

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** POLITICO Pro Energy  
**Sent:** Wed 8/16/2017 9:44:26 AM  
**Subject:** Morning Energy: Trump launches new salvo to speed project permitting — Another twist in Summer nuclear saga — LCV campaign targets monument review

By Anthony Adragna | 08/16/2017 05:41 AM EDT

*With help from Alex Guillén, Darius Dixon, Doug Palmer and Emily Holden*

**ANOTHER ENVIRONMENTAL REVIEW PUSH THUDS:** Before he veered off-message by arguing there were "very fine" people among the neo-Nazis and KKK members in Charlottesville, President Donald Trump actually signed an executive order Tuesday that aims to hit a two-year goal for completing federal environmental permitting for infrastructure projects by designating a lead federal agency for each major project. "It's going to be a very streamlined process," he said at a Trump Tower press conference. "And, by the way, if it doesn't meet environmental safeguards, we're not going to approve it." The order tasks the White House Council on Environmental Quality (still without a nominee to lead it) with developing a government-wide action plan to speed environmental permitting reviews and with sorting out any disputes between agencies.

**Most controversial among the order's provisions** was the revocation of an Obama-era flood standard requiring new federally funded projects be built to withstand the stronger storms likely fueled by climate change — a move that earned broad condemnation. R.J. Lehmann, a senior fellow with the conservative R St. Institute, called the revocation "shortsighted and ill-considered." Republican Rep. Carlos Curbelo, whose South Florida district sees frequent flooding, called Trump's decision "irresponsible and it will lead to taxpayer dollars being wasted on projects that may not be built to endure the flooding we are already seeing and know is only going to get worse." And Sierra Club Executive Director Michael Brune said axing the standard was "actively wasting taxpayer dollars, endangering schools and hospitals, and threatening the lives of people around the country for no other reason than his apparent contempt for the public."

**Supporters of Trump's reversal of the Obama-era initiative** were limited mainly to home builders and some Republicans in Congress. "President Trump made the correct decision to repeal this onerous regulation that was written to make a political statement on climate change rather than for practicality," Louisiana Rep. Ralph Abraham, whose state has been ravaged by more frequent flooding, said in a statement. And National Association of Home Builders Chairman Granger MacDonald praised Trump's action to kill the standard that would "needlessly hurt housing affordability" and said it would "provide much-needed regulatory relief for the housing community and help American home buyers."

**What about infrastructure?** Trump attempted to call attention to his \$1 trillion initiative to rebuild the nation's roads, tunnels and bridges — but provided hardly any detail about what that forthcoming proposal may actually contain, Pro Transportation's Lauren Gardner reports. National Economic Council Chairman Gary Cohn said the White House continued to hope action on infrastructure would come this year but told reporters it would "come on the heels of taxes," another complex issue without a firm proposal ready for congressional consideration.

**WELCOME TO WEDNESDAY!** I'm your host Anthony Adragna, and the American Chemistry Council's Andrew Fasoli was first to name Liechtenstein as the country Snoop Dogg tried to rent out. For today: What iconic rock n' roller died 40 years ago today? (No Googling, as always; h/t reader Craig Meyers.) Send your tips, energy gossip and comments to [aadragna@politico.com](mailto:aadragna@politico.com), or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning\\_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

**SCANA PULLS ABANDONMENT APP FOR SUMMER (FOR THE MOMENT):** After markets closed on Tuesday, SCANA announced that it is yanking the paperwork it filed with regulators to abandon the V.C. Summer nuclear project. Nuclear supporters shouldn't get too excited just yet. Since it decided to pull out of the project two weeks ago, the company brass have met with state lawmakers concerned about the political and financial fallout of Summer's undoing—and the billions of dollars SCANA intends to pass onto its customers. "The purpose of these ongoing meetings is to discuss their concerns and to explain the path that led us to the abandonment decision," SCANA CEO Kevin Marsh said in a statement. Terminating the project, he reiterated, was their "least desired option" but still "the prudent decision."

