure Committee is one of nine NCSL Standing Committees. These committees are vital to NCSL’s successful representation of state interests in Washington, D.C., and the facilitation of policy innovation among state and territorial legislatures. Please contact any of the committee staff for details about the committee, state-federal policies under its jurisdiction, or upcoming meetings and educational events.

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- Senator Cam Ward, Alabama

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- Representative Justin Cronin, South Dakota
- Representative Rick Hansen, Minnesota
- Senator Rita Hart, Iowa
- Senator Clarence Nishihara, Hawaii
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- Lowell Atchley, Kentucky
- Jessica Harmon, Indiana
- Jennifer Jones, Texas
- Jace Mikels, Iowa
- Rex Shattuck, Alaska
- Hope Stockwell, Montana

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**All meetings will take place at the Washington State Convention Center unless otherwise noted.**

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<thead>
<tr>
<th>Monday, August 3</th>
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<tbody>
<tr>
<td>1:30 – 5 p.m.</td>
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<tr>
<td><em>Offsite (NRI Members Only)</em></td>
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<th>Tuesday, August 4</th>
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<tbody>
<tr>
<td>7:15 – 8:30 a.m.</td>
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<tr>
<td><em>WC 609</em></td>
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<td>8:30 – 9:30 a.m.</td>
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<td><em>Ballroom 6ABC</em></td>
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<tr>
<td>10 a.m. – 12:30 p.m.</td>
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<tr>
<td><em>WC 618 - 620</em></td>
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<td>Time</td>
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| 12:30 – 1:45 p.m. | The Future of Recycling                                               | Enjoy lunch while we discuss the future of recycling, from electronic waste to recycled paper and the benefits and hazards of different policies.  
*Speakers:* Jan Cleiland, Manager, KapStone Paper & Packaging  
Allison Schumacher, Sr. Manager, Environmental Policy & Sustainability, Consumer Electronics Association  
Willie Cade, CEO, PC Rebuilders & Recyclers  
*Sponsored by the Consumer Electronics Association and the American Forest and Paper Association* |
| 2 – 4:30 p.m.    | EPA 111(d) Regulation: Public Hearing                                | Formatted as a legislative committee hearing, participants will hear from a series of panelists on EPA's greenhouse gas emission proposed standards. NRRI Committee members will be at the helm, directing the panelists’ statements and asking in-depth questions.  
*Panel 1:* Dennis McLerran, Region 10 Administrator, EPA & Kate Kelly, Director of Region 10 Office of Air, Waste and Toxics, EPA  
*Panel 2:* Honorable Tony Clark, Commissioner, Federal Energy Regulatory Commission  
Kathleen Robertson, Sr. Environmental & Fuels Policy Manager, Exelon  
Craig Glazer, Vice President, Federal Government Policy, PJM Interconnection  
*Panel 3:* Roger Martella, Partner, Sidley Austin LLP  
David Hoppock, Senior Policy Associate, Duke University Nicholas Institute for Environmental Policy Solutions  
Doug Scott, Vice President Strategic Initiatives, Great Plains Institute |
| 4:30 – 5 p.m.    | Meet the Energy Industry Experts                                     | Pick the brains of leading energy industry experts on the future of their field and how they work with legislatures during this informal networking reception.  
*Reception sponsored by AGA, NEI, AHRI and EEI* |
| Wednesday, August 5 |                                                                       |                                                                        |
| 7:15– 8:30 a.m.  | Food & Farm Breakfast: The Agricultural Age Conundrum                | The agriculture industry is facing an “over-the-hill” battle—farmers are retiring with no strong next generation behind them. Hear from experts on what we can do to engage the next crop of farmers.  
*Speaker:* Lilia McFarland, Coordinator, New and Beginning Farmer and Rancher Program, USDA  
*Breakfast sponsored by ADM* |
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 – 9:00 a.m.</td>
<td><strong>General Session: A Window to Tomorrow</strong></td>
<td>Sheryl Connelly, Andy Jassy and Christopher Thornberg</td>
</tr>
<tr>
<td><strong>Ballroom 6ABC</strong></td>
<td></td>
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</tbody>
</table>
| 9:45 – 11:15 a.m. | **Volatile Oil Prices: Optimism and Anxiety in the States**          | Cheaper gasoline may be a boon for consumers, but tumbling oil prices have dramatic impacts on oil and gas producers, the U.S. shale boom, the global economy and state budgets. Find out how your state could be affected.  
**Moderator:**  
Representative Al H. Carlson, North Dakota  
**Speakers:**  
Kurt Barrow, IHS Energy  
Aakash Doshi, Citigroup Global Market |
| **WC 615 - 617** |                                                                    |                                                                                                                                         |
| 11:45 a.m. – 12:30 p.m. | **General Session: Secretary Robert Gates**                         |                                                                                                                                         |
| **Ballroom 6ABC** |                                                                    |                                                                                                                                         |
| 12:30 – 2:00 p.m. | **Exhibit Hall Luncheon**                                            |                                                                                                                                         |
| **Exhibit Hall 4EF** |                                                                    |                                                                                                                                         |
| 2:00 – 4:30 p.m. | **Filling Up the Tank: Funding Transportation (Deep Dive Session)**  | Attend this session and you’ll create a roadmap to a sound transportation plan that creates sustainable revenue, prepares for the future and meets immediate transportation needs.  
**What you’ll learn:**  
- Methods to meet short-term needs for funding your state’s transportation system.  
- The newest, bold ideas from states to create long-term, sustainable transportation revenues.  
- How measuring performance, prioritizing projects and strategic spending can stretch existing transportation money. |
| **WC 611 - 614** |                                                                    |                                                                                                                                         |
| Thursday, August 6 |                                                                 |                                                                                                                                         |
| 6:30 – 8 a.m. | **Bipartisan Bike Ride**                                            |                                                                                                                                         |
| **Offsite** |                                                                    |                                                                                                                                         |
| 8:30 – 10 a.m. | **Republican and Democrat Breakfasts**                             |                                                                                                                                         |
| 10:15 a.m. – 12:15 | **NCSL Business Meeting**                                          |                                                                                                                                         |
| **WC 6E** |                                                                    |                                                                                                                                         |
| 12:15 – 1:45 pm | **Closing General Session Lunch: Leadership Lessons with John Meacham** |                                                                                                                                         |
| **Ballroom 6ABC** |                                                                    |                                                                                                                                         |
The NCSL Natural Resources & Infrastructure Committee (NRI) is pleased to notify you of our updated website, where you can find up-to-date committee information and resources at any time.

