

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 12/5/2017 10:42:34 AM
Subject: Morning Energy: Trying to turn GOP climate talk into action — First lawsuits filed over Trump monument decision — Greens seek new reviews in Keystone XL saga

By Anthony Adragna | 12/05/2017 05:40 AM EDT

With help from Alex Guillén and Tanya Snyder

UPPING THE ANTE ON ANWR: Environmental advocates and Democrats are upping the pressure on the House GOP's self-styled climate hawks to withhold their vote on the final tax package [H.R. 1 \(115\)](#) if it contains a Senate provision allowing oil and gas drilling in the Alaska National Wildlife Refuge. But those efforts don't appear to have borne any fruit yet, Pro's Ben Lefebvre and your ME host [report](#). The rider — a key priority for Senate Energy Chairman [Lisa Murkowski](#) — is just one of many dicey items Senate and House negotiators must work through as they go to conference to iron out differences in their bills, even as drilling opponents push Republican members of the Climate Solutions Caucus to back up their words with action.

Six of the 12 House GOPers who signed [a letter](#) last week opposing ANWR drilling backed the initial tax bill, and activists staged protests at the offices of Reps. [Pat Meehan](#) and [Carlos Curbelo](#) on Monday. Three of those six tax bill supporters who oppose ANWR — Reps. [Dave Reichert](#), [Ryan Costello](#) and Curbelo — suggested the fate of the ANWR rider wouldn't determine their final vote. "It would be very disappointing, but I doubt that I would deny all of my constituents the opportunity to experience tax relief because of any one provision," Curbelo told ME at Monday votes.

Earthjustice, the Center for Biological Diversity and other groups sent a [letter](#) to Climate Solutions Caucus Republicans asking them, among other things, to work against opening ANWR. And Democrats say the final tax bill vote offered a concrete opportunity for members of the group to demonstrate their pro-climate stance. "It would certainly be nice if the symbolic power of them acknowledging climate change through this caucus translated into action at some point," Rep. [Jared Huffman](#) told ME. "This would be a good point."

Two interesting polls suggest there's no widespread public support for opening ANWR despite the vocal backing of Alaska's delegation. [One](#), from the Harvard T.H. Chan School of Public Health and POLITICO, found 67 percent of respondents said opening ANWR "should not be a priority" for the federal government. The other [poll](#), conducted for the Yale Program on Climate Change Communication, found that 70 percent of Americans oppose drilling in ANWR.

Late Monday, Speaker [Paul Ryan](#) named four lawmakers of particular note to ME fans to the House's conference committee: Natural Resources Chairman Rob Bishop, Energy and Commerce Chairman [Greg Walden](#), [John Shimkus](#) and [Don Young](#). Also joining the Republican conference party: Ways and Means Chairman [Kevin Brady](#), [Devin Nunes](#), [Peter Roskam](#), [Diane Black](#) and [Kristi Noem](#).

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and Squire Patton Boggs' Lem

O. Smith was first to identify Sen. Lamar Alexander as the one-time Trent Lott roommate. For today: Who was the original House sponsor of the Energy Policy Act of 2005? Send your tips, energy gossip and comments to 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).

FIRST MONUMENT LAWSUITS FILED: A coalition of environmental groups filed the [first lawsuit](#) challenging President Donald Trump's long-expected move to shrink the Grand Staircase-Escalante National Monument just hours after he [announced](#) his decision to significantly pare two national monuments in Utah. The groups argue in their complaint filed in Washington federal court that the Antiquities Act "does not authorize Presidents to abolish [national monuments] either in whole or in part, as President Trump's action attempts to do." And the Native American Rights Fund, representing the Hopi Tribe, Navajo Nation, Pueblo of Zuni and Ute Mountain Ute Tribe, filed its [own challenge](#) the Bears Ears proclamation late Monday evening.

Report's coming today: While on hand for Trump's announcement in Utah, Interior Secretary Ryan Zinke told the press pool to expect the release of the results today of his review of several dozen national monument designations. And Natural Resources Chairman [Rob Bishop](#), as well as Utah Reps. [Chris Stewart](#) and [John Curtis](#), host a pen and pad briefing this morning at 11 a.m. where they'll discuss [Trump's visit](#) and the introduction of related legislation on Utah monuments.