**South Carolina's 2007 Base Load Review Act** established a six-month clock for regulators to review the abandonment plan, while the state's governor and legislators are scrambling for options to minimize the impact on consumers or rescue the project. Marsh is holding a conference call with analysts at 8:30 a.m. today.

**ME FIRST — GREENS LAUNCH 'FINAL PUSH' AGAINST MONUMENT REVIEW:** The League of Conservation Voters is launching a final \$100,000 push today across multiple platforms against the Trump administration's review of nearly two dozen previously-designated national monuments. The campaign will urge people to urge Interior Secretary Ryan Zinke against making changes to the designations and promote videos highlighting support of public lands. LCV also plans to use Facebook and Instagram to push Reps. Paul Gosar, Steve Pearce, Doug LaMalfa and Doug Lamborn to stop their support of the review.

**BRING ON THE LOBBYING MUSCLE:** Five European natural gas companies hoping to build a controversial pipeline to deliver Russian gas to Germany hired a U.S. lobbying firm this month, Pro's Ben Lefebvre reports, citing disclosure forms. The five European companies — Shell International, Engie, Uniper SE, OMV Aktiengesellschaft and Wintershall Nederland — will be represented by McLarty Inbound lobbyists including Richard Burt, a former ambassador to Germany. Edward Chow, a senior fellow at the Center for Strategic and International Studies' Energy and National Security Program, said the companies could be reacting to the combination of a more aggressive U.S. energy policy under Trump and Congress' tougher line on Russia.

**COAL VERSUS THE WORLD:** The coal lobby has taken some offense to an initial draft of the Department of Energy's upcoming grid study. The American Coalition for Clean Coal Electricity wants the report to pin losses in coal and nuclear generation on natural gas and Obama-era regulations on fossil fuels, not renewable power. The group wants DOE to look at how increasing reliance on natural gas might cause grid reliability problems when gas is not available, according to a new paper. ACCCE also counters the draft study's findings that EPA

regulations played only a minor role in coal retirements and that coal has been one of "the largest energy subsidy beneficiaries."

**COURT STOPS MONTANA COAL MINE EXPANSION:** A U.S. District Court judge in Montana this week tossed out the Interior Department's 2015 approval of a coal mine's expansion in the state, ruling that the agency failed to study the climate change-related effects of transporting and burning that coal. Environmental groups argued that Interior had calculated the economic benefits of expanding Signal Peak Energy's Bull Mountain mine (including local employment and state tax revenue) without also considering the costs of burning that coal. Judge Donald W. Molloy [agreed](#), and was especially critical of Interior for concluding that the effect of the expansion's emissions would be "too uncertain to predict" while also concluding that the expansion would have no effect "because other coal would be burned in its stead."

"This conclusion is illogical, and places the Enforcement Office's thumb on the scale by inflating the benefits of the action while minimizing its impacts," he wrote in his Monday ruling. Molloy, a Clinton appointee, vacated Interior's previous environmental assessment, ordered a halt to any mining in that area. Interior must revisit these issues and likely conduct a full environmental impact statement if mining is to resume. Environmentalists quickly cheered the ruling. "The company and a government agency tried to cut corners once again. Thankfully the court didn't let that happen," said Anne Hedges of the Montana Environmental Information Center.

**ITC HEARS SOLAR TRADE TESTIMONY:** Industry groups led by the Solar Energy Industries Association, state government officials and representatives of foreign governments all urged the International Trade Commission at a hearing Tuesday not to grant petitions from U.S. solar manufacturers Suniva and SolarWorld Americas for steep tariffs on imported solar cells and modules, Pro Trade's Luis Sanchez [reports](#). Some like Sibylle Zitko, a representative for the European Commission, argued "'inefficiencies" and "bad investments" were more to blame for the U.S. manufacturers' struggles rather than cheap solar imports. ITC has until Sept. 22 to make an injury determination and if the commission sides with Suniva and SolarWorld then Trump would have until Jan. 12, 2018, to make a decision on a remedy and present his plan to Congress.