- COMMITTEE HOMEPAGE (www.ncsl.org/default.aspx?tabid=278): Overview page for the NRI Committee including links to specific resource pages (listed below) and timely news alerts

- COMMITTEE POLICIES (www.ncsl.org/default.aspx?tabid=27191): All state-federal policies that have been approved by the committee, used for NCSL's advocacy in Washington, D.C.


- NEWSLETTERS (www.ncsl.org/default.aspx?tabid=25678): 3 monthly Federal Updates covering energy & ag; environment and transportation issues and two monthly state-federal policy newsletters on transportation (Transport Report) and energy (Plugged In).

- INFO ALERTS & ARCHIVES (www.ncsl.org/default.aspx?tabid=25672): A one-stop-shop for all NRI Committee-related info alerts (concise informational briefs on breaking news of interest to our committee)

- MEETING RESOURCES (www.ncsl.org/default.aspx?tabid=25637): Information from recent NCSL meetings—including agendas, presentations from our sessions (when available) and other resources of interest—plus details about upcoming events

- NATURAL RESOURCES & INFRASTRUCTURE BILL-TRACKING DATABASES: A series of up-to-date databases that track legislation introduced in all 50 states, the District of Columbia and Puerto Rico:
Overview & Review of Procedures

Consideration of (listed in order of consideration):

Existing Policy Resolutions:
- Solving America’s Long-Term Transportation Funding Crisis (pg. 19)
- Climate Change (pg. 21)

Amendments to Existing Policy Resolution:
- Pollinator Health (pg. 25)

New Policy Resolutions:
- Wildfire Funding (pg. 29)
- Waters of the United States (pg. 31)
- A Resolution Requesting U.S. EPA to Reaffirm the Current National Ambient Air Quality Standards for Ozone (pg. 33)
- Avian Flu Response (pg. 37)
- Oil Train Safety (pg. 41)

Existing Policy Directive for Review:
- Surface Transportation Federalism (pg. 43)
**Natural Resources and Infrastructure Committee Policy Summaries**

**Existing Policy Resolutions for Reconsideration**

**Solving America’s Long Term Transportation Funding Crisis:** This is a current policy scheduled to sunset at the 2015 Legislative Summit that urges Congress to allocate funds to states that would support state-level pilot programs to explore transportation funding alternatives to fuel taxes.

**Climate Change Policy Resolution:** This is a current policy scheduled to sunset at the 2015 Legislative Summit that focuses on the state-federal relationship for the funding, development, and regulation of air emissions and their potential impact on the climate.

**Amendments to Existing Policy Resolutions**

**Resolution on Pollinator Health:** Amendments to this existing policy resolution (set to expire at the 2015 Legislative Summit) including recognizing neonicotinoids a specific danger to pollinators. Amendments sponsored by Representative Rick Hansen of Minnesota.

**Proposed Policy Resolutions**

**Wildfire Funding:** This new resolution urges the federal government to address budget issues for wildfire suppression and supports funding wildfires as natural disasters. Sponsored by Speaker Toni Atkins of California

**Waters of the United States:** This new resolution expresses concern with the EPA’s Clean Water Rule that defines which waters are protected under the Clean Water Act, and urges EPA to reconsider the rule. Sponsored by Representative John Wilkinson of Georgia.

**A Resolution Requesting U.S. EPA to Reaffirm the Current National Ambient Air Quality Standards for Ozone:** This new resolution calls upon the U.S. EPA to reaffirm the 75 ppb primary ozone standard in the current ozone standard rulemaking or issue a limit of no less than 70 ppb. Sponsored by Representative Alan Baker of Alabama.

**Avian Flu Response:** This new resolution expresses concern with the recent outbreak in various states of the avian flu, and urges the federal government to work with states to help stop the outbreaks and prevent contamination. Sponsored by Representative Rick Hansen of Minnesota.

**Oil Train Safety:** This new resolution supports efforts to strengthen oil and ethanol train safety rules. Sponsored by Representative Frank Hornstein of Minnesota.

