



Top Stories

4/28/17 - The Environmental Protection Agency (EPA) began the process of updating its position in several courts to reflect the views of the new administration. The agency requested the Courts hold pending litigation on numerous rules in 'abeyance', as the agency begins the process of reviewing, and potentially revising, rulemakings of the previous Administration. Over the past few weeks, several courts have responded to EPA's filings involving the following regulations: Clean Power Plan (CPP) for [existing](#), and [new, modified, and reconstructed](#) stationary sources; [Waters of the United States](#) (WOTUS) definitional final rule; [Effluent Limitations Guidelines](#) for steam electric power; [Mercury and Air Toxics Standards](#) for power plants; [National Ambient Air Quality Standards](#) for ozone; and [greenhouse gas emissions and fuel efficiency standards](#) for medium- and heavy duty engines. The courts have granted EPA's requests in all cases except for WOTUS, which the Supreme Court [denied](#), and GHG emissions and fuel efficiency standards, to which the Court has not yet responded. For more information on EPA's requests to stay litigation, visit [NCSL's Blog](#).

4/14/17 - EPA Administrator Scott Pruitt called for the U.S. to pull out of the Paris Agreement, despite hesitation about the matter from the White House. The president is anticipated to decide whether the U.S. should remain in the agreement before the G-7 summit begins May 26. For more information on the Paris Agreement, [see NCSL's blog](#).

4/7/17 - The White House [issued](#) additional guidance to help federal agencies implement the [president's January executive order \(EO\)](#), requiring agencies to identify two rules to eliminate for every new one promulgated, to achieve zero additional cost for 2017. The guidance applies to Fiscal Year (FY) 2017 and beyond, and supplements previously issued interim guidance.

4/3/17 - The Supreme Court has denied a request to hold "in abeyance" litigation over whether a federal district court or a federal court of appeals has jurisdiction to rule whether the current 2015 Waters of the United States (WOTUS) definitional [rule](#) violates the Clean Water Act. The request came following an [EO](#) directing the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) to review, and potentially rescind, WOTUS. Additionally, EPA held a federalism consultation on April 19, which NCSL attended, regarding WOTUS. The consultation provided an overview of potential changes under consideration for WOTUS, and indicated that the agency would first rescind the current definition, and recodify the 1986 definition and subsequent guidance, and then develop a new rule consistent with the EO. For more information on the denial, see [NCSL's Blog](#), and for information on the EO, see [NCSL's Info Alert](#).

4/3/17 - An internal EPA [memo](#) was leaked, listing the affected areas that make up the proposed 31 percent cut in the agency's budget next year, as defined in the president's budget blueprint. The document includes "details on spending priorities, and includes some newly revealed targets," including an 84 percent cut to the Science Advisory Board, and an increase in funds for chemical safety reviews related to the reformed Toxic Substances Control Act (TSCA).

3/31/17 - DOI Secretary Ryan Zinke issued an "[American Energy Independence](#)" secretarial order (SO) intended to implement actions outlined in the president's energy independence EO. The order calls for "reexamination of the mitigation policies and practices across [DOI]...in order to better balance conservation strategies and policies," with the need to create jobs. The order revokes former [Secretary Sally Jewell's](#)

[mitigation strategy](#), directs BLM to “expeditiously” rescind its hydraulic fracturing regulations, gives BLM 21 days to review the methane flaring rule, and gives the National Park Service (NPS) and Fish and Wildlife Service (FWS) three weeks to consider oil and gas rules cited in the EO. Additionally, the SO gives all bureaus and offices 21 days to identify regulations that potentially burden the “development or utilization of domestically produced energy resources, with particular attention to oil, natural gas, coal and nuclear resources.”

3/30/17 - EPA Administrator Scott Pruitt [sent](#) letters to state governors advising them that they are “not required nor expected to work towards meeting the compliance dates set in the Clean Power Plan (CPP),” and “that states have no obligation to spend resources to comply with a Rule that has been stayed,” by the Supreme Court. For more information on the CPP, please visit [NCSL’s website](#).

3/29/17 - Department of Interior (DOI) Secretary Ryan Zinke [issued](#) a SO overturning a [2016 moratorium](#) on new coal leases on federal lands while comprehensive review was underway. The order directs the Bureau of Land Management (BLM) to “process coal lease applications and modifications expeditiously in accordance” with guidance issued prior to the moratorium. For more information on the 2016 moratorium, see [NCSL’s Info Alert](#).

3/28/17 - The administration [presented](#) a detailed list of \$18 billion in proposed reductions for FY 2017 to House and Senate appropriations committees. Proposed FY 2017 reductions include \$51 million for the Payments In Lieu of Taxes (PILT) program, eliminates state grants for the Abandoned Mine Reclamation Fund, reduces Categorical Grants by \$115 million, and the Superfund remedial program by \$30 million.

3/24/17 - In [compliance](#) with EO 13777, various offices across EPA have until May 15 to identify specific rules for an internal task force to consider for repeal or change, and must hold public meetings on the topic. The task force will be chaired by Ryan Jackson, Administrator Pruitt’s chief of staff. Following the same EO, the agency also [announced](#) it is seeking public input on regulations that may be appropriate for repeal, replacement or modification by May 15.

From Congress

4/18/17 - A group of 12 Republican lawmakers [sent](#) a letter to the president expressing their support for a complete withdrawal from the Paris Agreement. The lawmakers say the deal allows China and India to increase emissions while the U.S. would have to cut emissions drastically, at the “detriment of the American Worker.”

4/3/17 - The president signed [H.J. Res 69](#), overturning a 2016 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 [Congressional Review Act](#) (CRA) joint resolution was passed by the House, [225-193](#), and the Senate, [52-47](#). For more information on the CRA, see [NCSL’s Blog](#), and NCSL’s updated [CRA tracker](#).