**WHAT A CRAZY STORY:** Did you know EPA has a fugitive [website](#)? ME neither, but it now boasts a new member thanks to a case involving radioactive waste and a prison escape. James Kenneth Ward illegally dumped radioactive waste at several spots throughout North Dakota but then escaped while on prison transport in Wyoming. He's considered violent and dangerous. More [here](#).

**OIL SECTOR: ISDS MUST STAY IN NAFTA:** The American Petroleum Institute is insisting that access to investor-state dispute settlements remain a part of NAFTA, which is the subject of trade talks happening this week. "ISDS is a neutral, international arbitration procedure," the group said in a new [brief](#) on its website. "ISDS is necessary to ensure that, when US oil and natural companies invest abroad, they can seek protection for their investments if they do not have access to developed and independent court systems."

**On the other side,** Sen. [Sherrod Brown](#) [came out hard](#) against the provision, writing in an op-ed that the new NAFTA must "do away with special courts that allow multinational corporations to

undermine U.S. laws and take advantage of American workers. These corporate courts are called investor-state dispute settlement and they've got to go."

**NEW EFFORT TO BOOST CORPORATE SUSTAINABILITY:** The Harvard Business Review, along with top corporate leaders, is today launching a new effort called the Future Economy Project to help companies lay out blueprints for improving their sustainability efforts. Partners in the effort include: Virgin's Richard Branson; Instagram COO Marne Levine; Dow Chemical's Andrew Liveris; PepsiCo's Indra Nooyi; former Treasury Secretary Hank Paulson; Unilever's Paul Polman and Alphabet's Eric Schmidt. The effort will result in a list of principles.

**PENCE CONFIDENT ABOUT VENEZUELA SOLUTION:** Vice President Mike Pence expressed confidence economic and diplomatic pressure would resolve Venezuela's ongoing woes during a Tuesday speech in Buenos Aires, Argentina. "We will continue to act until the Maduro regime restores democracy, holds free and fair elections, releases all of its political prisoners, and ends the repression of the Venezuelan people," he said.

**REPORT: HFC DECISION COULD BOOST POLLUTION:** A new research note from Energy Innovation concludes a federal appeals court ruling striking down an effort from EPA to ban hydrofluorocarbons could lead to the equivalent of between 3.6 billion and 9.5 billion metric tons of carbon dioxide in the atmosphere in 2050, compared to emissions that would have been avoided with the rule in place. It also warns the court's decision, which is likely to be appealed, could hamper U.S. options for upholding its international commitments made last year to reduce HFC emissions.

**ANOTHER AD HITS VIRGINIA PIPELINE:** The Natural Resources Defense Council released an ad Tuesday opposing construction of Dominion Energy's Atlantic Coast natural gas pipeline and urging Virginia to conduct a far more thorough environmental review of the proposed project. The ad argues that the company has a history of water pollution violations associated with their pipelines and asks "how can we trust them to build an unnecessary 600-mile pipeline?" It's backed with a six-figure ad buy and encourages Virginians to weigh in during the public comment period.

**NEW CLIMATE TOOL FOR CITIES UNVEILED:** Quantified Ventures and Neighborly, backed with financial support from the Rockefeller Foundation, are unveiling a challenge today to have two U.S. cities issue the first publicly marketed environmental impact bonds. Proceeds from the bonds will go toward green infrastructure projects like stormwater management or other resilience efforts aimed at protecting vulnerable or low-income communities.

**MOVER, SHAKER:** Connecticut's John Betkoski III has assumed the role of president of the National Association of Regulatory Utility Commissioners; he replaces Robert Powelson, who recently became a FERC commissioner.