**Existing Policy Directives for Review**

**Surface Transportation Federalism:** This existing policy directive lays out NCSL’s stance on a variety of issues related to a shared, long-term vision for financing and funding surface transportation systems in the U.S.
Revenues for our transportation system continue to decline with vehicles becoming ever more fuel efficient and changing travel patterns nationwide. The Highway Trust Fund is estimated to become insolvent in 2015 while state gas taxes continue to show diminishing returns. The American Society of Civil Engineers has estimated America’s surface transportation infrastructure faces a funding gap of about $94 billion a year based on current spending levels.

To respond to this well-documented funding crisis currently impacting America’s surface transportation system, the National Conference of State Legislatures urges Congress to support the creation of a $20 million program, with no more than $2 million available for allocation to any one state, to support state-level pilot programs to explore transportation funding alternatives to fuel taxes.
NCSL urges the federal government to consult with state elected officials, their national representative organizations and existing interstate partnerships in developing a federal program. As Congress and the administration examine proposals for reducing greenhouse gas emissions, the National Conference of State Legislatures encourages the federal government to always take the following principles into account:

- Federal action should be flexible, allowing for a range of complementary strategies at the state and federal level maintaining a strong role for state, local and tribal government in any federal action.
- Federal legislation should provide states the authority and flexibility to work within a overall framework; to apply the law effectively to all sources of emissions and ensure achievement of climate change goals in the most cost effective, timely and efficient manner for each state.
- Federal legislation should not preempt state or local governments from enacting policy options that differ from federal choices or from enacting stricter or stronger measures within their jurisdiction.
- Federal legislation should afford states the flexibility to form regional cooperatives and implement innovative policies that advance federal efforts to reduce the effects of climate change.
- Congress must authorize and appropriate sufficient funds for federal, state and local governments to implement any federal legislation. These funds should be newly authorized appropriations, not reprogrammed resources.
- Federal legislation should ensure state legislative authority in any federal climate change legislation and affirm the active role played by state legislatures in both fiscal and substantive aspects of state policymaking.
• Federal legislation providing for the allocation of greenhouse gas reduction programs to states should include language making decisions related to such allowances subject to state legislative approval.

NCSL urges the federal government, should it choose to act on this issue, to take into account the following principles regarding program design components:

• Any national system must include short, medium and long-term goals and incorporate a rigorous oversight program that provide for ongoing study and analysis of the system to ensure it is achieving intended goals.

• A new national program should serve to address uncertainties that are hampering investment in generation, transmission and distribution and enhance the likelihood that appropriate technologies will be developed and other solutions implemented so as to achieve the desired reductions in GHG emissions in the most economical manner possible.

• Federal legislation should be designed appropriately to balance competing criteria, including, but not limited to, equity, economic efficiency and ease of administration.

• Revenue derived from a greenhouse gas reduction program should be directed to complimentary policies focused on mitigating climate change consumer costs including but not limited to energy research & development, weatherization, conservation and energy efficiency activities.

• A national program to reduce GHG emissions must also address adaptation issues.

• Auctioning of allowances may be the most economically efficient mechanism for achieving a GHG emissions reductions goal. However, the allocation of emissions allowances at no cost can serve as an appropriate transition measure necessary to ensure continued reliability, minimize economic dislocation resulting from the carbon intensity of the existing infrastructure, and allow for development and deployment of needed new technologies and measures to reduce emissions.

• Priority distribution of allowances at no cost should be to those entities in affected sectors where existing regulatory structure provides the necessary oversight to
ensure that the value of such allowances is accounted for in establishing price rates for consumers.

- The allocation of greenhouse gas reduction program to states under a federal greenhouse gas reduction program should include language making decisions related to such allowances subject to state legislative approval.
- The establishment of any new federal program should include provisions for transparent reporting and accountability and incorporate the use of third party verification to ensure reported outcomes are verifiable.

**Unintended Consequences**

NCSL believes that federal legislation regarding the reduction of greenhouse gases should take into account the implications of actions and/or inactions on economic development, energy security, and those most vulnerable citizens. Evaluation should include the life cycle impacts of policy options including ancillary impacts.

NCSL believes that federal legislation should require continuing assessments of the potential impacts to the United States of climate change, by state or region including effects on water resources, agriculture, infrastructure, natural systems, environmental quality, public health, biodiversity and the cultures of our native peoples. Such an assessment will support the development of domestic and international adaptation-mitigation strategies. The Environmental Protection Agency (EPA) should provide funding and assist states in developing assessments and adaptation plans at the state and regional level.

NCSL also urges the federal government to fully consider how legislation will affect low-income households that already struggle to balance needs and expenses. NCSL encourages the federal government to expand and enhance long-term funding for the Department of Energy's Weatherization Assistance Program and to ensure that any new federal program does not undermine existing federal, state and private sector energy assistance and outreach programs that assist our most vulnerable citizens.

**Research and Development**
NCSL strongly urges the federal government to authorize and appropriate funding and provide other incentives to spur expanded research and development (R&D), as well as advance the demonstration and deployment of new and existing technologies to improve energy efficiency, advance mitigation strategies and reduce greenhouse gas emissions.

NCSL urges the federal government:

- To ensure that legislation not limit the diversity of technologies supported, as future advancements cannot be predicted.
- To take into account state and regional differences, and not limit or specify the technologies used in each state and ensure sufficient flexibility for each State to determine how to best achieve nationally-set goals.
- To promote current and future innovations and expand the use of such technology through R&D transfer agreements with other countries.
A resolution of the National Conference of State Legislatures Natural Resources and Infrastructure Committee, recognizing the importance of pollinators, stressing the negative ramifications of continued pollinator loss, and expressing support for federal efforts to protect pollinators.

