

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Morning Energy  
**Sent:** Tue 8/8/2017 2:09:28 PM  
**Subject:** POLITICO's Morning Energy: Pruitt's new TSCA plan burns greens — Conservatives attack to defend Ex-Im pick — Dominion v. Kaine challenger

By Darius Dixon | 08/08/2017 10:00 AM EDT

*With help from Ben Lefebvre and Matt Daily*

**EPA GOES NARROW WITH NEW TSCA POLICY:** EPA says a new plan to evaluate the safety of chemicals will ease the path for bringing new substances to market and increase transparency, Annie Snider [reports](#). But environmentalists contend the plan will undermine critical safety measures that were included in last year's landmark bipartisan chemicals law overhaul. The 'operating principles' announced Monday will limit EPA's evaluation of new chemicals to solely the "intended uses" that the manufacturer identifies in its initial notice to the agency, Annie writes. If the agency decides that intended use is safe, the chemical could go on the market, even if EPA experts have concerns about other potential uses. Those concerns would be addressed through a later rulemaking, the agency said. Administrator Scott Pruitt said EPA "can either be a roadblock to new products, or it can be supporter of innovation and ever-improving chemical safety."

**This is not the TSCA we were looking for:** The the American Chemistry Council praised the move, but greens complained it's a major shift from the approach embraced by lawmakers when they updated the Toxic Substances Control Act, the country's primary chemical safety law, which pushed for chemicals to be evaluated as a whole for their safety, rather than breaking evaluations down into individual uses. "What your body cares about is not, 'How much was I exposed to by that use versus another use.' It's how much was I exposed to in totality," said Richard Denison, a lead senior scientist at the Environmental Defense Fund.

**Annie adds:** Internal documents obtained by POLITICO showed that career staffers disagreed with similar changes made to final rules governing existing chemicals last month that also focus on the intended uses, which were made after the Trump administration put a former top expert for the chemical industry's top lobbying group in charge of TSCA implementation.

**BRING ON TUESDAY!** I'm your guest host, Darius Dixon. David Brown at Exelon was the first to name Frank Oppenheimer as the Manhattan Project physicist I was referring to who later founded the Exploratorium in San Francisco. That said, a lot of you, beginning with reader Craig Meyers, mentioned the Bradbury Science Museum in Los Alamos, N.M. That museum was founded by Robert Krohn, a Manhattan Project scientist. The more you know! Today's trivia: The U.S. Fermi award is one of the most prestigious for scientists, but in the first 20 years, its monetary prize was cut in half. That happened after who won it? And bonus points for naming the first person to get the skimpier check.

Send your guesses, tips, energy gossip and comments to Esther Whieldon, who will get you through the week, at [ewhieldon@politico.com](mailto:ewhieldon@politico.com). Follow us on Twitter [@esthernow](#), [@aadragna](#), [@Morning\\_Energy](#) and [@POLITICOPro](#).

**CLIMATE REPORT LEAKS:** In a bid to prevent the Trump administration from sitting on a new assessment of the impacts of climate change, sources have leaked to [The New York Times](#) a report from scientists at 13 federal agencies that says temperatures in recent decades are rising because of human activity. "It directly contradicts claims by President Trump and members of his cabinet who say that the human contribution to climate change is uncertain, and the ability to predict the effects are limited." One government scientist who worked on the document, part of the National Climate Assessment mandated by Congress, told the paper that he and others were concerned that the Trump administration may try to suppress it.

**What we'll be comparing to the final version:** The Times says the report finds it "extremely likely" that more than half of the global mean temperature increase since 1951 can be linked to human influence. The National Academy of Sciences has already gone over the report but several agencies have until Aug. 13 to approve it.

**OPEC TRIES TO PLUG THE LEAKS:** Washington may have gone quiet for August, but the oil industry is not exactly in a position to rest on its laurels. NYMEX crude oil futures turned sideways in the past few days after popping above \$50 a barrel last week, and there seems to be little momentum to move back above that psychological barrier unless OPEC members, who are finishing a two-day meeting today in Abu Dhabi today, can crack down on the cheating among cartel members who are overproducing on their output quotas. Oil bulls are also hoping Russia steps forward to deepen its cuts, but as oil prices rise, the temptation for oil-producing OPEC nations to sell some extra supplies grows. A [survey by Platts](#) showed that OPEC nations were exporting more than 900,000 barrels per day above its agreed ceiling last month, hitting the highest production level of the year at 32.82 million bpd. Much of that is coming from Libya and Nigeria, which are not subject to the cartel's output cuts agreed to in November, but OPEC members have pledged to keep their current cuts in place in to March 2018 - and compliance among the cartel members tends to decline over time.