**TWEETED:** Former New Jersey GOP Gov. and EPA Administrator Christine Todd Whitman on Tuesday in response to a retweet of a train running over someone with a CNN logo for a head. "Have you no shame @realDonaldTrump? Retweeting a Trump train running over a reporter isn't even acting like an adult, much less a president."

## QUICK HITS

- The Energy Market's Facts Of Life. [Bloomberg Businessweek](#).
- Trump Has Broad Power to Block Climate Change Report. [ProPublica](#).
- Testimony: Group that tampered with northern Minnesota pipeline valve to claim 'necessity' defense. [Inforum](#).
- How Ohio is trying to keep Asian Carp out of Lake Erie. [Cleveland.com](#).
- China imposes import bans on North Korean iron, coal and seafood. [BBC](#).
- US: 'Zero' chance of Colorado River water shortage in 2018. [AP](#).

## HAPPENING TODAY

\*crickets\*

## THAT'S ALL FOR ME!

*To view online:*

<https://www.politicopro.com/tipsheets/morning-energy/2017/08/trump-launches-new-salvo-to-speed-project-permitting-024256>

## Stories from POLITICO Pro

### Trump to roll back climate-focused flood standard [Back](#)

By Annie Snider | 08/15/2017 12:41 PM EDT

President Donald Trump will roll back a flood standard designed to protect federal investments from stronger storms as part of an executive order set to be signed this afternoon, according to a White House source.

The Federal Flood Risk Management Standard was established under an [executive order](#) issued by President Barack Obama in 2015. It requires that new federally funded projects — from government buildings like Veterans Administrations hospitals to bridges and schools funded by federal grants — be built to withstand the stronger storms and additional flooding projected to occur as the climate changes. It does not apply to the National Flood Insurance Program.

The Obama administration's standard offers multiple options for achieving greater flood protection, but generally requires construction to withstand a 500-year storm. The previous standard, on the books for more than four decades, required construction to take place outside of the 100-year floodplain. The new standard has not actually taken effect yet; each federal agency

is tasked with developing its own regulation for implementing the standard, and none have yet been finalized.

Industry groups objected to the standard, arguing it was developed behind closed doors and could greatly increase costs.

Environmental groups have objected to efforts to repeal the standard.

"Ninety percent of all natural disasters in the United States involve flooding. These events claim lives and strain the capacity of government agencies and local communities to adequately respond and provide relief," Laura Lightbody with the Pew Charitable Trusts said in a statement.

**WHAT'S NEXT:** Trump is slated to sign an executive order on infrastructure containing the roll back of the Federal Flood Risk Management standard at 3 p.m. today.

*To view online [click here](#).*

[Back](#)

**Trump talks infrastructure, but \$1 trillion plan is as elusive as ever** [Back](#)

By Lauren Gardner | 08/15/2017 05:59 PM EDT

President Donald Trump on Tuesday rolled out yet another executive order aimed at speeding up approvals for infrastructure projects — the latest in a string of efforts to call attention to his languishing proposal for a \$1 trillion initiative to rebuild the nation's roads, tunnels and bridges.

Tuesday's order [aims](#) to shrink the environmental permitting process to as little as two years, down from an average of seven years for "complex" highway projects, and ensure that just one federal agency serves as the point of contact for each project's paperwork. It also [nixes](#) an Obama-era flood standard that would have required federally funded projects to be built to withstand the stronger storms projected to occur as the planet warms.

"My administration is working every day to deliver the world-class infrastructure that our people deserve and, frankly, that our country deserves," the president said in the lobby of Trump Tower. He was flanked by Transportation Secretary Elaine Chao, National Economic Council Director Gary Cohn and Treasury Secretary Steven Mnuchin.

The executive order is another drip in the trickle of actions Trump has taken to highlight his interest in bolstering the nation's infrastructure, relying on existing authorities granted by Congress in its 2015 surface transportation law. He made a similar announcement in June at DOT headquarters, when he dropped thick binders full of permit paperwork on stage and vowed to end the "painfully slow, costly and time-consuming" review process.