WHEREAS, farmers depend on pollinator species such as bees, ants, butterflies, birds and bats to successfully produce approximately one third of all United States agricultural output; and

WHEREAS, in addition to food, pollinators also are vital to the production of fibers, edible oils, medicines, and other products; and

WHEREAS, urban and rural beekeepers play an important role in state and federal agricultural production; and

WHEREAS, agriculture is a key driver of rural and state economies and the tremendous productivity of United States farmers benefits the national economy and the country’s international trade balance; and

WHEREAS, pollinator loss poses a significant threat to United States agriculture and the ability of our farmers to feed a growing world population; and

WHEREAS, pollinators are essential organisms in the ecosystems that provide biodiversity, recreation and enjoyment for people and habitat for wild plants and animals; and
WHEREAS, neonicotinoids, one of the most widely used classes of insecticides, are systemic, persistent neurotoxins that translocate throughout all parts of plants, including leaves, guttation fluids pollen and nectar; and

WHEREAS, a large and growing body of independent, peer-reviewed scientific studies demonstrate that neonicotinoids adversely impact beneficial soil invertebrates, avian and aquatic organisms, contaminate water resources and soils, and contaminate the pollen and nectar that is gathered by pollinators; and

WHEREAS, studies have shown that neonicotinoids are endangering pollinators through acute poisonings as well as through chronic sublethal exposures, which can weaken immune defenses, causing increased susceptibility to natural stressors such as parasites, pathogens (bacterial, viral and fungal diseases), and poor nutrition due to habitat loss and industrial agricultural systems, and studies have shown other adverse effects associated with neonicotinoids, including delays in larval development, decreases in queen survival and negative effects on feeding, navigational and reproductive behaviors; and

WHEREAS, the United States Environmental Protection Agency has strengthened pesticide labeling requirements to protect pollinators.

WHEREAS, the National Conference of State Legislatures (NCSL) recognizes the serious threats posed by pollinator loss and the key roles that the federal government plays as landowner and manager, regulator of pesticide products, and financial and technical assistance provider to farmers and other private landowners; NOW,

THEREFORE,

BE IT RESOLVED by the NCSL Natural Resources and Infrastructure Committee that it fully supports recent federal efforts to: develop best management practices and enhance pollinator habitat on federally owned or managed lands; incorporate pollinator health as a component of all future federal restoration and reclamation projects; revise
guidance documents for designed landscapes and public buildings in order to incorporate pollinator-friendly practices; increase both the acreage and forage value of pollinator habitat in the Conservation Reserve Program and other federal conservation programs; provide technical assistance in collaboration with land-grant university-based cooperative extension services to federal departments and agencies, state, local, and tribal governments, and other entities and individuals including farmers and ranchers; assist states and state wildlife organizations, as appropriate, in identifying and implementing projects to conserve pollinators through the revision and implementation of State Wildlife Action Plans; assess the effects of systemic pesticides and parasites on bee and other pollinator health and take corresponding action, as appropriate, to protect pollinators from pesticides such as neonicitinoids and parasites; promote labeling of neonicitnoid pesticides to protect pollinators; and take immediate measures to support pollinators with proper habitat and nutrition during the current growing season and thereafter, including planting pollinator-friendly vegetation, increasing flower diversity in plantings, limiting mowing practices, and reduce or avoid, when necessary, the use of pesticides in sensitive pollinator habitats through the use of integrated vegetation, pest and colony management practices.

BE IT FURTHER RESOLVED that states work closely with affected individuals and serve as laboratories of innovation in problem solving and policy making. Federal agencies should work closely with the states to align pollinator protection efforts and share best practices.

BE IT FURTHER RESOLVED that NCSL and the states are willing partners in the federal government's pollinator protection efforts and will closely monitor federal actions and progress on these and related efforts of utmost importance to the states and our nation's food supply, urban and rural agriculture economies, environment, and natural resources.
A resolution of the National Conference of State Legislators urging the federal
government to address insufficient budget mechanisms for wildfire suppression and
expressing support for federal efforts to fund catastrophic fires as natural disasters.

WHEREAS, Wildfire suppression costs have increased dramatically in the last decade;

WHEREAS, In the past two years, the U.S. Forest Service has had to transfer more
than $1 billion from other programs within the agency to pay for fighting wildfires;

WHEREAS, These fire transfers deplete resources from vital fire prevention and
mitigation programs, including forest restoration and management activities to reduce
future fire risk;

WHEREAS, increased fire activity can have substantially negative impacts on air
quality, water quality, greenhouse gas emissions as well as reduce downstream water
storage as sediment runoff lowers the effective level of dams and reservoirs;

WHEREAS, reduced restoration and mitigation funding also makes it easier for invasive
pests and diseases to infest vulnerable forests;

WHEREAS, anticipated changes in climate will also cause fire risk to escalate in
drought-ridden regions, further increasing wildfire suppression costs; and
WHEREAS, federal funding for wildfire suppression is currently allocated using the 10-year average cost for wildfire suppression activities; and

WHEREAS, the National Conference of State Legislators (NCSL) recognizes that wildfires must be managed on a regional basis and that increased risk for wildfires on federal lands ultimately will lead to increased costs for state wildfire programs.

