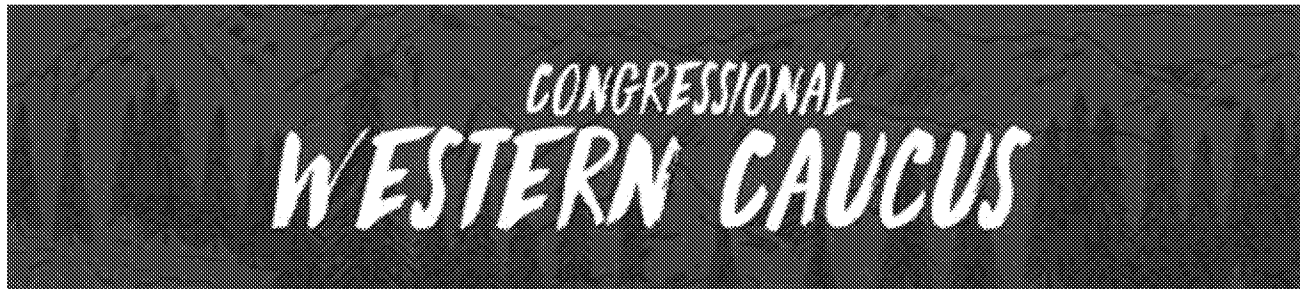


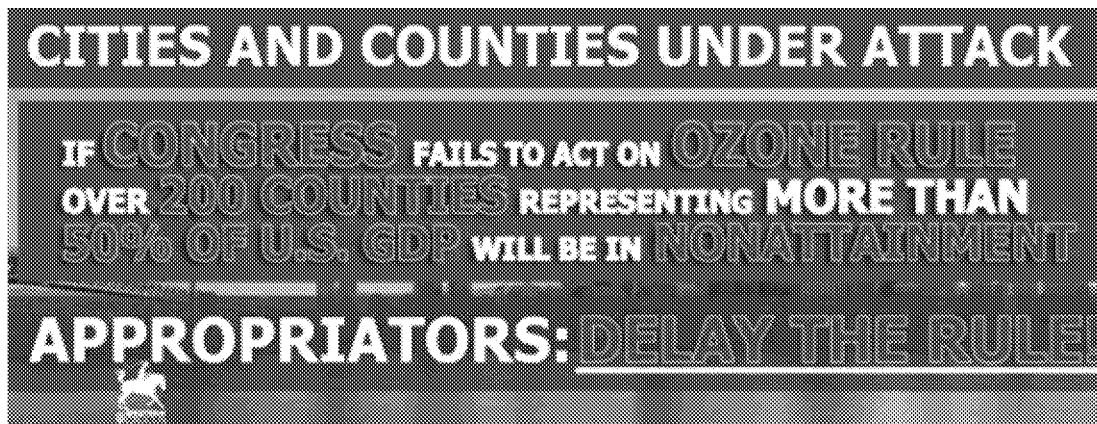
From: Hanson, Tanner [Tanner.Hanson@mail.house.gov]
Sent: 3/20/2018 12:19:40 AM
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Subject: Job Creators & Western Caucus to Omnibus Negotiators: Job-Killing 2015 Ozone Rule Must Be Fixed Now



For Immediate Release
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Date: March 19, 2018
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**Job Creators & Western Caucus to Omnibus Negotiators:
Job-Killing 2015 Ozone Rule Must Be Fixed Now**
Gray Wolves, Forestry Reform and WOTUS also need to be addressed



WASHINGTON, D.C. – Today, the **U.S. Chamber of Commerce**, the **American Petroleum Institute**, the **National Association of Manufacturers**, Congressional Western Caucus Chairman **Paul A. Gosar D.D.S. (AZ-04)**, Chief Rules Officer **Dan Newhouse (WA-04)**, Chief Infrastructure and Forestry Officer **Bruce Westerman (AR-04)**, Chairman Emeritus **Steve Pearce (NM-02)**, and Western Caucus Members **Doug LaMalfa (CA-01)**, **Louie Gohmert (TX-01)**, **Greg Gianforte (MT-At Large)**, **Brian Babin (TX-36)**, **Tom Emmer (MN-06)**, and **Bob Gibbs (OH-07)** released the following statements calling on appropriations negotiators and Congressional leadership to include language to address the job-killing 2015 Obama-era Ozone rule and other Western Caucus priorities in the fiscal year 2018 omnibus funding bill:

“The 2015 ozone regulations short-circuited the existing implementation process and stands as a tremendous barrier to capital investments we need to spur economic growth. The Chamber strongly supports inclusion of language that recognizes the tremendous progress being made to

improve air quality and provides relief to the thousands of businesses in the many industries that are unnecessarily burdened by this standard including construction, manufacturing, agriculture, and energy,” said **Karen Alderman Harbert, President and Chief Executive Officer of the U.S. Chamber of Commerce's Global Energy Institute.**

“Congress has an opportunity to protect states and businesses from duplicative and burdensome regulations by incorporating language that improves the implementation of the ozone standards while fully maintaining the nation’s commitment to protecting public health and reducing emissions,” stated **American Petroleum Institute Senior Director of Regulatory and Scientific Affairs Howard Feldman.** “Ozone concentrations and methane emissions are down significantly and air quality continues to improve thanks in part to increased use of domestic natural gas and industry investments in advancing technology.”

“Ozone levels have declined roughly one-third since 1980, and the precursors that contribute to ozone—nitrogen oxides and volatile organic compounds—have been cut in half. In fact, the Obama EPA projected that the United States would achieve nearly the same air quality by 2025 even if the 2015 ozone standard was never implemented. The NAM supports language that would create a more flexible glide path for manufacturers to comply with the 2015 ozone standard, harmonizing the compliance process for the 2015 standard with the behind-schedule process for the 2008 standard. In doing so, it would allow real ozone reductions to continue through 2025 without the unnecessary economic pain of ozone nonattainment,” said **Ross Eisenberg, Vice President of Energy and Resources Policy at the National Association of Manufacturers.**

"It's time for Congress to wake up and smell the ozone. Overall levels of the odorless molecule are down 17% since 2000 thanks to the proactive work of states and businesses across the country. Most states were just beginning to adopt new ozone standards implemented in March 2018, when the Obama Administration pulled the rug out from underneath everyone and sought to dramatically lower the ozone standard once again in October 2015. Now thanks to a few activist judges, this untimely wrecking ball of a rule is slated to go into effect unless Congress acts before April 30. Failure to act will cause 236 counties representing more than 50% of U.S. GDP to feel the wrath of the nonsensical 2015 Ozone rule. This rule and the economic damage it inflicts will be nearly impossible to unwind once counties are classified in April. The only real solution at this juncture is a legislative fix, and the only realistic path for such a fix is inclusion of a 10-year delay of the rule in the omnibus,” said **Congressman Gosar.**

“As the details of the omnibus legislation are negotiated, I stand with my Western Caucus colleagues to press negotiators to include priorities for rural communities like those in Central Washington,” stated **Congressman Newhouse.** “I strongly support ending the cycle of fire-borrowing and encouraging active forest management to reduce the threat of catastrophic wildfires like those we have experienced in Central Washington. The gray wolf must be fully delisted in the eastern part of Washington state in order to allow state and local authorities to manage gray wolf populations. I have voted many times to withdraw the Obama Administration’s Waters of the United States rule because we must prevent the EPA’s attempted power grab from taking effect and restricting property owners’ ability to determine the best use of their own land. Along with my colleagues, I urge negotiators to keep these priorities in mind as final omnibus legislation takes shape.”

Congressman Westerman said, “For too long, the executive branch has passed down big-government rules and regulations such as the Obama era ‘Ozone Rule’ that does little to address the problems at hand. Year after year, more and more acres go up in smoke because of a lack of focus on real issues like active forest management and fire borrowing. The result? Tons of CO2 going into the air you and I breath and yet no action on the part of the federal government. It is

time to get our priorities straight. It is time to tackle the ‘2015 Ozone Rule’ and enact meaningful forestry reforms that truly protect our treasured natural resources.”