**ANOTHER LOG ON THE EX-IM FIRE:** Just when it didn't seem like the fight over former Rep. Scott Garrett's nomination to head the Export-Import Bank couldn't get any more heated, conservative groups lit a torch on Monday. In a letter to Senate Banking Chairman Mike Crapo, the leadership of organizations including the Club for Growth, Heritage Action for America and FreedomWorks denounced business groups that have been urging the White House to drop Garrett, Pro Financial Services' Zachary Warmbrodt [reports](#). In fact, they plan to oppose any appointments to the agency's board if Garrett's name does not move forward. "We're extremely hopeful that President Trump will ignore the special interests that are so desperate for their Export-Import Bank gravy train to continue," they said in the letter.

**THE TRIAL OF THE RECESS:** Since Congress has skipped town for the rest of August, you'll have more time to [watch](#) the week-long hearings on the Keystone XL oil pipeline taking place at the Lincoln Marriott Cornhusker Hotel in Nebraska. The Nebraska Public Service Commission is taking testimony from TransCanada executives, local landowners and others on the potential impact of the project's proposed route through the state.

**Most of Monday** was taken up with lawyer Dave Domina, who represents the landowners in the

state and quizzed TransCanada execs on issues like the web of companies that own a piece of Keystone XL, how far below waterways the pipeline will be laid, and easements. Domina also asked TransCanada Pipelines Limited President Tony Palmer whether the company will decide later this year whether to actually build the pipeline. "Sir, we hope to do so," Palmer replied. The hearings start at 10 a.m. Eastern Time. Nebraska regulators are scheduled to rule on the route proposal by the end of this year. Just last month, TransCanada suggested that it may not build the project.

**STATES PREP FOR ECLIPSE:** California produces more solar power than any other state in the union, so when the total solar eclipse cruises across North America on Aug. 21, grid operators there say they expect to draw about 6,000 megawatts from other sources to cover the losses. The Golden State has a solar capacity of about 10,000 megawatts, which the state's ISO says can sometime cover 40 percent of its electricity demand. California has preparing for the eclipse for more than a year, the grid operator said. The path of the eclipse will affect 17 utility-scale solar PV generators, mostly in eastern Oregon, according to the Energy Information Administration. Meanwhile, hundreds of plants totaling about 4,000 MW of solar capacity - largely in North Carolina and Georgia - will be at least 90 percent obscured, the EIA said. The next solar eclipse isn't expected to cross the continent until 2024.

**DOMINION OPENLY FEUDS WITH KAINE CHALLENGER:** "Why is Corey Stewart putting politics over people?" reads a Dominion ad in several Prince William County, Virginia, newspapers. The Washington Post reports that the ad is meant to highlight the role Prince William Board of County Supervisors Chairman Corey Stewart, a Republican challenging Sen. Tim Kaine next year, had in blocking an alternative route for a controversial power line through a wetlands, leading to the plan to run it through a historic black community. The ad continues: "The residents of Carver Road should look no further than Corey Stewart for the reason their community was selected."

**Stewart, who failed to win the GOP gubernatorial primary earlier this year,** is relishing the battle: "It's bringing in people and donors who otherwise wouldn't support a Republican candidate," he said.

**STATE LAWMAKERS PRESS DOE, CONGRESS ON EFFICIENCY RULES:** The Energy Department's efficiency rulemaking operation got a big endorsement from state capitols on Monday. As part of its legislative summit this week in Boston, the National Conference of State Legislatures approved a resolution (it starts on page 42) urging Congress to "fully fund" DOE's efficiency standards program. It also urges Congress and DOE to stick to its so-called look-back schedule, which requires the agency to revisit each of its efficiency standards every six years to see if they can be tightened. We're told that Vermont state Rep. Curt McCormack sponsored the resolution.

**DEMS PRESS FOR WAYS TO DECARBONIZE THE OCEANS:** Sens. Sheldon Whitehouse and Heidi Heitkamp have asked the National Academy of Sciences to investigate ways of extracting carbon dioxide from ocean water. As carbon dioxide builds up in the atmosphere, greater amounts get infused into the planet's waters, a driver of ocean acidification. "As the committee on Developing a Research Agenda for Carbon Dioxide Removal and Reliable

Sequestration continues to develop your Carbon Dioxide Removal (CDR) report, we request that you consider expanding your focus to include ocean carbon capture technologies and processes," the two lawmakers [wrote](#).