Pro's DataPoint has whipped up a nifty graphic showing Trump's drastic reductions to the Bears Ears and Grand Staircase-Escalante national monuments in Utah. Check that out [here](#).

The quote everyone's talking about: "Does he know the interior. He's knows it, he loves it. He loves seeing it and riding on it," Trump on Zinke.

NEW REQUESTS FOR KEYSTONE XL PROJECT: Environmental groups are asking the Trump administration to conduct a new [supplemental environmental impact statement](#) and [Endangered Species Act consultation](#) after the Nebraska Public Service Commission approved a modified path for the Keystone XL pipeline last month. "Now the administration has no choice but to update its assessment to reflect the pipeline's current proposed route," Doug Hayes, a senior attorney with the Sierra Club, said in a statement. That comes as the Nebraska regulators scheduled a Dec. 12 hearing for TransCanada and environmental groups to argue it should reconsider its decision on the controversial pipeline, Pro's Ben Lefebvre [reports](#).

Meanwhile, the Pipeline and Hazardous Materials Safety Administration said a weight put in place to keep the Keystone pipeline from moving may have played a role in the 210,000 gallon oil spill in South Dakota last month, Reuters [reports](#). It's a finding that could trigger costly inspections of tens of thousands of miles of underground pipelines.

KEEPING THE LIGHTS ON: House Republican leaders think they'll have enough votes from their caucus alone to pass a two-week, stopgap spending package to keep the lights on this week, Pro Budget & Appropriations Brief [reports](#). But a warning signal went up Friday as the Florida and Texas delegations (that's 63 people for those counting at home) [threatened](#) to withhold

support unless they get a more generous disaster aid package. That threat didn't appear to refer directly to the two-week bill currently under consideration, but shows how much power the two delegations could exert on the spending debates going forward.

Even amid the now-routine House hiccups over the short-term package, Senate Majority Leader [Mitch McConnell](#) coolly predicted his chamber "will pass it before the end of this week."

Green groups launch new push: Ahead of the funding deadline, a collection of environmental and public health groups are unveiling a [new website](#) today highlighting local stories of the importance of environmental protections and what budget cuts could mean for health and safety. That comes as Mike Mikulka, president of the largest union for EPA Region 5 employees, warned a government shutdown would "create an unprecedented emergency for human health and our environment."

And a dozen environmental and union groups are sending a letter to congressional leaders calling for a disaster supplemental package that is "robust, funds recovery and rebuilding efforts in a way that results in stronger and more resilient communities." [Link here.](#)

Oh and ICYMI: House Republicans, including Ryan, weighed stripping House Appropriations Chairman [Rodney Frelinghuysen](#) of his gavel after the long-time New Jersey Republican voted against their tax bill, POLITICO's Rachael Bade and John Bresnahan [report](#).

AMERICA FIRST FOR SOLAR PLAN: The Solar Energy Industries Association this morning rolls out [its plan](#) for Trump that it argues would keep America First and, at its core, reiterates the group's push against any tariffs or quotas on imported solar equipment. SEIA argues imposing tariffs represents a "bailout" for two foreign-owned companies that are exploiting U.S. trade law and would be a "bad deal for America." One idea floated in the plan is an import license fee that the group says would "get hundreds of millions of dollars in direct investment help to U.S. companies and our economy." They'll roll the whole thing out at 9:15 a.m. at the National Press Club.

DOT PUTS THE BRAKES ON ECP MANDATE: DOT Monday rescinded the mandate for trains carrying crude oil and ethanol to be equipped with electronically controlled pneumatic brakes, with the understanding that such brakes would reduce the risk of derailment in cases of emergency. The 2014 FAST Act ordered a scientific evaluation of ECP brake performance in emergencies, with a requirement for a final decision on the rule's fate by Monday — the two-year anniversary of the law's passage. The scientific study was [inconclusive](#), and a [GAO study](#) found that DOT didn't have enough data to make a call. But a [DOT analysis](#) in October found that the costs outweighed the benefits of an ECP mandate by a factor of three. Commerce Committee Chairman [John Thune](#) praised the repeal decision. "Repealing this rule puts sound science and careful study ... over flawed guesswork," he said in a statement.