BE IT RESOLVED…. That NCSL urges Congress to address the budget structure of wildland fire accounts. NCSL believes that any federal policy on wildfires should minimize the risk of fire transfers from prevention and mitigation programs and support federal actions that would fund catastrophic wildfires similar to natural disasters.
The National Conference of State Legislatures expresses serious concerns with joint final rulemaking from U.S. Environmental Protection Agency (EPA) and Army Corps of Engineers (Corps) defining “waters of the U.S.” subject to federal regulation under the Clean Water Act (CWA).

The EPA and the Corps final rulemaking on Waters of the United States has failed to create a workable, balanced regulation, and instead have extended federal jurisdiction to previously unregulated areas. Additionally, the rule fails to provide clarity for states, local governments and many facilities on the regulation of ditches, waste treatment facilities, and storm water systems.

The rule would now regulate isolated features, which had not been regulated following the Supreme Court Case “Solid Waste Agency of Northern Cook County (SWANCC) v U.S. Army of Engineers,” while overall jurisdiction is premised on the tributary definition, which is more expansive than proposed.

Furthermore, the rule still includes problematic terms that allow for expansive jurisdiction, while allowing jurisdiction based on historical conditions that no longer exist. In light of the broadened definitions of waters of the U.S., the rule’s exclusions, said to codify existing practice, remain too narrow and provide little relief, especially for waste treatment systems and storm water controls.
NCSL calls on Congress to pass S. 1140 that would compel EPA and the Corps to withdraw the proposed rule and re-propose following appropriate federal-state consultation and other due process guarantees.
WHEREAS, the U.S. Environmental Protection Agency (EPA) proposed to revise the 2008 primary National Ambient Air Quality Standard for ozone from its current level of 75 parts per billion (ppb) to within a range of 65 ppb to 70 ppb, while taking comment on an alternative standard of 60 ppb;

WHEREAS, ground level ozone, or urban smog, is caused by the photochemical reaction of emissions of nitrogen oxides (NOx) and volatile organic compounds (VOCs) in the presence of sunlight;

WHEREAS, a wide variety of natural and manmade sources contribute to ozone, with natural sources such as forests and crops contributing approximately one-third of smog-related emissions; manmade emission sources include motor vehicles, fossil-fueled power plants, refineries, chemical, and other manufacturing and industrial facilities, oil and natural gas production, and small area sources such as restaurants, gas stations, lawnmowers, chain saws, motor boats, dry cleaners, and auto repair shops, as well as consumer and industrial products such as paints and solvents;

WHEREAS, the EPA data indicate that in 2011 the principal sources of manmade NOx and VOC emissions contributing to ozone were mobile sources (52%), industrial facilities and area sources (40%), and coal-based electric generating units (7%);
WHEREAS, the EPA reports that national average ozone concentrations declined by 21% from 2000 to 2013 due to state and federal emission control programs, and will continue to decrease due to the ongoing implementation of these air quality programs;

WHEREAS, the current 75 ppb ozone standard was finalized in 2008, EPA stopped implementing it from 2010-2012 while the agency was engaged in the unusual process – at the direction of the current administration – of proposing to lower the standard prior to the normal five-year review cycle. In 2011, the EPA ultimately halted its consideration of a lower standard at the request of President Obama who citing the importance of reducing regulatory burdens and regulatory uncertainty during the economic recovery.

WHEREAS, as a result of this delay states did not learn which of their counties would be designated as “nonattainment” until April 2012 delaying state efforts to develop SIPs. EPA only finalized its rule on February 13, 2015.

WHEREAS, states will achieve further air quality improvements over the next several years due to the implementation of existing Clean Air Act programs, including the 2011 Mercury and Air Toxics Standards (MATS) rule and the Tier III low-sulfur gasoline and automotive fuel economy rules;

WHEREAS, the EPA’s August 2014 Policy Assessment of ozone health effects research needs and priorities is virtually unchanged from the agency’s 2008 assessment, such that many key areas of scientific uncertainty about the public health impacts of ozone remain to be resolved;

WHEREAS, the EPA calculates that 358 counties in the nation would violate an ozone standard of 70 ppb, based on 2011-2013 monitoring data, and that an additional 200 counties would violate a standard of 65 ppb;

WHEREAS, the EPA estimates that the annual cost of compliance with a revised standard of 70 ppb would be $3.9 billion, rising to $15 billion for a standard of 65 ppb,
and to $39 billion for the alternative standard of 60 ppb, making this regulation potentially the most costly ever issued by EPA;

WHEREAS, the nonattainment area designations associated with potential revision of the ozone standard would limit economic and job growth by restricting new and expanded industrial facilities and manufacturing while raising electricity prices for all industries and consumers, with adverse impacts concentrated among low- and fixed-income citizens, including senior citizens and minorities; and

WHEREAS, retention of the current ozone standard would allow for continued air quality progress throughout the nation as emission reduction programs under existing EPA regulations are implemented, as demonstrated by EPA’s March 2014 air quality modeling for the Tier III low-sulfur gasoline rule.

