



Top Stories

1/20/17—President Donald Trump [issued](#) an executive memorandum, calling for an administration-wide regulatory freeze for any new or pending regulations, “in order to ensure that the president’s appointees or designees have the opportunity to review any new or pending regulations.” The memo includes exceptions for rules regarding emergency situations relating to health, safety, finance or national security. Specifically, the memo would provide a 60-day review for all final rules that had been published in the Federal Register but had not yet gone into effect, while all other rules in the proposed stage would be indefinitely halted. The memo has no impact on rules currently in effect. This newsletter, along with the committee’s two other newsletters covering transportation and environment, include additional final and proposed rules issued during January that would be affected by this memo.

1/19/17—USDA’s Animal and Plant Health Inspection Service (APHIS) [issued](#) a proposed rule on the ‘Importation, Interstate Movement and Environmental Release of Certain Genetically Engineered Organisms.’ The proposed rule would update which forms of biotechnology are subject to USDA’s oversight, calling for the USDA to regulate only those genetically engineered plants that pose a plant pest or noxious weed risk. It would be the first comprehensive revision of the regulations since established in 1987.

1/18/17—The president [announced](#) his nomination of former Georgia Governor Sonny Perdue to serve as Secretary of United States Department of Agriculture (USDA). His confirmation hearing is expected to take place sometime in late February.

1/12/17—USDA [published](#) a report which found that

greenhouse gas (GHG) emissions associated with corn-based ethanol in the United States are 43 percent lower than gasoline when measured on an energy equivalent basis. [A Life-Cycle Analysis of the Greenhouse Gas Emissions of Corn-Based Ethanol](#) also found that by 2022 the GHG profile of corn-based ethanol is anticipated to be nearly 50 percent lower than gasoline.

1/9/17—USDA’s Animal and Plant Health Inspection Service (APHIS) [confirmed](#) the presence of Eurasian/North American reassortant H5N2 avian influenza in a wild mallard duck in Montana. USDA’s Chief Veterinarian, Dr. Jack Shere indicated it “appears to be one of the strains we saw during the outbreak in 2014 and 2015,” and producers and industry needs to be “vigilant about biosecurity to protect domestic poultry.”

1/6/17—The U.S. Department of Energy (DOE) released the second installment of the Quadrennial Energy Review (QER). QER 1.2 both examines and analyzes trends and issues confronting the nation’s electricity sector through 2040 as well as providing an in-depth examination of the nation’s electricity system from generation to end use. For more information, please see [NCSL’s Info Alert](#).

From Congress

1/05/17—The U.S. House of Representatives passed two bills concerning the federal regulatory process. The— first, the [Regulations from the Executive in Need of Scrutiny Act of 2017](#) (REINS Act) passed 237-187, and the second, the [Regulatory Accountability Act of 2017](#), passed 238-183. The REINS Act would require congressional approval for any bill with an impact of greater than \$100 million while the Regulatory

Accountability Act would impose additional requirements on federal agencies during the rulemaking process. Both bills are unlikely to advance in the Senate where a 60-vote majority would likely be required.

12/21/16—The Congressional Research Service (CRS) [published](#) a report indicating that agency final rules submitted on, or after, June 13, 2016, may be subject to disapproval by the 115th Congress—two weeks earlier than CRS previously indicated.

From the Administration

1/26/17—President Trump [appointed](#) Commissioner Cheryl LaFluer as Chairwoman of the Federal Energy Regulatory Commission. Additionally, former Chairman Norman Bay also submitted his [letter of resignation](#), leaving the commission with only two (of five) commissioners, which would significantly reduce the number and types of decisions the commission can make until a third commissioner is nominated by the president and confirmed by the Senate.

1/24/17—USDA [issued](#) a \$350 million grant to Minnesota as part of the Conservation Reserve Enhancement Program. CREP aims to provide funding to help increase conservation efforts. It will be matched by additional state funds.

1/19/17—The Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) [issued](#) an advance notice of proposed rulemaking requesting comments and information on “baseline changes, affected entities, and cost and benefits related to fusion centers collecting train consist information from railroads” and disseminating it in the event of an emergency per requirements under the Fixing America's Surface Transportation (FAST) Act of 2015.

1/19/17— PHMSA [issued](#) a final rule indicating specific time requirements for notifications of accidents and incidents. Pipeline operators must now report confirmed leaks by email or phone within an hour of occurrence. The rule also amends drug and alcohol testing requirements, requiring electronic reporting and the retention of records for three years if companies do not

perform post-accident testing. Additionally, the rule allows PHMSA to design a method to recover the costs of reviewing the designs of new gas and hazardous liquid pipelines.

1/19/17— The Federal Energy Regulatory Commission (FERC) [issued](#) a policy guide to “clarify its precedents and provide guidance on the ability of electric storage resources to provide services at and seek to recover their costs through both cost-based and market-based rates concurrently.”