MOVING MORE NOMINATIONS: The Senate Energy and Natural Resources Committee takes up the nominations of Timothy R. Petty to be Interior assistant secretary for water and science and Linda Capuano to run the Energy Information Administration today at 10 a.m. Watch [here](#).

LAWSUIT ROUNDUP! SUIT FILED OVER MISSED SMOG DEADLINES: Ten environmental and public health groups filed a [lawsuit](#) Monday over a missed Oct. 1 statutory deadline for EPA to say which parts of the U.S. were meeting the 2015 ozone standard, Pro's Alex Guillén [reports](#). A coalition of Democratic attorneys general is also expected to sue EPA soon.

Interior appeals loss in methane rule stay suit: The Interior Department said Monday evening it will appeal a federal judge's October [ruling](#) that said its delay of the Obama administration's methane waste rule was illegal. The judge said the Bureau of Land Management should have gone through notice-and-comment rulemaking to delay the rule since it had already taken effect. Interior [proposed](#) an 18-month delay and took public comments into November. It is unclear when that delay will be finalized. Interior's appeal will go to the 9th Circuit.

Are you new here? A lawsuit challenging EPA's delay of a regulation limiting power plants' toxic wastewater discharge was transferred from an Obama appointee to newly confirmed Judge Dabney L. Friedrich on Monday, Pro's Alex Guillén [reports](#). Environmental advocates originally filed the case in May, and in September EPA [finalized](#) the delay of certain implementation deadlines.

ANOTHER HIRE AT EPA: Clint Woods, the head of an association that represents conservative state air agencies, will become the deputy assistant administrator of EPA's air office, Pro's Emily Holden [reports](#). Woods is executive director of the Association of Air Pollution Control Agencies. He previously worked for the energy and environment subpanel of the House Science Committee and for the American Legislative Exchange Council. He'll begin his new job at EPA in mid-December.

NEW EPA PUSH ON PFAS: EPA announced Monday it was launching a [cross-agency effort](#) to address PFAS contamination around the country that will include identifying a set of near-term actions it can take to help local communities. No details were given though. You'll remember that concerns over PFAS contamination in North Carolina waterways were one of the major concerns for that state's senators in [deciding they couldn't support](#) Michael Dourson's nomination to run the agency's chemical office.

MUSICAL CHAIRS AT E&C: Mississippi Rep. [Gregg Harper](#) takes over as chairman of the Energy and Commerce Oversight and Investigations Subcommittee, Chairman Greg Walden announced Monday. Also of interest to ME readers: South Carolina Rep. [Jeff Duncan](#) joins both the Energy and Environment subcommittees.

PERRY'S IN UAE! Energy Secretary Rick Perry's swing through the Middle East next takes him to Abu Dhabi in the United Arab Emirates, where he'll co-chair the Carbon Sequestration Leadership Forum along with UAE Minister of Energy Suhail Mohamed Al Mazroui. Agenda [here](#). The visit comes after he inked a memorandum of understanding with Saudi Arabia during his trip there to increase research and collaboration on carbon capture technologies. "This MOU outlines a future alliance not only in supercritical carbon dioxide, but also in a range of clean fossil fuels and carbon management opportunities," Perry said in a statement.

Also, guys, he's having the best time! Check out these pictures of Perry with his feet in the sand, shopping and doing other fun looking things [here](#).

TAKE A GLANCE! The American Council for Capital Formation is out with [a report](#) today blaming the struggles of the California Public Employees' Retirement System, the nation's largest public pension fund, in part on investments in "certain political causes and issues at the expense of doing what's necessary to improve fund performance." It argues prioritizing environmental, social and governance investments frequently comes "at the expense of other investments more likely to optimize returns."

FOR YOUR VIEWING PLEASURE: Vice President Al Gore is hosting The Climate Reality Project's seventh-annual 24 Hours of Reality through 6:30 p.m. today with people like California Gov. Jerry Brown, San Juan Mayor Carmen Yulín Cruz, Mariah Carey, Sheryl Crow, Ellie Goulding and others talking up the importance of climate action and activism. Watch online [here](#) and a schedule of speakers is [here](#).