But Tuesday's announcement did little to flesh out exactly how his administration plans to boost

public and private investment in those projects. The most detail the White House has provided to date was a [six-page fact sheet](#) released with little fanfare along with Trump's fiscal 2018 budget proposal in May.

While infrastructure boosters have largely cheered the administration's posture on speeding up permit approvals, they're also eager to see the president put some substance into a policy priority that they hope can notch a rare bipartisan win for Trump's first year in the West Wing.

Even so, administration officials and their allies said Trump's latest order is a significant step toward smoothing out what they've decried as a long, confusing federal permitting process that allows a multitude of agencies to approve or reject projects.

"We're pleased that the Trump administration is continuing its effort to slice through burdensome, duplicative processes across government," said Christine Harbin, Americans for Prosperity's vice president of external affairs, in a statement. "Particularly in the federal infrastructure space, permitting holdups can add years to projects that would otherwise be improving our infrastructure and contributing to our economy."

Just days into his presidency, Trump signed an executive order directing federal officials to expedite environmental reviews for infrastructure projects deemed "high priority." And he visited DOT headquarters in June at the end of the White House's "infrastructure week" to [announce](#) he was standing up a council previously created by Congress to guide project sponsors through the federal permitting process. He also said in June that he would revamp an Obama-era online "dashboard" to allow the public to track projects and see when deadlines are blown.

"The over-regulated permitting process is a massive, self-inflicted wound on our country. It's disgraceful," Trump said Tuesday.

But Trump is just the most recent president eager to hasten the federal permit process. President Barack Obama signed orders of his own to speed up those environmental review proceedings, and President George W. Bush before him formed a task force with the goal of "modernizing" the National Environmental Policy Act, the 1970 law that requires federal agencies to evaluate the environmental impacts of proposals affecting anything from construction to land management before endorsing them.

Environmental groups blasted the administration's latest permitting order, calling it a giveaway to big business that skirts long-standing safeguards for communities.

"Arbitrary decisions and artificial deadlines can lead to costly mistakes we'll all pay for down the line," said Rhea Suh, president of the Natural Resources Defense Council.

Trump's news conference following his meeting with administration officials on infrastructure quickly devolved into a back-and-forth with reporters about the statements he'd made after last weekend's deadly protests in Charlottesville, Va.

Before he left the lobby, though, he maintained that he still expects Democrats "will go along

with" an infrastructure bill that his administration hopes lawmakers will consider later this year.

*To view online [click here](#).*

[Back](#)

## **Russian pipeline backers add U.S. lobbyists** [Back](#)

By Ben Lefebvre | 08/15/2017 06:32 PM EDT

Companies hoping to build a controversial pipeline to deliver Russian gas to Germany are adding new lobbyists in the U.S., according to recently released disclosure forms.

Five European natural gas companies with ties to the Russian-led Nord Stream 2 pipeline project hired a U.S. lobbying firm earlier this month. And a subsidiary of Russian gas company Gazprom hired two lobbying firms in July, according to the records.

The pipeline became enmeshed in the debate earlier this summer over strengthening sanctions against Russia, after German and Austrian leaders [warned](#) they could hurt European companies involved in building the pipeline. President Donald Trump [signed](#) the sanctions bill into law on Aug. 2. Trump has also cheered U.S. LNG exports into Europe as a way for countries there to wean themselves off of Russian gas.

[Shell International](#), [Engie](#), [Uniper SE](#), [OMV Aktiengesellschaft](#) and [Wintershall Nederland](#) hired McLarty Inbound as of Aug. 1 to push an agenda "to protect and further" their "interests in the debate over natural gas as an element of European energy security," according to language included in each of their lobbying disclosures.