**BENNET BILL TO DIVERSIFY 'COAL COMMUNITIES':** Before skipping town last week, **Democratic** Colorado Sen. Michael Bennet introduced a [bill](#) aimed at promoting investment and business in areas that have lost jobs in the coal industry. The measure would designate 90 counties as "coal communities," including six in his home state, and create hiring credits, tax incentives and training grants.

## QUICK HITS

- Here's how Carl Icahn's bet on Donald Trump went terribly wrong. [CNBC](#).
- California pension fund divests from coal as industry rebounds. [The Sacramento Bee](#).
- U.S. federal department is censoring use of term 'climate change,' emails reveal. [The Guardian](#).
- Iowa Gov. Kim Reynolds: The red state with an energy blueprint. [The Hill](#).

## THAT'S ALL FOR ME!

Cloudy with a high of 81.

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<http://www.politico.com/tipsheets/morning-energy/2017/08/08/pruitts-new-tsca-plan-burns-greens-221753>

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**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Morning Transportation  
**Sent:** Mon 7/31/2017 2:03:13 PM  
**Subject:** POLITICO's Morning Transportation: It's the DHS shuffle — Teach me how to shruggie — 'The incredible shrinking airline seat'

By Stephanie Beasley and Lauren Gardner | 07/31/2017 10:01 AM EDT

*With help from Brianna Gurciullo*

**IT'S THE DHS SHUFFLE:** A new day is dawning at DHS, where Elaine Duke is stepping in as acting secretary to replace John Kelly, who will be sworn in as White House chief of staff today. After President Donald Trump fired off a surprise tweet Friday announcing that Reince Priebus was out and Kelly was in, Kelly issued a statement saying he was "honored" to take over the position. The move reflects an increasing level of trust between Trump and the retired Marine general, who has become a "kindred spirit," several sources told POLITICO. But suddenly yanking Kelly away from DHS while the department is grappling with emerging threats to airplanes and visa security could create chaos.

**And the beat goes on:** Duke will now be in charge of overseeing the department at a critical moment when DHS is working to tighten security at airports around the globe, Stephanie Beasley reports. Airlines have fewer than three months to complete an enhanced security plan at 280 airports with flights to the United States. However, airline and airport officials are already familiar with Duke, a former deputy assistant administrator for acquisition at TSA. So it's possible the change in leadership might not create major waves.

**On your mark, get set:** Still, lawmakers in both chambers are urging Trump against leaving DHS' top spot vacant for too long. Some of the names being floated by White House and former DHS officials as possible replacements include House Homeland Security Committee Chairman Mike McCaul (R-Texas), ICE Acting Director Thomas Homan and Kansas Secretary of State Kris Kobach. McCaul has been a big supporter of Kelly's efforts to tighten aviation and visa security, and Kelly has praised McCaul for pushing a DHS reauthorization bill through the House. "I look forward to continuing to work closely with [Kelly] to combat the most crucial homeland security challenges facing America," McCaul said in a statement.

**TEACH ME HOW TO SHRUGGIE:** The House has 12 legislative days to reauthorize the FAA and fund the government - not to mention re-up the national flood insurance program and CHIP funding - when lawmakers return in September from the summer recess. How is it all going to get done? \\_(???)\_/

**The tank's on E:** The needle is moving closer and closer toward extension territory, no matter what air traffic control overhaul proponents say publicly. Even if each chamber were to miraculously pull itself up by bootstraps and pass its own FAA bill, that leaves next to no time for any sort of deal to be hashed out. And the jury's still out on whether House Transportation Chairman Bill Shuster's bill (H.R. 2997 (115)), which includes a controversial air traffic control overhaul, will even make it to the floor - it's going to be a long five weeks, aviation fans. When asked how he's persuading members to change their votes from nos to yeses, Shuster said by

"talking to them, explaining the bill ... moving a lot of people the right way."

**HAPPY MONDAY:** Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Brianna is back at it with Steph (don't worry, Lauren will still pop in, plus she's so easy to find!), so please send along tips, feedback and lyrics to [bgurciullo@politico.com](mailto:bgurciullo@politico.com) or [@brigurciullo](https://twitter.com/brigurciullo) and [sbeasley@politico.com](mailto:sbeasley@politico.com) or [@Steph\\_Beasley](https://twitter.com/Steph_Beasley).

