



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 emergencies 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 energy & agriculture, include additional final and proposed rules issued during January that would be affected by this memo.

1/18/17—The National Oceanic and Atmospheric Administration’s (NOAA) National Center’s for Environmental Information [released](#) a report indicating that 2016 was the earth’s warmest year on record, cumulating in a three-year streak of record warm years across the globe.

1/17/17—Trump’s nominee for Secretary of the Department of Interior (DOI), Rep. Ryan Zinke, during his Confirmation Hearing [stated](#), that while some federal lands should be for wilderness, “the preponderance of our federal holdings” should be for multiple uses. Additionally, Zinke laid out top priorities, “restore trust” between federal government and states; prioritize the backlog of maintenance and repair in our national parks; and ensure our rangers and field managers have the tools they need.

1/17/17—The U.S. State Department [announced](#) a \$500 million contribution to the [United Nations’ Green Climate Fund](#). The contribution is part of President Obama’s \$3 billion pledge in 2014.

1/16/17—EPA [issued](#) “findings of failure” to submit state implementation plans for the 2008 ozone national ambient air quality standards to 15 states and D.C. The Clean Air Act requires that EPA promulgate a Federal Implementation Plan (FIP) no later than two years after a finding of failure.

1/13/17—The EPA [concluded](#) that it is not legally able to pay compensation for the claims brought under the Federal Tort Claims Act (FTCA) in connection with the Aug. 5, 2015 Gold King Mine release.

1/10/17—EPA [published](#) a notice of funding availability for the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA) program. The program can provide low-cost loans to local, state, and tribal water infrastructure projects throughout the country. EPA estimates that current budget authority may provide more than \$1 billion in credit assistance and may finance over \$2 billion in water infrastructure investment.

1/10/17—The Fish and Wildlife Service (FWS) [listed](#) the rusty patched bumblebee as an endangered species under the Endangered Species Act of 1973 (ESA). The FWS analyses indicated that the resiliency, representation, and redundancy of the rusty patched bumble bee have all declined since the late 1990s and that losses in both the number of populations and spatial extent render the rusty patched bumble bee vulnerable to extinction.

12/28/16—President Barack Obama [set aside](#) 1.65 million acres in southeastern Utah and southern Nevada, creating two national monuments—the Bears Ears National Monument and Gold Butte National Monument.

12/20/16—EPA and Volkswagen AG [reached](#) a \$1 billion agreement second partial settlement to fix or buy back an additional 83,000 polluting three-liter diesel vehicles. This brings the total money in the mitigation trust fund to nearly \$3 billion. The mitigation trust will be administered by an independent trustee and beneficiaries of the trust, which include those states and territories that have applied, and may obtain funds for designated projects upon application to the trustee.

12/19/16—DOI's Office of Surface Mining Reclamation and Enforcement (OSMRE) [finalized](#) the Stream Protection Rule, updating a 33-year-old regulation that aims to prevent or minimize impacts to surface water and groundwater from coal mining. However, it appears likely that this rule will be subject to the [Congressional Review Act](#) based on statements from congressional leaders.

12/19/16—EPA released an [update](#) on the Clean Power Plan (CPP) Model Rules in response to a [call from 14 states](#) for more information and assistance related to the CPP. EPA states the drafts may be helpful to “states considering the use of emissions trading programs or the expansion of existing trading programs,” and “states interested in using or expanding energy efficiency programs.” The CPP remains stayed and is awaiting a decision by the United States Court of Appeals for the District of Columbia.

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.

1/3/17—The [U.S. House of Representatives](#) approved a rule that would remove any cost associated with transferring federal land to a state or local entity when being scored by the Congressional Budget Office. It remains unclear if a similar rule will be adopted by the Senate.

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.

12/16/16—House Oversight and Government Reform Chairman Jason Chaffetz (R-Utah) sent letters to the chairmen of the [Energy and Commerce Committee](#) and [Appropriations Committee](#), indicating his findings in the investigation of lead contamination in Flint drinking water. The letters closed the investigation and recommended the EPA Inspector General investigate the agency's delayed implementation of the [Lead and Copper Rule](#), as well as called on Congress to consider if ambiguities exist in the [Safe Drinking Water Act](#).