Neither the companies nor the lobbying firms replied to questions. But the companies could be reacting to the combination of a more aggressive U.S. energy policy under Trump and Congress' tougher line on Russia, according to Edward Chow, a senior fellow at the Center for Strategic and International Studies' Energy and National Security Program.

"I suspect the combination of 'energy dominance' talk plus the strong sanctions vote in Congress made investor/partners more sensitized to the real and potential impacts on their investments with Russian partners," Chow wrote in an email. "It's ironic that after years of asking the U.S. government for help with gas exports to help Europe diversify their gas supply, the reaction to the various iterations of the sanctions bills was to ascribe the sanctions motives to forcing U.S. gas into their system."

The five companies are partners in [Nord Stream 2](#), which Gazprom hopes will deliver natural gas to northeast Germany starting in 2019.

A month earlier, Nord Stream 2 AG, the Gazprom subsidiary, hired lobbyists with [Capitol Counsel](#) and [Roberti Global](#) to represent the company in issues related to Russian sanctions

legislation. Among the hires was Lydia Strunk, a former top aide to House Republican leaders.

The five European companies will be represented by McLarty lobbyists including Richard Burt, a former ambassador to Germany.

Engie has also been represented since October by Mike McKenna of MWR Strategies, according to disclosure forms. McKenna briefly led the Trump administration's transition team for the Energy Department. Shell International has not had registered lobbyists since 2008, and the other three companies have never had formal representation, according to disclosure records.

Former German Chancellor Gerhard Schröder last year joined the board of Nord Stream 2 AG. Earlier this month, he was also nominated to the board of Rosneft, Russia's largest oil company.

*To view online [click here](#).*

[Back](#)

### **States, foreign governments press ITC to reject solar petition [Back](#)**

By Luis Sanchez | 08/15/2017 05:48 PM EDT

Several industry leaders, state government officials and representatives of foreign governments pressed the U.S. International Trade Commission at a hearing Tuesday to reject a petition from two domestic solar manufacturers asking for steep tariffs on imported solar cells and modules.

U.S. solar manufacturer Suniva and SolarWorld Americas have asked the commission to declare that solar cell and module imports from predominantly Asian nations have caused "significant injury" to their domestic business.

"U.S. module manufacturers suffered net losses exceeding a billion dollars over a five-year period," Matthew J. McConkey, a spokesperson for Suniva, said at Tuesday's hearing. "As U.S. demand for solar products increased from 2005 to 2016, foreign suppliers, including those from China, Korea, Canada and Malaysia, began capturing an even larger share of the U.S. market."

If the ITC agrees with the two companies that a "deluge" of solar imports had distorted the U.S. market, it could have huge impact on the renewable energy source that has grown rapidly over the past decade as costs for the panels that turn sunlight into electricity have plunged.

Chinese companies dominate the global production of solar cells and modules, and they have built extensive supply chains and manufacturing operations across Asia. President Donald Trump had often criticized China for its trade practices, and on Monday he issued an [executive memorandum](#) calling for U.S. trade officials to "consider all available options" to get China to stop coercing U.S. companies to hand over valuable technology.

Suniva, which is based in Georgia and is majority-owned by China's Shunfeng International,

filed its section 201 petition with the ITC in April, just eight days after it filed for Chapter 11 bankruptcy protection. SolarWorld later joined the petition.

The commission has until Sept. 22 to make an injury determination and would submit its report on a proposed remedy to the president by Nov. 13. Trump then has until Jan. 12, 2018, to make a decision on a remedy and present his plan to Congress.

Suniva and SolarWorld are seeking an initial tariff of 40 cents per watt of capacity on all imported solar cells and a 78 cents per watt minimum price for modules, roughly twice the current domestic price for solar modules. Suniva alleges that wages for industry workers dropped by 27 percent and 1,200 U.S. manufacturing jobs were lost between 2012 and 2016 because of imports.

The two companies, the two largest surviving domestic manufacturers of solar cells and modules, are seeking the protections to keep cheaper solar modules from being sold on the U.S. market and further hurting the U.S. industry.