"In the back of a Volvo car/Sample/Hold over/Pay up sign up LA"

**GET LISTENING:** Follow MT's playlist on Spotify. What better way to start your day than with tunes (picked by us and readers) that are all about flying, driving, commuting and sailing?

**'THE INCREDIBLE SHRINKING AIRLINE SEAT':** Want an FAA tidbit that isn't tied to the soap opera that is the reauthorization bill debate? A federal appellate court ruled Friday that FAA didn't do an adequate job backing up why it rejected a petition for a rulemaking on airplane seat size and pitch, Mary Lee reports for Pros. A nonprofit group focused on airline passengers' rights argued that shrinking seat size and spacing poses a threat when flyers must evacuate a plane, as well as when it comes to health concerns like deep vein thrombosis. Regulators maintained that risks for the blood clot condition were minimal, and that the existing regime for studying the safety of seat size still works.

**FAA-ke news?** The U.S. Court of Appeals for the D.C. Circuit took FAA to task for offering a "vacuous" justification for its denial of Flyers Rights' original petition, but the decision doesn't order the agency to write a rule giving everyone more legroom and cushier seats. FAA can still deny the rulemaking request, but it has to back it up with more evidence the public can see, the court said. "While we do not require much of the agency at this juncture, we do require something," the opinion stated.

**Maybe, just maybe:** Remember that the Senate's FAA bill (S. 1405 (115)) would require FAA to evaluate the minimum seat pitch on planes while considering passengers with disabilities and flyers' safety.

**IF I COULD TURN BACK TIME:** Did you ever line up to board your flight only to look down at your ticket and realize you wanted an aisle seat, not a window seat? Delta says it's working on a tool that could fix that for you. The airline kicked off a three-month pilot program at Atlanta's Hartsfield-Jackson airport that, among other things, will give gate agents handheld devices that allow them to change seats and check bag statuses. The second phase of the pilot will also integrate biometric boarding technology currently being tested at Reagan National Airport. "Developing and testing these innovations is an important part of our ongoing effort to improve the customer travel experience," said Gil West, Delta's chief operating officer. Delta has also been collaborating with CBP to test biometric identification technology at Hartsfield.

**GIVE ME MY MONEY:** Starting this week Wells Fargo will begin repaying customers who it was surreptitiously charging for auto insurance. The bank issued a statement late last week saying it would refund more than 570,000 auto loan customers who were unaware that they were also

being charged for auto insurance that many did not need. The bank will make a total of \$80 million in payments - \$64 million in cash and \$16 million in account adjustments, [USA Today reported](#). Wells Fargo, which has previously been fined for insurance fraud, made the announcement after The New York Times [reported](#) the bank had charged more than 800,000 car loan customers for auto insurance without their knowledge.

**MT MAILBAG:** The Surface Transportation Board fired off a [letter](#) to CSX CEO Hunter Harrison last week to put in writing concerns about service issues on the freight line that have arisen since it instituted operational changes earlier this year. The board said it's received "informal complaints" from shippers that have seen transit times balloon and general service inconsistencies. STB said it has been made aware of "delays resulting from CSX congestion in critical gateways," including New Orleans. The railroad loudly protested a recent report to Congress advocating for Amtrak service to return to the Gulf Coast, arguing that it needs billions of dollars' worth of infrastructure improvements to be able to accommodate passenger trains along its tracks.

#### **THE AUTOBAHN:**

- "Ford to repair U.S. police vehicles after carbon monoxide concerns." [Reuters](#).
- "More New Yorkers Opting for Life in the Bike Lane." [The New York Times](#).
- "Uber and Lyft are outpacing taxis among business travelers." [Los Angeles Times](#).
- "Three years after opening, the Silver Line struggles to attract riders." [The Washington Post](#).
- "Incoming Homeland Security secretary has served 3 presidents." [The Associated Press](#).
- "Unions Urge Slow-Down as Self-Driving Car Laws Pick Up Speed." [Bloomberg](#).

**THE COUNTDOWN:** DOT appropriations run out in 61 days. The FAA reauthorization expires in 61 days. Highway and transit policy is up for renewal in 1,157 days.

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<http://www.politico.com/tipsheets/morning-transportation/2017/07/31/its-the-dhs-shuffle-221615>

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