“The Obama-era Ozone Rule will force economic harm on hundreds of counties across the United States. Counties are still working on complying with the 2008 rule because they were not given guidance from the EPA until 2015. Instead of giving states time to catch up, the Obama Administration claimed that progress wasn’t being made and used that to justify an even lower standard at the end of 2015. The WOTUS Rule was a large overstep by the government into the lives of American farmers, ranchers, and small businesses. These rules are perfect examples of the many burdensome regulations that would have devastating economic impacts on communities across the country. We must also focus on strong reforms that will allow us to start large forest management projects as soon as possible to thin our nation’s overgrown national forests. This means making progress on a large-scale quickly or else our forests and their ecosystems will be destroyed by catastrophic wildfire. While it is vital that we foster a level of rationality in environmental policy, we must begin detangling the web of crushing rules and regulations across the federal government,” said **Congressman Pearce**.

“Implementation of the Obama-era Ozone Rule will begin at the end of next month. It’s important that the Omnibus package includes a provision to delay this rule until Congress can legislate a long-term solution. I’d also like to see meaningful forestry management reforms – not watered-down proposals and empty promises that come up short on actual results. If we don’t remove the 100 million dead trees in California’s forests, they’ll only serve as a tinder box for yet another devastating year of wildfires. This funding measure must also include a repeal of the previous administration’s disastrous WOTUS rule, which would jeopardize private property rights all across the country if allowed to take effect,” stated **Congressman LaMalfa**.

We all want clean air, but the Obama administration’s shortsighted and heavy-handed actions regarding the EPA’s standards for ground-level ozone fly in the face of common sense. If Congress does nothing, the current administration will be forced to implement regulations that go against the job-growing, energy dominant strategy they have so successfully enacted so far – and will be burdened with implementing the harmful 2015 Ozone rule that will cost many individuals and businesses in counties across the country their very livelihood,” stated **Congressman Gohmert**. “Finally, as concerns WOTUS, it is imperative that Congress acts now to repeal this dangerous and overreaching rule. Surreptitiously, the Obama administration legislated the WOTUS rule without following the Constitutionally-mandated legislative process. It expanded the definition of ‘navigable waters’ to hypothetically include water like the creek in your backyard and even runoff from rain which was NEVER was intended to be controlled by Washington bureaucrats from their high pedestal. This is the very thing the 10th Amendment was intended to stop. The Clean Water Act needs legislative fixes as is, but even so, it clearly was not intended to give the Federal government control of 60% of our country’s streams.”

“Unfortunately for the American people, liberal judges have taken over for Obama-era bureaucrats and are keeping the job-killing 2015 ozone rule in place from the federal bench. This action places tens of thousands of American jobs at risk and hampers economic growth – especially here in Texas. Congress must seize the opportunity in this bill to put an end to these regulatory excesses,” said **Congressman Babin**.

Congressman Gianforte stated, “I appreciate the efforts of the Western Caucus as we work to ensure issues important to Montana and the West are addressed. Montanans faced a devastating wildfire season last year, which makes it critical that the omnibus bill include reforms that get us managing our forests again and preventing catastrophic wildfires. The fact is everyone wins with

better managed forests. I also hope the omnibus will address important Montana land management issues and repeal costly, unnecessary Obama-era mandates that burden Montanans.”

“The Trump Administration and EPA Administrator Pruitt have been incredible partners in rescinding the Obama-era WOTUS Rule. But it is clear a legislative fix is necessary to provide long-term certainty for Ohio’s farmers, home builders, and local governments. Federal jurisdiction should not expand outside navigable waters and I urge House leadership to address WOTUS in the Omnibus,” said **Congressman Gibbs**.

“The last Administration enacted a series of unnecessary and reckless policies which unfairly targeted farmers, ranchers, and businesses in Minnesota and around the country, saddling them with burdensome red tape and regulation from Washington. I am hopeful this package will reverse such policies, delaying the harmful Ozone Rule, repeal of the WOTUS rule, and delisting gray wolves from the Endangered Species List. Further, I look forward to seeing the restoration of mineral rights to states, including Minnesota, by eliminating duplicative environmental reviews which threaten the creation of thousands of jobs and hinder access to important resources Americans depend so heavily upon in their everyday lives,” concluded **Congressman Emmer**.