NOW THEREFORE BE IT RESOLVED:
That the National Conference of State Legislatures hereby calls upon the Administrator of U.S. EPA to reaffirm the 75 ppb primary ozone standard in the current ozone standard rulemaking; and

That, in the event that EPA determines that a revision of the 2008 standard is appropriate, that the primary standard be set at a level not more stringent than 70 ppb in order to avoid widespread nonattainment and related economic dislocations; and

That a copy of this Resolution should be delivered to the President of the United States, the Administrator of the U.S. EPA.
A resolution of the National Conference of State Legislatures, expressing support for federal efforts to increase funding for avian flu research and vaccine development efforts.

WHEREAS, US farmers, poultry processing and food production plants supply a significant portion of poultry products consumed nationally and internationally; and

WHEREAS, agriculture is a key driver of rural and state economies and the tremendous productivity of United States farmers benefits the national economy and the country’s international trade balance; and

WHEREAS, the highly pathogenic avian influenza (HPAI) H5N1 strain is a new mixed-origin virus that combines the H5 genes from the Asian HPAI H5N1 virus with N genes from native North American avian influenza viruses found in wild birds; and

WHEREAS, according to the USDA, since December 2014, confirmed cases of HPAI H5 have been reported in the Pacific, Central, and Mississippi flyways (or migratory bird paths). The disease has been found in wild birds, as well as in a few backyard and commercial poultry flocks. The Centers for Disease Control and Prevention (CDC) considers the risk to people from these HPAI H5 infections to be low; and

WHEREAS, 223 detections of HPAI H5 have been reported across 15 states, with the Midwest being hit the hardest, affecting over 48 million birds; and
WHEREAS, farmers and agriculture related businesses have seen significant losses in revenue and workers have been laid off or subject to reduced work hours; and

WHEREAS, according to USDA statistics, nationwide, over 11% of the nation’s laying hens and over 3% of the nation’s annual turkey production have been impacted to date, resulting in a significant threat to United States agriculture and the ability of our farmers to feed a growing world population; and

WHEREAS state and federal governments have invested millions of dollars to address the fallout associated with H5N1 and find solutions to the virus; and

WHEREAS the USDA Agricultural Research Service (ARS), Southeast Poultry Research Lab (SEPRL) is working to evaluate and develop avian influenza (AI) vaccines; and

WHEREAS, the National Conference of State Legislatures (NCSL) recognizes the serious threats posed by the HPAI outbreak and the key role that the federal government plays in harnessing resources and providing assistance to farmers and others affected by the virus, NOW, THEREFORE,

BE IT RESOLVED by the NCSL that it fully supports recent federal efforts to protect poultry production and the nation’s food supply by aggressively working to contain and remediate outbreaks when they occur. NCSL also supports federal efforts to serve as technical advisors and the clearinghouse of information for all sectors, and investigating ways to stop the spread of the virus.

BE IT FURTHER RESOLVED that the NCSL strongly encourages the federal government to increase the funding necessary for state and federal agencies to continue development of biosecurity containment strategies, time sensitive approaches to sharing information, and more aggressive research into what is causing avian
influenza, why some fowl are more susceptible, and prevention measures, including the
development of vaccines, that can be taken.

BE IT FURTHER RESOLVED federal agencies should work closely with the states to
align HPAI efforts and share best practices.

BE IT FURTHER RESOLVED that NCSL and the states are willing partners in the
federal government's HPAI efforts and will closely monitor federal actions and progress
on these and related efforts of utmost importance to the states and our nation's food
supply, rural agriculture economies, environment, and natural resources.
WHEREAS, terminated carloads of crude oil on Class I railroads in the US surged from 9.344 in 2008 to 540,383 in 2014;

WHEREAS, more than 141 unintentional releases were reported from railroad tankers in 2014 an all time high and a nearly six fold increase over the average of 25 spills per year during the period of 1975-2012;

WHEREAS, US DOT predicts there will be an average of 10 oil and ethanol train derailments per year over the next 20 years, causing $4 billion dollars in damage and deaths and injuries in populated areas;

WHEREAS, the USDOT promulgated new rules for oil and ethanol trains in May 2015;

BE IT RESOLVED, that the NCSL supports Congressional efforts to strengthen oil and ethanol train safety rules by expediting elimination of DOT-111 and CPC-1232 tank cars within two years; adding speed restrictions for oil and ethanol trains in areas with a population density of 20 people per square mile or more; studying the re-routing of trains around urban areas; and including the railroad industry in the provisions of the Federal Emergency Planning and Community Right to Know Act.
The National Conference of State Legislatures (NCSL) calls on Congress to work closely with states to develop a shared, long-term vision for financing and funding surface transportation systems that will enhance the nation’s prosperity and the quality of life of all Americans.

The federal government plays a vital role in supporting a national surface transportation system that meets national defense needs, addresses fairly and equally the mobility needs of all Americans and facilitates interstate commerce. NCSL supports the continuation and preservation of a federal-aid surface transportation program. The federal program should direct spending to national priorities while allowing for state and insular area flexibility in local and regional variations. It is also essential that the federal-aid surface transportation program incorporate requirements and foster goals of other national policies that impact transportation decision-making.

Recent federal reauthorizations have recognized the unique contributions of each transportation mode to the productivity of the states and the nation, and to the ability of this nation to compete globally in the emerging and existing international economies. These laws contemplate an integrated transportation system for the movement of both goods and people, with increased emphasis on adopting technologies that improve productivity. NCSL urges Congress to provide states enhanced programming flexibility to meet a multitude of national goals. States should have maximum flexibility in deciding how to generate and leverage transportation revenues and how to use state and federal dollars. The ability of states to maintain
flexibility in decision making and comply with environmental and other mandates is dependent upon regulatory flexibility as well as adequate and reliable funding.