1/19/17— USDA [sent](#) an advance notice of proposed rule, “National Bioengineered Food Disclosure Standard,” to the Office of Management and Budget (OMB). The rule seeks public comment on how the Agriculture Marketing Service (AMS) should implement a national bioengineered food disclosure standard. A final standard [must](#) be released by July 2018.

1/18/17—The U.S. Department of Interior's (DOI) Bureau of Land Management (BLM) [issued](#) a decision record and [a finding of “no new significant impacts.”](#) of Phase 1 of the Chokecherry and Sierra Madre Wind Energy Project in Wyoming. BLM approved the siting of the first 500 turbines. The project is anticipated to become the largest wind farm in North America.

1/18/17—USDA's AMS [released](#) its organic livestock and poultry production requirements. The final rule clarifies how producers and handlers must treat livestock and poultry to ensure they can be properly labeled as organic.

1/17/17—The AMS [issued](#) a [proposed rule](#) calling for comments on whether or not the issuance of an Organic Research, Promotion, and Information Order, is favored by certified organic producers, certified organic handlers, and importers of certified organic products with gross organic revenues of \$250,000. If approved, the order would establish a framework to pool resources to develop new organic markets, strengthen existing markets, and conduct research and promotion activities.

1/11/17—The AMS [announced](#) an accreditation program for transitional agricultural products. The National Certified Transitional Program allows existing organic accredited

certifying agents (ACAs) to certify producers transitioning to organic production a consistent standard utilized by existing ACAs.

1/6/17—The U.S. Energy Information Administration [released](#) its latest Annual Energy Outlook, arguing that the U.S. could become a net exporter of energy by 2026.

1/5/17—Former DOE Secretary Ernest Moniz [released](#) a cabinet exit memo illustrating DOE's work under the Obama administration while highlighting areas that need continued improvement.

1/3/17—DOE published a number of new energy efficiency standards for certain products. However, due to an [automatic](#) 45-day review period, they will be subject to the new administration's review before publication. These include national standards for [portable air conditioners](#), [swimming pool pumps](#), [commercial boilers](#), [walk-in coolers and freezers](#), and [uninterruptible power supplies](#).

12/22/16—The Food and Drug Administration (FDA) [published](#) its 2015 Summary Report on *Antimicrobials Sold or Distributed for Use in Food-Producing Animals* which indicated that sales of medically important antibiotics approved for use in livestock rose 2 percent from 2014 to 2015, and rose 26 percent since 2009.

12/21/16—The USDA [announced](#) that beginning Mar. 20, 2017, organic producers and handlers will be able to visit USDA Farm Service Agency offices across the nation to apply for federal reimbursement to assist with the cost of receiving and maintaining organic or transitional certification. USDA hopes that the changes will increase participation in the National Organic Certification Cost Share Program (NOCCSP) and the Agricultural Management Assistance Organic Certification Cost Share Program.

12/22/16—The World Trade Organization (WTO) ruled against Indonesia in a [case](#) brought by the United States against its import restrictions on food and animal products including beef and poultry.

12/21/16—USDA [announced](#) that 88 high-impact [projects](#) across the nation will receive \$225 million in federal funding as part of the USDA's [Regional Conservation Partnership Program](#). The program encourages partners to join in efforts with producers to increase the restoration and sustainable use of soil, water, wildlife, and related natural resources on regional or watershed scales

12/21/16—DOE's Loan Programs Office [announced](#) a "conditional commitment" for loans up to \$2 billion to Lake Charles Methanol, LLC to construct the world's first methanol production plant to utilize carbon capture technology in Louisiana. The carbon captured at the facility is slated to be used for enhanced oil recovery in Texas. This project is the first loan guarantee made under the [Advanced Fossil Energy Project](#).

12/19/16—FSIS [announced](#) Jan. 1, 2020 as the uniform compliance date for new meat and poultry product labeling regulations that are issued between Jan. 1, 2017, and Dec. 31, 2018.

12/16/16—DOI [announced](#) a \$42 million lease to Statoil ASA for 79,350 acres off the coast of New York for a wind farm.

Other

1/16/17—Duke University's Nicholas Institute for Environmental Policy Solutions [released](#) a paper focusing on the planning challenges presented by the aging nuclear fleet in the region in the southeast, and how states can better incorporate the uncertainty of these unions in to their energy planning processes.

1/16/17—DOE [reported](#) that the cost for cleanup at the Hanford Nuclear Reservation in Washington has risen from \$12 billion to \$16.8 billion.

1/12/17—The Nuclear Regulatory Commission (NRC) [received](#) its first-ever small modular reactor (SMR) design certification application from NuScale Power LLC. The SMR would be built on the site of the Idaho National Laboratory.

1/4/17—The 10th Circuit Court of Appeals [delayed](#) oral arguments over DOI's [hydraulic fracturing rule](#) on federal and Indian land until March 22, 2017.

12/19/16—The U.S. District Court for the Eastern District of Louisiana [found](#) that the Clean Water Act supports the U.S. Environmental Protection Agency's decision to rely on state partnerships to combat nutrient pollution in the Mississippi River rather than placing regulations on the flow of nutrients.