



## Top Stories

**3/28/17**—President Donald Trump issued an Executive Order (EO) entitled '[Promoting Energy Independence and Economic Growth](#),' many of the actions described in the EO either begin a formal administrative process to review and potentially revise regulations, or rescind climate related actions taken by President Barack Obama. The EO directs EPA to review the [Clean Power Plan](#) Final Rule, and a similar [rule](#) which sets standards for new power plants. Among others, the order lifts a [moratorium on new coal leases](#), directs the Bureau of Land Management to review both its [2015 hydraulic fracturing final rule](#), and its [2016 methane venting and flaring rule](#), and directs the Environmental Protection Agency (EPA) to review a [2016 final rule](#) which set new emission standards for the oil and gas sector for new, reconstructed and modified sources. For more information on the order see [NCSL's Info Alert](#).

**3/27/17**—The president signed [H.J. Res 44](#), repealing [BLM's Resource Management Planning rule](#), better known as Planning 2.0. The [Congressional Review Act](#) (CRA) joint resolution was passed by the House, [234-186](#), and the Senate, [51-48](#). The rule aimed to update and streamline the agency's process for creating land use plans, and would have enabled BLM to more "readily address resources issues at a variety of scales, such as wildfire, wildlife habitat, appropriate development, or the demand for renewable and non-renewable energy sources, and to respond more effectively to change." For more information on how the CRA is utilized see [NCSL's Blog](#).

**3/24/17**—Under Secretary of State for Political Affairs Thomas A. Shannon, Jr, [issued](#) a Presidential permit to TransCanada Keystone Pipeline L.P., authorizing the construction, connection, operation, and maintenance of the Keystone XL

Pipeline. The authorization follows a presidential memorandum which [instructed](#) the Department of State to expedite the review of TransCanada's application for a presidential permit. Additionally, a White House spokesperson [indicated](#) that the Keystone XL Pipelines won't have to comply with the [late January Presidential Memorandum](#), which requires U.S. steel be used in "all new pipelines, as well as retrofitted, repaired, or expanded pipelines," inside the U.S., "to the maximum extent possible." Secretary of State Rex Tillerson [recused](#) himself from any decisions related to TransCanada Corp's application.

**3/16/17**—The Office of Management and Budget (OMB) [released](#) the President's 2018 Budget Blueprint. The Blueprint requests \$11.6 billion for the Department of Interior (DOI), a \$1.5 billion, or 12 percent decrease from the 2017 annualized continuing resolution (CR) level; \$5.7 billion for EPA, a \$2.6 billion, or 31 percent decrease from the 2017 annualized CR level; \$17.9 billion for the U.S. Department of Agriculture (USDA), a \$4.7 billion, or 21 percent decrease from the 2017 annualized CR level; \$28.0 billion for the Department of Energy (DOE), a \$1.7 billion, or 5.6 percent decrease from the 2017 annualized CR level; and \$16.2 billion for the Department of Transportation, a \$2.4 billion, or 13 percent decrease from the 2017 annualized CR level. Click [here](#) to access the budget brief published by Federal Funds Information for States, state spending tables can be found [here](#).

**3/15/17**—EPA [announced](#) its intent to review its [Final Determination of the Mid-Term Evaluation of Greenhouse Gas \(GHG\) Emission Standards for Model Year 2022-2025 Light Duty Vehicles](#), and coordinate its reconsideration process with the DOT. For more information, see [NCSL's Info Alert](#).

**3/14/17**—Secretary of Defense James Mattis [stated](#) he “agree[s] that the effects of a changing climate—such as increased maritime access to the Arctic, rising sea levels, desertification, among others — impact our security situation,” and he will ensure that the department is “prepared to address the effects of a changing climate.”

**3/13/17**—The president [issued](#) an EO directing each federal agency to report within 180 days to OMB a reorganization plan “to improve the efficiency, effectiveness, and accountability of that agency.” The OMB director would then present recommendation to both the president and Congress to “eliminate unnecessary agencies, components of agencies, and agency programs” after soliciting public input, and considering if certain functions could be better performed by the private sector or states. In a separate [memo](#) to agencies, the White House instructed agencies to “pay careful attention to” the principles and requirements identified in EO 13771, which directs agencies to identify two rules for repeal for every new rule they plan to issue, when submitting regulatory agenda items in the *Unified Agenda of Federal Regulatory and Deregulatory Actions*. Additionally, the president [issued](#) an EO on Feb. 24 calling upon each agency to designate an agency official as its Regulatory Reform Officer who will oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. That order would also establish a Regulatory Reform Task Force which would evaluate regulations and make recommendations regarding their repeal, replacement or modification.