**National Vision**

The surface transportation system in the United States needs a new vision to guide it beyond the Interstate Highway era into the 21st century and the needs and challenges that lie ahead. Congress should look at surface transportation anew, authorizing a new program that better meets current and future needs for interstate mobility.

Congress must clearly articulate this new national vision for surface transportation. In doing so, Congress should consider the following as federal objectives:

- Interstate commerce and freight mobility,
- Interstate movement of people,
- National defense and homeland security,
- Safety,
- Environmental and air quality preservation and improvements,
- Research and innovation, and
- Economic productivity.

Congress should focus federal programs and funds on these interstate goals. In doing so, Congress should heed the Tenth Amendment and not intervene in or interfere with state-specific transportation priorities.

**Funding and Financing**

A federal trust fund, financed by user fees, should be retained as the primary method of funding federal-aid surface transportation programs. It must provide states a sustained, reliable source of transportation funding. It is critical that the Highway Trust Fund (HTF) retain spending firewalls that ensure that user fees will be deposited in the HTF to be used on surface transportation and will not be subject to non-transportation federal discretionary spending. NCSL supports states having maximum flexibility in the use of
funds they receive from the HTF. Additional surface transportation financing and investment priorities include the following.

- User fees previously collected and diverted from the HTF must be reclaimed.
- Transit agencies, including commuter rail operations, should be exempt from federal fuel or energy taxes.
- Unobligated revenues should not be allowed to accumulate in the HTF. Moreover, federal highway spending should not be artificially reduced so that HTF revenues will accumulate unspent, thereby appearing to lower the federal deficit.
- Annual appropriations should equal authorized spending levels. Obligation ceilings should be set and maintained to reflect gross receipts, plus interest earned.
- Any federal user fee or container fee assessed for transportation security or infrastructure should provide for state flexibility in project selection and may include private sector input when programming projects funded by a security or infrastructure user fee or container fee.
- User fees designated for deposit in the HTF should be made available for flexible transportation usage by states. States should have flexibility in the use of funds for intercity passenger rail service, including Amtrak. The federal match should encourage state efforts in specific programs of national significance, but not discourage flexibility in state or insular area transference of categorical funds. Despite separate federal authorizing legislation for Amtrak, Congress must ensure that surface transportation authorizing legislation acknowledges and fully supports the role of passenger rail for ensuring interstate mobility. States that invest in or otherwise support passenger rail services to complement highway mobility options should be rewarded and encouraged.
- Any examination undertaken on the advisability and feasibility of establishing a federal capital budgeting program should preserve the ability of states to set surface transportation infrastructure priorities.
Federal formulas designed to distribute discretionary highway funds should consider all state, insular area, and local efforts to fund highways and not be limited to fuel taxes raised.

An increase in federal highway transportation funding is needed in the short-term to provide sufficient funding for the next authorization to meet the new vision and until a new, more stable long-term funding mechanism for surface transportation can be put in place. Any fees or taxes imposed on carbon-based fuels used by vehicles should be recognized as a traditional source for transportation funding and should remain dedicated to the Highway Trust Fund. Congress must migrate the Highway Trust Fund from a gas tax to a new national funding stream. In order to accomplish this, Congress must examine innovative ways that capture all system users. Congress should encourage pilot programs in states for experimentation with approaches, methods and mechanisms. Any system should ensure the privacy of users.

Apart from the existing Highway Trust Fund flows for transit, NCSL discourages expansion of federal-local funding streams without appropriate coordination with state legislatures as these complicate state-local relationships, financial arrangements, and state match expectations for transportation programs.

Congress should continue to encourage and expand incentive-based programs, such as the Urban Partnerships program, to spur local and regional transportation innovation in full coordination with state authorities and to promote the use of tolling, congestion pricing, public transit, telecommuting, real-time traffic and other advanced technologies (also known as intelligent transportation systems), and other strategies in a comprehensive approach to achieve interstate mobility goals through urban congestion reduction.

All funding and financing options must be available to state legislatures for state and federal-aid programs. All current federal restrictions on states' authority to toll should be removed so that states can optimize resources for capacity expansion, operations and maintenance while ensuring free flow of goods and people. Tolling, value-pricing and public-private partnerships (PPPs) should
remain state provinces and are not appropriate federal funding and financing mechanisms.

- Federal guidelines should be designed to accommodate private sector support. The level of private sector participation is best determined by state and local authorities, and private participation should not be a prerequisite for receiving federal funds. Statutory or regulatory barriers to state and locally-granted revenues should be removed. States should continue to have flexibility in creating legislative and programmatic frameworks for public-private partnerships (PPPs), and full authority to select and engage in PPP projects.

- Congress should not mandate or prescribe state use of toll revenues or tolling mechanisms, though Congress may seek to incentivize states to avoid redirection of toll revenues to non-transportation uses.

- Congress should continue Transportation Infrastructure Finance and Innovation Act (TIFIA), Grant Anticipation Revenue Vehicles (GARVEE), private activity bond, and State Infrastructure Bank (SIB) programs. Congress should expand credit-based and loan guarantee programs to incentivize private sector investment—particularly for freight mobility by rail, highway and waterway—in projects sponsored by the public sector.