However, opponents of the petition said that manufacturing the equipment is only a small part of the U.S. solar industry. Out of the 260,000 people working in the U.S. solar industry, only about 38,000 people work in manufacturing.

The Solar Energy Industries Association argues that tariffs and price floors would damage the whole solar industry, eliminating 88,000 jobs.

"One out of every 50 new jobs created last year in the U.S. was a solar job. Solar is an American success story whose future remains bright," said Matthew Nicely, a spokesperson for SEIA. "Its continued success could be destroyed by the misguided actions of the two petitioners and their small group of supporters whose workers represent less than one percent of all those that work for this dynamic American industry."

Government officials from several U.S. states also expressed their opposition to the petition at Tuesday's hearing, citing potential job and investment losses.

"If this petition is granted, it may save a few hundred cell or module manufacturing jobs, but there are many thousands of good manufacturing installation jobs that will be lost," Jason Saine, a North Carolina state representative said. "A remedy will do more harm than good here with the only benefit going to a small number of companies that frankly don't deserve it."

Al Christopher, director of the Virginia Department of Mines, Minerals and Energy, said that solar projects were not just helping the economy in his state; they also act as "a vital marketing tool in attracting the growing number of companies seeking renewable energy options when deciding where to make investments."

Several representatives of foreign governments also argued the tariffs weren't justified and they urged the commission to exclude their nations from possible tariffs.

"The value of imports from Korea was quite low for most of the period investigated," Korean Minister Counsellor for Trade, Industry and Energy Chang K. Kim said. When the shipments from his country increased in 2016, the imports went to the "utility segment of the market and were part of the share the domestic industry could not supply."

Sibylle Zitko, a representative for the European Commission, went a step further, contending "inefficiencies" and "bad investments" were more to blame for Suniva and SolarWorld's woes rather than imports.

"The criteria for the inquisition for safeguard measures are clearly not met in this case and thus the investigation should be terminated," Zitko said.

McConkey said the argument that Suniva and SolarWorld brought their financial problems on themselves was both false and offensive, and the petitioners only needed to show at Tuesday's hearing that they had suffered because of the imports. "We'll get to remedy later this fall," he said,

*To view online [click here](#).*

[Back](#)

## **Court strikes down EPA limits on HFCs [Back](#)**

By Eric Wolff | 08/08/2017 11:35 AM EDT

A federal court today struck down EPA's attempt to ban a powerful heat-trapping gas under its authority to regulate substances that deplete the ozone layer.

The D.C. Circuit said EPA could not force manufacturers that had replaced ozone-depleting chemicals with hydrofluorocarbons to stop producing them. The Obama administration in 2015 said the high global warming potential of HFCs justified removing them from a list of acceptable replacements for chlorofluorocarbons, which are being phased out to protect the ozone layer in conjunction with the 1992 Montreal Protocol.

The court, in a 2-1 [decision](#), said EPA too broadly interpreted its authority under the Clean Air Act in trying to ban HFC production altogether. However, Judges Janice Rogers Brown and Brett Kavanaugh said EPA could still bar the use of HFCs by companies that had not yet replaced their ozone-destroying coolants and that EPA could still potentially regulate HFCs under the Toxic Substances Control Act.

Judge Robert Wilkins, an Obama appointee, dissented from the decision, saying EPA's interpretation of its authority was reasonable.

The decision is a victory for French chemical manufacturer Arkema and Mexico-based Mexichem, both of whom make HFCs. It's a blow to U.S. manufacturers of coolants who

dominate the market in next-generation chemicals that have much lower global heating potential. It also raises questions about the U.S. ability to implement an amendment to the Montreal Protocol that would curtail worldwide use of HFCs.