**3/8/17**—The American Society of Civil Engineers released its 8th [Infrastructure Report Card](#), which provides a comprehensive assessment of the nation’s 16 major infrastructure categories. Cumulatively the nation’s infrastructure received a D+, with rail receiving the highest grade of a B, and transit receiving the lowest grade of a D-.

**3/8/17**—EPA Administrator Pruitt [stated](#) that “measuring with precisions, human activity on climate is something,” that is “very challenging to do,” and has “tremendous disagreement.” He stated that he does not believe human activity to be “a primary contributor to global warming.”

**3/2/17**—DOI Secretary Zinke [issued](#) two Secretarial Orders aimed at increasing recreation, hunting and fishing on public lands. One order directs bureaus and agencies to immediately identify areas where recreation and fishing can be expanded, and another overturned FWS’s recent ban on lead ammunition and fishing tackle used on FWS lands, waters, and facilities.

**3/1/17**—[Ryan Zinke](#) was confirmed to serve as the 52nd Secretary of DOI, [68-31](#). Zinke served for 23 years as a U.S. Navy Seal, was a Montana State Senator, and was elected to serve in the U.S. House of Representatives in 2014.

**2/28/17**—The president [issued](#) an EO to begin the process of reviewing, and possibly rescinding, the EPA’s and the U.S. Army Corps of Engineers (USACE) [Clean Water Rule: Definition of Waters of the United States](#). Any changes to the rule, or even its removal, will require EPA and USACE to follow the [Administrative Procedures Act](#) that necessitates the use of notice and comment periods. For more information, see [NCSL’s Info Alert](#).

## From Congress

**3/22/17**—The Senate passed [H.J. Res 69, 52-47](#), to overturn a 2016 Fish and Wildlife Service (FWS) [regulation](#) that gave the federal government tighter control over managing predatory animal populations on 76 million acres of national wildlife refuge land in Alaska. The House passed the measure in February, [225-193](#).

**3/15/17**—A bipartisan group of four Senators [asked](#) EPA Administrator Pruitt to leave the Renewable Fuel Standard as is, as “a change would needlessly inject uncertainty into the fuels market and deter future investments in biofuels.”

**3/1/17**—[The Searching for and Cutting Regulations That Are Unnecessarily Burdensome \(SCRUB\) Act](#) passed the House of Representatives, [240-185](#). The bill establishes a temporary commission of nine people, picked by the president and confirmed by the Senate, to review rules older than 15 years that may be outdated, or unnecessary and may be repealed.

The bill authorizes \$30 million for five years, and aims to repeal 15 percent of all rules published in the *Federal Register*.

## From the Administration

**3/22/17**—The Fish and Wildlife Service (FWS) officially [listed](#) the rusty patched bumblebee as an endangered species under the Endangered Species Act of 1973. The listing was delayed from Feb. 10 to Mar. 21 in accordance with [the White House memo](#) on Jan. 20, temporarily postponing the effective date for 60 days of any regulations that have been published in the Federal Register but have yet taken effect for the purpose of review. Additionally, on March 17, DOI [announced](#) \$3.74 million through FWS's Cooperative Recovery Initiative, to help recover some of the nation's most at-risk species on or near national wildlife refuges across 12 states.

**3/16/17**—EPA [delayed](#) the effective date of its [Risk Management Program Rule](#) that would aim to address and improve chemical accident prevention program elements, enhance emergency preparedness requirements, and ensure Local Emergency Planning Committees, local emergency response officials, and the public can access materials to help them understand the risks at RMP facilities, and better prepare in the event of a chemical incident.

**3/17/17**—EPA [awarded](#) a \$100 million grant to the Michigan Department of Environmental Quality to fund drinking water infrastructure upgrades in Flint, Mich. The funding was provided by the [Water Infrastructure Improvements for the Nation Act of 2016](#).

**3/17/17**—EPA [released](#) a final report from its Science Advisory Panel that found the information the agency used to determine the carcinogenic potential of glyphosate to humans showed no reliable link between the pesticide and cancer. However, the group could not reach a consensus on whether it was linked to non-Hodgkin's lymphoma (NHL), and recommended the agency revise its conclusions to state that the "agency cannot exclude," the "positive associations between glyphosate, and the risk of NHL." EPA is scheduled to publish the draft

glyphosate human health and ecological risk assessments for public comment later this year.