STREAMLINING UTILITY SUSTAINABILITY REPORTING: The Edison Electric Institute announced Monday a pilot template that it said would help utilities more consistently provide investors with sustainability and other similar information. Utilities participating in the pilot project will begin using the template as they report 2016 information in the coming weeks.

LIGHTER CLICK! Pruitt tweeted out scenes from what seemed like a lovely holiday party in his office. Check them out [here](#).

QUICK HITS

- Trump Disbands Group Meant to Prepare Cities for Climate Shocks. [Bloomberg](#).
- Trump's Attack Dog on the Environment. [Outside](#).
- OPEC oil output falls in November to lowest since May. [Reuters](#).
- Secrecy surrounds pro-coal group eyeing Ohio wind cases. [Midwest Energy News](#).
- Governor's staff struck climate change language from Act 250 report. [Burlington Free Press](#).

HAPPENING TODAY

9:15 a.m. — Solar Industry Representatives Chart Course for an "America First" Solar Energy Plan, National Press Club, Edward R. Murrow Room, 529 14th Street NW

9:30 a.m. — U.S. International Trade Commission holds [meeting and vote](#) on "Biodiesel from Argentina and Indonesia," 500 E Street SW

10:00 a.m. — Senate Energy and Natural Resources Committee holds [a hearing](#) on nominations,

Dirksen 366

11:00 a.m. — Bishop, Stewart, Curtis hold press availability to discuss President Trump's Utah visit, introduction of legislation on Utah monuments, RSVP: katie.schoettler@mail.house.gov

11:00 a.m. — API launches new initiative to advance methane and environmental performance, RSVP: porterr@api.org

2:30 p.m. — Senate Energy and Natural Resources Energy Subcommittee holds a [hearing](#) on a series of bills, Dirksen 366

5:30 p.m. — "[Subnational Climate Diplomacy: New Roles Post-Paris](#)," German Marshall Fund, 1744 R Street NW

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/newsletters/morning-energy/2017/12/trying-to-turn-gop-climate-talk-into-action-040348>

Stories from POLITICO Pro

Climate-minded Republicans face heat in Arctic drilling debate [Back](#)

By Ben Lefebvre and Anthony Adragna | 12/04/2017 07:15 PM EDT

Pressure is mounting on House Republicans to oppose new Arctic drilling in the tax bill.

Protesters staged sit-ins Monday in two GOP lawmakers' offices, and environmental groups are working to grow the number who have expressed reservations about opening the Arctic National Wildlife Refuge to oil rigs. The fate of the ANWR rider — a top priority for Senate Energy and Natural Resources Chairwoman [Lisa Murkowski](#) (R-Alaska) — is one of several tricky issues Republican leaders will have to work out as they try to reconcile the differences between the House and Senate tax bills with the goal of getting their \$1.5 trillion overhaul of the tax code to President Donald Trump's desk by the end of this year.

Despite its strong backing from Alaska's congressional delegation, the prospect of drilling in ANWR draws little support among the public at large, according to a new [poll](#) conducted by the Harvard T.H. Chan School of Public Health and POLITICO. It found 67 percent of those surveyed believe opening ANWR "should not be a priority" for the federal government, compared with 19 percent who said it was a "very" or "extremely important" priority. Among Republicans, 43 percent said ANWR should not be a priority, more than the 35 percent who said it was at least very important, according to the POLITICO-Harvard poll.

Another [poll](#), conducted for the Yale Program on Climate Change Communication, found that 70 percent of Americans oppose drilling in ANWR.

A dozen House Republicans, six of whom supported the House tax bill, voiced their objections to the ANWR language in [a letter](#) to GOP leaders last week, although none has threatened to vote against the underlying bill if the provision remains. Environmentalists who are dead set against the Senate version's ANWR language have promised to make the issue a test for the 31 Republicans in the Climate Solutions Caucus.