Background:

Final negotiations are taking place on a spending bill, often referred to as the omnibus, to fund the federal government for fiscal year 2018.

On 3/1/18, the Congressional Western Caucus released their top Interior Appropriations omnibus priorities. To view that list click [HERE](#).

Today, Members of the Western Caucus called on Appropriation negotiators and Leadership to include language to address the job-killing 2015 Obama-era Ozone rule and Western Caucus priorities in the final omnibus package.

Below are the top four priorities of the Caucus for the omnibus:

Ozone – Numerous Members of the Western Caucus support including language to delay the 2015 Obama-era Ozone rule. As a result of recent Court rulings, including one last week, EPA has been ordered to carry out the 2015 Ozone Standards and designate areas in the country that do not meet them by April 30th. This will cause significant economic impacts to nonattainment counties – and 236 counties representing more than 50% of the GDP of the entire country will be in nonattainment if the rule is implemented as scheduled – in the form of permitting delays, a reduction of transportation dollars as well as preventing new businesses from locating in these areas. Congress must act to prevent the draconian Obama-era Ozone mandate from taking immediate effect and wreaking havoc across the country.

Forestry – The top priority for the Senate and House Western Caucuses is a forestry package that includes both a fire-borrowing fix and strong active forest management reforms. Catastrophic wildfires are a significant threat to wildlife, watersheds and communities throughout the West. 2017 was one of the worst wildfire seasons on record. More than 58,000 fires burned more than 9.2 million acres. The Forest Service spent more than \$2.5 billion on suppression costs this fiscal year alone - a new record.

WOTUS – Members of the Congressional Western Caucus support repealing WOTUS in the fiscal year 2018 omnibus. Repeal the Obama WOTUS rule. WOTUS was slated to go into effect August 28, 2015, but was subject to a nationwide stay up until February 2018. Though that stay was lifted, we were heartened when EPA finalized an applicability rule in January 2018 that delays implementation until February 6, 2020, and note their plans to issue a replacement rule as well. But until the EPA’s rescind-and-replace strategy for WOTUS is finalized, an unfavorable court ruling against the applicability rule would result in WOTUS taking immediate effect in the majority of the country. Even then, the rescission rule and the replacement rule could be subject to litigation. The bottom line is that a Congressional, statutory fix is necessary for there to be certainty that WOTUS implementation never sees the light of day. On March 1, 2018 17 Members of the Caucus called on Congress to repeal the Obama Administration’s WOTUS rule. To view that release click [HERE](#).

Wolves – Members of the Western Caucus support retaining Section 116 and an updated Section 117 of the House Interior bill in the omnibus. Section 116 directs the Secretary to reissue two final rules that will remove recovered wolves in Wyoming and the Great Lakes from the endangered species list. The Wyoming rule is consistent with the D.C Circuit Court of Appeals decision. Section 117 prohibits the treatment of gray wolves range-wide as an endangered or threatened species. On June 13, 2013, Interior and U.S. Fish and Wildlife Service (FWS) published a proposed rule that would remove the Gray Wolf from the “List of Endangered and Threatened Wildlife.” This determination was made after the FWS “evaluated the classification status of gray wolves currently listed in the contiguous United States” and found the “best available scientific and commercial information indicates that the currently listed entity is not a valid species under the Act.” Fully delisting the Gray Wolf under the Endangered Species Act will allow state wildlife officials to more effectively manage wolf populations – as we have seen is possible in states such as Idaho, Montana, Wyoming, Minnesota, Wisconsin, and Michigan. Even extreme environmentalist groups agree that, “The return of gray wolves in the northern Rocky Mountains and the Great Lakes has been an incredible success story.” It doesn’t make any sense to have wolves on one side of the street listed and wolves on the other side delisted. Accordingly, numerous Members of the Western Caucus support a range-wide fix for Gray Wolves in addition to removing recovered wolves in Wyoming and the Great Lakes from the endangered species list.

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