3/30/17 - A bipartisan group of over 200 Representatives [sent](#) a letter to Chairman Ken Calvert (R-Calif.) and Ranking Member Betty McCollum (D-Minn.) of the Committee on Appropriations, Interior, Environment and Related Agencies Subcommittee, urging their support for reauthorization of the [Land and Water Conservation Fund \(LWCF\)](#). Authorization for LWCF expires at the end of FY 2017, Sept. 30, 2017.

3/30/17 - The “[EPA Science Advisory Board Reform Act](#)” passed the House, [229-193](#). The bill would reconfigure the membership of the agency’s Science Advisory Board (SAB) to require at least 10 percent of members to come from state, local and tribal governments. In addition, it would allow industry representatives with a stake in the board’s work to serve as long as any conflicts of interest are disclosed, but bar anyone currently receiving EPA grant funding. Additionally, one day prior, the House passed the [HONEST Act, 228-194](#), which would prohibit the EPA from proposing, finalizing, or disseminating a covered action unless all scientific and technical information relied on to support such action is the best available science, specifically identified, and publicly available in a manner sufficient for independent analysis and substantial reproduction of research results. Both items await Senate action.

From the Administration

4/20/17 - The Fish and Wildlife Service (FWS) [initiated](#) five-year status reviews for 138 species in Hawaii, Oregon, Washington, and California under the Endangered Species Act (ESA) of 1973. As the review is based on available scientific and commercial data, EPA is requesting the submission of any new information on the listed species.

4/18/17 - FWS [found](#) that a petition to list the Florida black bear under the ESA did not present substantial information that listing may be warranted. In the 1970s the estimated number of black bears fell to around 300, and today it is more than 4,000.

4/18/17 - EPA [sent](#) a letter to the American Petroleum Institute, Texas Oil and Gas Association, Independent Associations, and GPA Midstream Association, concerning petitions requesting reconsideration of provisions in EPA's final rule titled, "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed and Modified Sources." In the letter, EPA announced its intent to convene a proceeding for reconsideration of fugitive emissions monitoring requirements, and issued a 90-day stay of the compliance date of those requirements.

4/18/17 - DOI Secretary Zinke [directed](#) the Bureau of Land Management (BLM) to "identify and implement" revisions to the agency's land-use planning and environmental review process, following congressional disapproval of the 2016 [Resource Management Planning final rule](#), commonly referred to as Planning 2.0. For more information on the CRA, see [NCSL's Blog](#), and NCSL's updated [CRA tracker](#).

4/14/17 - EPA staff [recommend](#) keeping in place the agency's 2010 standard for nitrogen dioxide under the National Ambient Air Quality Standards program, concluding that there is an "appreciable uncertainty" that lowering the standard would further protect public health.

4/11/17 - Administrator Pruitt sent a letter to the Commissioner of Minnesota's Pollution Control Agency regarding a [2015 final rule](#) concerning discharges of heavy metals and other toxics

into rivers and streams. The letter follows a [petition](#) from coal industry groups, calling on EPA to reconsider the rule, arguing that it is "inconsistent with the President's regulatory reform agenda."

4/11/17 - The Internal Revenue Service (IRS) [published](#) guidance indicating that renewable energy facilities eligible for the Production Tax Credit will receive 2.4 cents for every kilowatt-hour of electricity they generate this year, up from 2.3 cents last year. The value of the tax credit is regularly adjusted to account for inflation.

4/11/17 - U.S. Energy Information Association (EIA) [announced](#) that U.S. energy-related carbon dioxide emissions totaled 5,170 million metric tons in 2016, 1.7 percent below their 2015 levels, after dropping 2.7 percent between 2014 and 2015; decreases that are consistent with a decade long-trend, with carbon dioxide energy emissions, 14 percent below the 2005 level in 2016.

4/3/17 - Secretary Zinke [accepted](#) the president's first quarter salary of \$78,333, as a donation to the National Park Service to fund the maintenance backlog in the nation's historic battlefields.

4/3/17 - DOI [announced](#) a proposal to repeal the [2017 valuation rule](#) for coal, oil, and natural gas on federal lands in its entirety, keeping with the administration's goals of reducing regulation and controlling regulatory costs. The rule was aimed at putting an end to "self-dealing." Additionally, the department [issued](#) an Advanced Notice of Proposed Rulemaking (ANPRM) seeking comment on whether revisions are needed to pre-existing valuation regulations, which will now be maintained.

4/3/17 - DOI's inspector general [found](#) that the agency's Office of Surface Mining Reclamation and Enforcement does not adequately track how states are using abandoned mine land grants to reclaim land at abandoned sites nor is it ensuring that they use the money for actual reclamation work.

3/30/17 - FWS [announced](#) the reclassification of the Manatee from endangered to threatened, citing an expanding population

and improved habitat as its reason. In the 1970's only a few hundred manatees remained, today there are over 6,500.

3/29/17 - BLM [rescinded](#) two Obama administration memos laying out how any infrastructure project that uses a railroad right-of-way, must be related to the railroad itself.

3/24/17 - EPA, the American Farm Bureau Federation, and the National Pork Producers Council [reached an agreement](#) to release the city, county and zip codes, of farms in 37 states referenced in 2012 FOIA requests, regarding animal feeding operations, along with information on the status of Clean Water Act permitting for waste discharges.

Other

3/29/17 - The 10th Circuit Court of Appeals issued an opinion, restoring a federal prohibition on "taking" the Utah prairie dog on private property without a permit, finding that the Commerce Clause authorized the 2012 FWS rule. The decision is one of three which states the Endangered Species Act can apply to single-state species.