



NCSL

Environment Federal Update

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Top Stories

Environment Provisions in FY 2016 Omnibus

On Dec. 18, 2015, Congress passed and the president signed the Consolidated Appropriations Act of 2016 ([H.R. 2029](#)). The \$1.15 trillion omnibus package completes the FY 2016 appropriations process for all 12 individual spending bills that are part of the federal budget. Overall the bill provides \$81 billion to the Environmental Protection Agency (EPA), the same as FY 2015. [Read a full summary of agency funding allocations](#). Additionally, outside of specific funding provisions, the omnibus included a number of provisions related to [environment issues](#). The bill bars the U.S. Fish and Wildlife Service from listing the Greater Sage Grouse for any protections under the Endangered Species Act. See [NCSL's blog](#) for more information on the greater sage grouse. The Land and Water Conservation Fund, which expired in September, was reauthorized for the next three years. Language in the bill directs the Office of Surface Mining to work with states on the proposed stream protection rule, while also providing \$90 million to help Appalachian states offset the reduction in local mining operations. The bill did not include a fix for how wildfires are currently funded, an issue NCSL was advocating. For more details on this issue please see [NCSL's letters](#) from earlier this year advocating for this fix to congressional leadership. There were also no provisions in the omnibus related to EPA's Clean Power Plan or Waters of the U.S. regulations.

12/17/2015—The U.S. Senate [unanimously passed](#), by voice vote a bill to reform the Toxic Substances Control Act. The

House passed its own TSCA reform bill in July and now the two chambers are expected to go to conference to compromise on a final bill. NCSL has [long been active in advocating to protect state authority](#) in chemical regulations, see NCSL's [press release](#) for more.

12/16/2015—The U.S. Court of Appeals for the District of Columbia [voted](#) to uphold the EPA's Mercury and Air Toxics (MATS) rule for power plants. In June the U.S. Supreme Court ruled that EPA violated the Clean Air Act in issuing the rule when it did not properly take into account the costs to industry associated with the rule. EPA plans to redo the cost-benefit analysis of the rule and will rerelease the analysis by April 16.

12/12/2015 —An international climate accord was reached at the conclusion of the 2015 United Nations Climate Change Conference in Paris. The primary goal of the accord is to reduce greenhouse gas emission levels so that global temperatures stay below 3.6 degrees Fahrenheit from pre-industrial averages by 2100. Countries will accomplish this goal through voluntary individual climate plans. See [NCSL's blog](#) for more information.

From the Administration

12/17/2015—EPA formally proposed to make changes to the governing of small municipal separate storm sewer systems (MS4) permits, in response to a remand from the 9th U.S. Circuit Court of Appeals. In that decision, the court ruled that the MS4 permitting regulations did not provide for adequate public notice. The new proposal attempts to fix some of the

inadequacies of the regulations that the court found. Once published in the Federal Register, the proposal will be open for public comments for 75 days.

12/16/2015—EPA reported that auto manufacturers have [surpassed](#) the 2014 greenhouse gas emissions standards for light-duty vehicles by 13 grams of CO₂ per mile, or about 1.4 miles per gallon (mpg). In a separate report released simultaneously, EPA found that 2014 fuel economy was the highest it has ever been at 24.3 mpg.

12/15/2015—The White House [announced](#) a new public-private water innovation approach to address the effects of climate change on the use and supply of the nation's water resources. The approach calls for private sector stakeholder groups to increase research and investment into water efficiency solutions.

12/15/2015—The Department of Interior [announced](#) plans for a Natural Resource Investment Center that will work to gather private capital to help with the nation's water infrastructure and conservation needs. In addition to focusing on increasing infrastructure investment, the center will also build market-based systems to allow water transfers between farms, cities, tribes and nonprofits.

11/30/2015—EPA [finalized](#) its renewable fuel standard, the amount of gallons of transportation fuel that must come from renewable sources, for 2014, 2015 and 2016. EPA's standards are higher than past years, with the amount of cellulosic biofuel going from 33 million gallons in 2014 to 123 million gallons in 2015 and 230 million gallons in 2016. The renewable fuel requirements went from 16.28 billion gallons in 2014 to 16.93 in 2015 and 18.11 in 2016.

From the 114th Congress

12/21/2015— President Obama vetoed two resolutions ([S.J. Res. 23](#) and [S.J. Res. 24](#)) that would have essentially prohibited the Clean Power Plan rule from going into effect. As part of the Congressional Review Act, Congress can approve resolutions undoing formal regulations approved by the

executive branch. However, these resolutions currently lack the required two-thirds support to overturn a presidential veto.

Additional News

12/15/2015—The Government Accountability Office (GAO) released a [legal opinion](#) finding that EPA's social media usage to promote its Waters of the U.S. (WOTUS) rule this year constituted "illegal covert propaganda." Additionally, GAO found that EPA's social media posts that linked to outside organization's petitions to contact members of Congress in support of WOTUS violated the law that federal agencies cannot lobby members of Congress.

12/10/2015—The UN's International Civil Aviation Organization (ICAO) [announced](#) it will come to a deal on reducing emissions from the aviation industry by next year. The airline body was not covered under the Paris climate accord the U.N. revealed earlier in the week.

12/10/2015—The Energy Information Administration released [data](#) showing that the U.S. government's energy consumption was at a 40-year low. The majority of the decreased energy usage was due to the Department of Defense reducing its jet fuel consumption.

NCSL Resources

NCSL Capitol Forum drew hundreds of legislators and legislative staff to Washington, D.C., for committee meetings, issue sessions and visits to Capitol Hill.

[See presentations and other material from the meeting on our NCSL Capitol Forum resources page.](#)