

2018 Recap and 2019 Look-ahead: Environmental Regulation


Overview of congressional and administrative actions around Environmental Regulation with potential agenda items for next year

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Producer

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Roadmap

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- 2018 Recap: Congress
 - 2018 Recap: Trump Administration
 - Midterm Elections: Committee Impacts
 - 2019 Look-ahead: Congress
 - 2019 Look-ahead: Trump Administration
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Major congressional actions in 2018 on environmental regulation



America's Water Infrastructure Act

Background

- Bipartisan legislation to reauthorize funding for water infrastructure programs as well as funding for new projects
- Authorizes \$4.4 billion for EPA's safe drinking water initiatives
- Authorizes \$6.1 billion for US Army Corps harbor, port, and waterway projects
- Funds must still be appropriated by Congress

Status: Signed into law on 10/23/18



Appropriations

Background

- Though Pres. Trump had asked for major spending cuts, the FY2019 appropriations bill passed both chambers of Congress with little changes to Obama-era levels
- One provision addresses the Water of the United States and explicitly removes several waterways from protection by the Clean Water Act
- FY 2019 appropriations have been stalled, but a continuing resolution has continued funding at 2018 levels

Status: Resolving differences, Continuing Resolution expires 12/21/18



Ethics oversight hearings

Background

- Former EPA Administrator Scott Pruitt testified at a series of congressional hearings related to his use of federal funds for travel and security
- Pruitt remained adamant that his spending was due to increased security needs due to his de-regulatory agenda

Status: Pruitt resigned in June

Trump administration 2018 recap: Environmental Regulation



Endangered Species Act

- Interior and Commerce released a proposal in July to change the protections for species distinguished as ‘threatened’ under the ESA
- The agencies also requested that FWS and NOAA remove language that places protection of endangered and threatened species over economic impacts



Public land leases

- In late 2017, DOI announced its intention to shrink several National Monuments and public lands in order to open sections for gas and oil exploration
- Leasing started in August 2018 in some areas while others are currently in public comment periods



Vehicle emission standards













- In spring 2018, EPA released a plan to ease the vehicle emissions standards for cars and lightweight trucks
- Several states, foremost California, sued the EPA following the action
- The plan would decrease Obama-era fuel efficiency standards that planned to double fuel efficiency by 2025



“We are delivering on President Trump’s promise to the American public that his administration would address and fix the current fuel economy and greenhouse gas emissions standards.”

— Acting EPA Administrator Andrew Wheeler

Potential committee chairs: environmental regulation

Committee	Chair	Ranking member
Senate Energy and Natural Resources	 Lisa Murkowski (AK)	 Joe Manchin (D-WV)
Senate Environment and Public Works	 John Barrasso (WY)	 Tom Carper (DE)
Senate Commerce, Science, and Transportation	 John Thune (SD)	 Maria Cantwell (D-WA)
House Energy and Commerce	 Frank Pallone (NJ)	 Greg Walden (OR)
House Natural Resources	 Raul Grijalva (AZ)	 Rob Bishop (UT)
House Science, Space, and Technology	 Eddie Bernice Johnson (TX)	 Lamar Smith (TX)

Potential 2019 environmental regulation agenda items for Congress



Increased oversight of the EPA and Dept. of Interior

H.R. 4426, “Sustainable Energy Development Reform Act

- Co-sponsored by incoming House Natural Resources chairman Raul Grijalva
- Seeks to reform leasing of public lands for energy extraction, promote the development of renewable energy on public lands, prepare for the impacts of climate change and protect “special places”

Climate change and national security

- The 2018 NDAA signed into law on December 17, 2017 included a recognition of climate change as a threat to national security, distinguishing 128 military bases that are vulnerable to sea level rise
- New members of the 116th Congress have pressured leadership to reinstate a House Select Committee on Global Warming, which was dismantled in 2010

Ethics

- Both former EPA Administrator Scott Pruitt and former Interior Secretary Ryan Zinke resigned this year amid ethics scandals

Policy implementation

- Potential EPA investigations:
 - TSCA implementation
 - Fuel efficiency standards
 - WOTUS definition
- Potential Interior investigations:
 - Public lands leasing
 - Offshore drilling
 - ESA implementation (sage grouse)

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“This is no kind of victory, but I’m hopeful that it is a genuine turning of the page. Secretary Zinke’s successor has a chance to move on from an unfortunate Trump administration record of environmental mismanagement and decline

— Rep. Raul Grijalva (D-AZ), incoming chair of the House Natural Resources Committee

Potential 2019 environmental regulation agenda items for the Trump administration



Finalization of proposed deregulation

- Many rules proposed by the EPA in President Trump's first two years in office have faced legal challenges
- Pending legal disputes with Democratic states, the administration could enact final rules



Continued push to revive coal industry

- The president has proposed several items over the past two years to revive the coal industry including the 90-day store rule and the ACE
- As the 2020 election approaches, the president is likely to refocus on fossil fuel production including coal mining



Alaskan National Wildlife Refuge fossil fuel recovery

- Pursuant to provisions in the 2017 tax reform package, parts of ANWR are now available for oil extraction
- The Interior Department has begun processing permits, and seismic testing is expected to begin this winter



“As to whether or not [climate change] is man-made and whether or not the effects that you're talking about are there, I don't see it,”

— President Trump in response to the Fourth Annual Climate Report released by his administration