From the Administration

1/18/17—FWS [issued](#) a director's order establishing a new policy that will allow states to engage landowners in voluntary conservation efforts to help at-risk species prior to listing under the ESA. Effective immediately, landowners can generate mitigation credits for efforts that benefit declining species through programs set up by state wildlife agencies.

1/18/17—DOI Secretary Sally Jewell [issued](#) an order directing the department and its bureaus to continue efforts to finalize drought contingency plans designed to reduce the risk of water shortages in the Upper and Lower Colorado River Basins. This order came after Secretary Jewell [issued](#) an order directing DOI and its bureaus to take timely actions to address the effects of drought and climate change on California's water supply and wildlife.

1/17/17—EPA [released](#) a proposed rule to update regulations to modify the definition of lead-free plumbing products from 8.0 percent lead content to 0.25 percent. The proposal also including labeling and packaging requirements, and is consistent with the [Reduction of Lead in Drinking Water Act of 2011](#).

1/12/17—EPA [finalized](#) an updated policy concerning the risk pesticide products pose to pollinators, and [issued](#) preliminary risk assessments for four neonicotinoid insecticides used in agricultural production. For more information, please see [NCSL's Info Alert](#).

1/12/17—DOI [released](#) a draft of North Cascades Ecosystem Grizzly Bear Restoration Plan, which aims to achieve a sustainable population of 200 grizzly bears on the U.S. side of the North Cascades ecosystem.

1/11/17—DOI [released](#) a Programmatic Environmental Impact Statement-Scoping Report for the comprehensive review of the federal coal leasing program. The last time the program received a comprehensive review was in the mid-1980s.

1/6/17—OSMRE [announced](#) \$181 million in funding for state and tribes under the [Abandoned Mine Lands program](#) for reclamation work in FY 2017.

1/6/17—The U.S. Army Corps of Engineers (USACE) [reissued](#) 50 existing nationwide permits (NWP), and two new ones. The new NWPs—53 and 54 respectively—cover the removal or low-head dams, and the construction and maintenance of living shorelines.

1/4/17—EPA Administrator Gina McCarthy [released](#) a cabinet exit memo illustrating EPA's work under the Obama administration while highlighting areas that need continued improvement.

12/23/16—BLM [finalized](#) its regional mitigation policy, meant to reduce impacts of development activity on millions of acres of public lands across the West. The policy directs BLM to implement “consistent principles and procedures for mitigation”

and to apply “mitigation to address reasonably foreseeable impacts to resources ... from public land uses.”

12/21/16—EPA [finalized](#) amendments to the Accidental Release Prevention Requirements for Risk Management Programs under the Clean Air Act, Section 112(r)(7). The amendments are intended to address and improve accident prevention program elements, enhance the emergency preparedness requirements and ensure local emergency planning committees, response officials, and the public are well-informed about potential risks.

12/20/16—EPA [announced](#) that it will proceed with a rulemaking to lower emissions of nitrogen oxides from heavy-duty trucks beginning with model year 2024, consistent with the lead-time requirements of the Clean Air Act.

12/20/16—EPA [released](#) the third six-year review of drinking water standards, as required by the Safe Drinking Water Act. The review found that eight of the 76 national primary drinking water regulations are candidates for regulatory revision

12/16/16—The Gulf Coast Ecosystem Restoration Council [voted](#) to approve the [Comprehensive Plan Update](#) which spends BP's liability payments on coastal and economic rehabilitation across the Gulf of Mexico.

12/12/16—The Bureau of Land Management (BLM) [amended](#) its regulations that establish the procedures used to prepare, revise or amend land use plans pursuant to the Federal Land Policy and Management Act. The rule affirms the important role of other federal agencies, state and local governments, Indian tribes, and the public during the planning process, and enhances opportunities for public involvement and transparency during the preparation of resource management plans.

Other

12/19/16—The U.S. District Court for the Eastern District of Louisiana [found](#) that the Clean Water Act supports the EPA's decision to rely on state partnerships to combat nutrient

pollution in the Mississippi River rather than placing regulations on the flow of nutrients.