**3/15/17**— Secretary Zinke [announced](#) the approval for a \$22 million coal lease on the Greens Hollow tract in central Utah to Canyon Fuel Company, LLC. This lease does not fall under the moratorium on such leases [issued](#) in January 2016, as pending leases that already completed an environmental analysis under the National Environmental Policy Act and received a final Record of Decision or Decision Order by a federal agency under the existing regulations were exempted.

**3/13/17**—The National Park Service [announced](#) an all-time high attendance record for 2016, with 331 million people having visited the parks, a 7.7 percent increase over 2015.

**3/8/17**—EPA Administrator Scott Pruitt, in an address to the IHS Markit CERAWEEK conference attendees, [stated](#) that the agency needed more discussion before it could consider establishing methane emissions rules for oil and gas fields. The statement was issued following a [letter](#) sent by Democrats on the House Committee on Natural Resources regarding his move earlier in the week to withdraw an information collection request it sent to industry.

**3/8/17**—The U.S. Department of Justice filed a motion with the U.S. Supreme Court, seeking to stay the briefing schedule in [National Association of Manufacturers v. Department of Defense](#) in light of [Executive Order 13778](#), which called upon the EPA and the Army Corps of Engineers (USACE) to begin the process of reviewing, and potentially rescinding the [Clean Water Rule: Definition of 'Waters of the United States'](#).

**3/7/17**—NHTSA [projects](#) that new cars and light trucks will average 32.1 mpg in 2016, falling short of the 32.8 corporate average fuel economy (CAFE) target. Overall, it projects the fleet will get 31.8 mpg, short of the target of 33 mpg.

**3/6/17**—EPA's Office of Inspector General [issued](#) a notice of its plans to begin preliminary research to determine whether EPA's existing internal controls are effective at detecting and preventing light-, medium-, and heavy-duty on-road vehicle emissions fraud. The probe follows the Volkswagen emissions

scandal, as well as recent allegations that Fiat Chrysler has also been engaged in a similar emissions scandal.

**3/6/17**—The International Civil Aviation Organization’s [approved](#) its first-ever international standard for CO<sub>2</sub> emissions from aircraft beginning with new designs in 2020, and aircraft designs being built today in 2023, with rolling deadlines through 2028. In 2016, EPA [declared](#) that greenhouse gas emissions from aircraft present a threat under an endangerment finding.

**3/2/17**—EPA [withdrew](#) its request that owners and operators in the oil and natural gas industry provide information on equipment and emissions at existing oil and gas operations. This action came after the agency received a [letter](#) from nine state Attorneys General and the Governors of Mississippi and Kentucky, expressing concern with the pending Information Collection Request for Oil and Gas Facilities.

**3/1/17**—The Government Accountability Office [released](#) a report finding citizen lawsuits did not influence the outcome of agency endangered species protection decisions, and that most “deadline suits are resolved through settlement because it is undisputed that a statutory deadline was missed,” the report concluded. “The settlement agreements did not affect the substantive basis or procedural rulemaking requirements the Services were to follow in completing the actions.”

**2/27/17**—The U.S. Coast Guard [released](#) a port access route study for the Chukchi Sea, Bering Strait and Bering Sea, outlining areas that ships should avoid to prevent disruption of subsistence activities, and to minimize pollution risks. The study comes as more ships use the Bering Strait, and as ice retreats from the Arctic.

**2/27/17**—EPA [denied](#) a petition it received by the Fluoride Action Network, Food & Water Watch, Organic Consumers Association, the American Academy of Environmental Medicine, the International Academy of Oral Medicine and Toxicology, and other individual petitioners. The petition requested that EPA exercise its authority under TSCA section 6 to “prohibit the purposeful addition of fluoridation chemicals to U.S. water supplies.”

## Other

**3/21/17**—The U.S. Supreme Court [upheld](#) the Federal Vacancies Reform Act, 6-2, affirming that an individual who is nominated to serve as an official in a position which requires Senate confirmation, cannot also serve as the acting nominee.

**3/8/17**—Volkswagen AG (VW) [pleaded guilty](#) in federal court to three felony counts charging: conspiracy to defraud the United States, engage in wire fraud, and violate the Clean Air Act; obstruction of justice; and importation of merchandise by means of false statements. As part of the plea, VW agreed to pay an additional \$2.8 billion penalty because of the company’s scheme to sell diesel vehicles containing software designed to cheat on U.S. emissions tests.