"As Congress enters conference, we have two primary goals: Encourage the 12 House Republicans who signed the letter supporting the Arctic Refuge to stand strong and oppose the bill, and push other members to join them," said League of Conservation Voters spokeswoman Alyssa Roberts. "That includes members of the Climate Solutions Caucus. Any member who supports drilling in a pristine wildlife refuge that is feeling the impacts of climate change firsthand is doing the exact opposite of supporting 'climate solutions.'"

Protests started early Monday as advocacy group Sunrise Movement sent protesters to stage sit-ins Monday at the offices of caucus member Rep. [Pat Meehan](#) (R-Penn.) and co-chair [Carlos Curbelo](#) (R-Fla.).

Curbelo said he was sympathetic to the opposition to opening ANWR, but that it wouldn't swing his vote against the tax bill, [H.R. 1](#).

"It would be very disappointing, but I doubt that I would deny all of my constituents the opportunity to experience tax relief because of any one provision," he said.

Murkowski wouldn't directly answer whether she's concerned about ANWR's prospects during the conference. "I am going to be obviously very engaged in trying to move ANWR throughout the whole process," she told POLITICO on Monday evening. "And, as I've been doing, I just said everything is one step at a time."

Sen. [Maria Cantwell](#) (D-Wash.), the top Democrat on the Energy and Natural Resources Committee, said she "certainly appreciate[s]" the 12 House Republicans opposing ANWR drilling and said the final vote would be an "awesome" opportunity for the Climate Solutions Caucus to show its power.

"We know there are more members of Congress that are concerned about the inclusion of that rider than the ones who signed that letter," said Lydia Weiss, the Wilderness Society's government relations director for lands. "This is one more headache for [House Speaker] [Paul Ryan](#)."

The House and Senate hope to start conferencing on the bill this week. But the versions of the bill the two chambers passed differ [on key](#) provisions in the package, including language Murkowski added to the Senate bill to open the ANWR for drilling.

ClearView Partners, a research firm, gave the bill an 80 percent chance of success in a note to clients Monday. "That said, we caution that the other 20 percent reflects the complexity of the conference process ahead," the analysts wrote.

Earthjustice, the Center for Biological Diversity and other groups also sent a [letter](#) to the caucus Republicans asking them, among other things, to work against opening ANWR. The letter was "an accountability mechanism," said Bill Snape, senior counsel for the Center for Biological Diversity, one of the groups that signed the letter.

A spokeswoman for Rep. [Ryan Costello](#) (R-Pa.), who backed the House plan on the floor but signed the GOP letter opposing ANWR, said he'd like the drilling provision taken out of the bill, though that was not a precondition for his support.

A spokeswoman for Curbelo would only say "the congressman does not believe the tax bill is the appropriate venue for addressing ANWR," but did not say whether the congressman would vote against the bill.

Rep. [Dave Reichert](#) (R-Wash.), a Ways and Means member who also opposes ANWR drilling, stopped short of threatening to oppose the final bill if the drilling provision stays. "It is my hope that there will be a robust conference discussion and in working through the differences between the two plans, improvements will be made," he said in a statement. "This includes protecting the Arctic."

To view online [click here](#).

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Trump strips monument protections from 2 million acres in Utah [Back](#)

By Ben Lefebvre | 12/04/2017 03:10 PM EDT

President Donald Trump announced Monday that he is removing more than 2 million acres of protected territory from two national monuments in Utah, handing a political win to the state's lawmakers but setting off more protests from environmentalists and outdoor sports groups.

"You know how best to conserve this land for many, many years to come," Trump told a phalanx of the state's Republican lawmakers in Salt Lake City, as he took yet another swipe at the conservation legacies of former Presidents Barack Obama and Bill Clinton — and at regulators in Washington. "They don't know your land and truly they don't care for your land like you do. From now on that won't matter."

Trump's efforts to change the monuments' status started in April, when he signed an [executive order](#) directing Interior Secretary Ryan Zinke to review more than a hundred national monuments. Zinke said Monday that the finished report will be released Tuesday.

The long-expected announcement was a victory for Sen. Orrin Hatch, Rep. Rob Bishop and other Utah Republicans who had pressed the administration to shrink the territories of the Bears Ears and Grand Staircase-Escalante monuments from their combined 3.2 million acres. But Trump's

action enraged environmentalists and some Utah residents, who see the move as a first step toward allowing fossil fuel extraction near the monuments.