**WHAT'S NEXT:** The court remanded the rule back to EPA for reconsideration.

*To view online [click here](#).*

[Back](#)

**Court strikes down EPA limits on HFCs** [Back](#)

By Eric Wolff | 08/08/2017 11:35 AM EDT

A federal court today struck down EPA's attempt to ban a powerful heat-trapping gas under its authority to regulate substances that deplete the ozone layer.

The D.C. Circuit said EPA could not force manufacturers that had replaced ozone-depleting chemicals with hydrofluorocarbons to stop producing them. The Obama administration in 2015 said the high global warming potential of HFCs justified removing them from a list of acceptable replacements for chlorofluorocarbons, which are being phased out to protect the ozone layer in conjunction with the 1992 Montreal Protocol.

The court, in a 2-1 [decision](#), said EPA too broadly interpreted its authority under the Clean Air Act in trying to ban HFC production altogether. However, Judges Janice Rogers Brown and Brett Kavanaugh said EPA could still bar the use of HFCs by companies that had not yet replaced their ozone-destroying coolants and that EPA could still potentially regulate HFCs under the Toxic Substances Control Act.

Judge Robert Wilkins, an Obama appointee, dissented from the decision, saying EPA's interpretation of its authority was reasonable.

The decision is a victory for French chemical manufacturer Arkema and Mexico-based Mexichem, both of whom make HFCs. It's a blow to U.S. manufacturers of coolants who dominate the market in next-generation chemicals that have much lower global heating potential. It also raises questions about the U.S. ability to implement an amendment to the Montreal Protocol that would curtail worldwide use of HFCs.

**WHAT'S NEXT:** The court remanded the rule back to EPA for reconsideration.

*To view online [click here](#).*

[Back](#)

## Trump retweets then deletes post calling him a fascist [Back](#)

By Louis Nelson | 08/15/2017 07:39 AM EDT

President Donald Trump on Tuesday shared a Twitter post with his followers that called him a "fascist."

The Twitter exchange began Tuesday morning when Trump retweeted a post from the account of Fox News' morning show "Fox & Friends" linking to a story about the possibility of the president pardoning former Maricopa County, Arizona, Sheriff Joe Arpaio, who was recently convicted of criminal contempt by a judge in Arizona. Arpaio, a controversial figure for, among other practices, his aggressive enforcement of immigration law, was a vocal Trump supporter during last year's election.

A Twitter user named Mike Holden responded to the "Fox & Friends" post by writing "he's a fascist, so not unusual," which Trump then retweeted from his own account. Holden later clarified that his "fascist" label had been directed at Trump.

Minutes later, the president undid his retweet without explanation.

I'm announcing my retirement from Twitter. I'll never top this RT.

[pic.twitter.com/HuGHkiPoyR](https://pic.twitter.com/HuGHkiPoyR)

— Mike Holden (@MikeHolden42) [August 15, 2017](#)

The president also retweeted a post from another user featuring a cartoon depicting a train with "Trump" written on the side running over an individual with a CNN logo for its head. The post was similar to one that landed Trump in hot water earlier this summer, when the president posted an animated image of himself from a professional wrestling appearance tackling an individual with a CNN logo for a head. Trump's Tuesday morning CNN cartoon was quickly removed from Trump's feed.

One retweet that remained on the president's feed came Monday night from alt-right figure Jack Posobiec, who complained online that violent crime in Chicago had not received the same media attention as a deadly white supremacist rally in Charlottesville, Virginia. Posobiec is active in alt-right social media circles and has posted tweets promoting baseless conspiracy theories alleging that prominent Democrats had run a child sex ring out of a Washington, D.C., pizzeria.

*To view online [click here](#).*

[Back](#)

Was this Pro content helpful? Tell us what you think in one click.				

Yes, very	Somewhat	Neutral	Not really	Not at all
-----------	----------	---------	------------	------------

**You received this POLITICO Pro content because your customized settings include: Morning Energy. To change your alert settings, please go to <https://www.politicopro.com/settings>**

---

This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

---