- Congressional earmarks on transportation spending or for transportation projects should represent additional funding, should be distributed from non-formula funds, and should not redirect base funding. Earmarks should fit within a national objective as defined in the surface transportation program’s new vision and must appear in a state DOT’s plan.

**Technology**

NCSL endorses the U.S. Department of Transportation’s goal of deploying advanced technologies known as intelligent transportation systems for consumers of passenger and freight transportation across the nation. Intelligent Transportation Systems are advanced wireless technologies that maximize the safety, mobility and environmental performance of the surface transportation system. These services should be integrated, interoperable, intermodal and voluntary.
NCSL recognizes that the private sector and the federal government should lead in the
development and bringing to market of reliable and affordable ITS. The federal
government should also set national standards for original equipment manufacturers to
install the necessary technology so that states can take full advantage of the efficiencies
and safety benefits of intelligent transportation systems. Congress should require the
Secretary of Transportation to initiate a rulemaking proceeding that new motor vehicles
be equipped with platforms for interoperable systems that enable vehicle-to-vehicle and
vehicle-to-roadside communications for the purposes of active safety and electronic
tolling and tax collection and to provide a means of accelerating the deployment of this
equipment in existing vehicles.

Congress should incentivize states to explore and deploy technology for intelligent
infrastructure, making it a high priority and performance measurement benchmark in the
restructured federal surface transportation program. Privacy protections must be
developed and incorporated into all policies and practices governing use of intelligent
transportation systems and technologies. ITS should not be mandated except for
legitimate governmental purposes. Any information collected with such technology
should be governed by state laws.

The federal government should encourage states to cooperate with the private sector in
the development of real-time traffic information systems.

**Planning**

Congress must work with state legislators to establish in the next authorization a robust
and cooperative state-federal system to set system plans and priorities for federal
investment. Transportation program plans developed by entities other than those
created by the states must be coordinated with state legislatures to ensure that
proposals fit into state programmatic and funding plans.
The federal government is uniquely situated to identify and collect data of importance to the development of, maintenance of, and planning for a national transportation system. Congress should incentivize states to share data with the federal government and not use mandates to elicit participation in data collection and analysis.

NCSL supports a negotiated rule-making led by U.S. Department of Transportation, or another collaborative process congressionally mandated and facilitated by the Transportation Research Board or American Association of State Highway and Transportation Officials (AASHTO), in which NCSL and state legislatures are fully represented to determine the necessary level of and standards for uniformity among states in data collection efforts.

**Performance Measures**

NCSL encourages the federal government to establish a cooperative process through which performance measures can be crafted for gauging the success of programs. Federal funding should not be directly linked to performance measures; instead, a pilot program should be established in which states can voluntarily participate to gain incentives such as additional funding or reduced regulatory burdens upon successful deployment and use of performance measures. Performance measures should be framed as goals for which states may determine the specific measures and benchmarks.

Federal monitoring and compliance standards should accurately reflect compliance effort and unique state circumstances.

**Freight and Interstate Commerce**

Ensuring the safe and timely movement of goods across the nation is an appropriate federal transportation priority. Robust state-federal consultation should evaluate freight flows and collaboratively plan the routes and development necessary to maintain and expand the highway freight corridors.
Rail capacity expansion should be coordinated with the states to ensure intermodal cooperation and maximum public benefit.

The federal government should incentivize states to explore methods of separating highway freight traffic from passenger traffic for the purposes of efficiently moving interstate commerce and public safety.

Federal engagement with, and investment through, the states to ensure effective and efficient movement of freight through ports or other commerce choke-points is appropriate.

**Environmental Issues**

The federal government has a role to play in ensuring that national environmental policy meshes with national transportation policy while assuring efficient and cost-effective approaches to both goals.

- Efforts to streamline regulatory review processes must continue so that construction projects can again be realized on-time and on-budget. Congress should allow and enhance states' programmatic permitting.
- Incentives to states to achieve environmental quality standards through transportation projects should replace prescriptive federal regulation and punitive funding actions.

**Safety**

NCSL supports a continued federal role in helping to set national performance and safety goals. Safety programs should be expanded to incorporate emerging safety issues while respecting state sovereignty.

Federal transportation safety programs should promote comprehensive safety programs in the states. NCSL opposes the use of federal sanctions or redirection penalties to enforce federal safety standards. Federal mandates that are enforced through the use of "reprogramming" sanctions should be repealed. Any existing federal compliance standards should reflect overall state effort to promote safety.
Research and Innovation

NCSL acknowledges that federal leadership and investment in transportation related research and innovation is needed and appropriate. In particular, NCSL supports federal research that promotes fuel efficiency, alternative fuels, high-mileage vehicles, safety and technology. Findings and best practices identified through federal research should be shared fully with states in an unbiased, nonpartisan and scientific manner.

Indian Programs

Transportation is an important service program that provides the infrastructure upon which American Indian tribes’ initiatives can be achieved. NCSL recognizes the unique and extensive transportation funding needs on Indian lands. In an effort to ensure that these needs are adequately addressed, NCSL supports a direct planning relationship between Indian Nations and state departments of transportation. NCSL further supports the continuation of the Federal Lands Program and its work with Indian reservations.