The planned cuts — essentially a rollback of the borders Obama and Clinton had set — was leaked to POLITICO and other news outlets last week. Obama set aside a total of more than 5.7 million acres of federal land into national monument parks, the most of any president under the Antiquities Act of 1906.

The new borders would shrink the 1.353-million-acre Bears Ears down to about 201,400 acres and break it into two new monuments called Indian Creek and Shash Jaa. That would free up oil, natural gas and uranium deposits for possible extraction.

Trump would also cleave the nearly 1.9 million-acre Grand Staircase-Escalante monument into three parts, totaling 997,490 acres: Grand Staircase, Kaiparowits and Escalante Canyons. The move would free up protections over areas high in mineral resources.

In the proclamations that reduced the monuments, Trump argued that many of the objects and physical features named in Clinton's and Obama's original designations "are not unique to the monument, and some of the particular examples of those objects within the monument are not of significant historic or scientific interest."

Environmental groups and Native American tribes have vowed to tie up Trump's move in courts. Southern Utah Wilderness Alliance plans to file a suit "within days, if not hours," legal director Steve Bloch said.

"The general gist of the argument regarding both national monuments is that the Antiquities Act is a limited grant of authority from Congress to the president to establish national monuments," Bloch said. "Nowhere in the act does Congress give the president the power to revoke or diminish national monuments, and by doing so the president is acting beyond his authority and unlawfully."

The Navajo Nation also promised to fight Trump's decision. The Navajos, who consider the Bears Ears monument of "critical importance" to the culture of many tribes in the region, said the White House ignored their requests to meet and discuss the issue.

"The decision to reduce the size of the Monument is being made with no tribal consultation," Navajo President Russell Begaye said in a press release. "The reduction in the size of the monument leaves us no choice but to litigate this decision."

A spokesman for the tribe did not immediately respond to questions.

Trump is also in danger of inflaming public opinion even while he appeases the Utah congressional delegation. Besides environmentalists, hunting and fishing groups have come out against the move, including some groups that had expressed early optimism about Trump and Zinke.

"Staircase Escalante in particular is troubling with a carve-out for the coal industry," said Land Tawney, president of Backcountry Hunters and Anglers. "That carve-out is smack dab in the middle of some of the most important habitat for desert bighorn sheep and will impact that species immensely, all for some coal that will most likely be sent to China."

Tawney had said a year ago that he hoped Trump and Zinke would oppose GOP efforts to "liquidate" federal lands. But more recently, as Zinke has carried out Trump's review of past presidents' monument designations, Tawney's organization has run ads out West asking, "What Happened to Ryan Zinke?"

Oil and gas companies, which have supported Trump and his push for American "energy dominance," welcomed the shearing back of the monuments' borders.

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Nebraska regulators set hearings to review Keystone XL decision [Back](#)

By Ben Lefebvre | 12/04/2017 03:40 PM EDT

Nebraska Public Service Commission will hold a hearing on Dec. 12 for TransCanada and environmental groups to argue it should reconsider its decision on the Keystone XL pipeline.

The PSC [last month](#) approved a route for the controversial Keystone XL that did not follow the path the Calgary-based company originally proposed. That could force TransCanada to apply for additional permits.

The company, which [asked for the additional hearing](#) in late November, has said it is still reviewing the PSC's decision.

Besides TransCanada, the Sierra Club and Nebraska landowners also requested to approach the board during the hearing, the notice said. Each party will have 20 minutes to discuss the commission's decision. The commission will not make a decision based on the hearings until a later date, the PSC said.

WHAT'S NEXT: The parties will meet for the hearing in Lincoln, Neb., on Dec. 12.

To view online [click here](#).

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Trump, Democrats restart talks to avert shutdown [Back](#)

By Sarah Ferris, Jennifer Scholtes and Seung Min Kim | 12/04/2017 01:27 PM EDT

Senate Minority Leader Chuck Schumer and House Minority Leader Nancy Pelosi said Monday they will meet with President Donald Trump to resume high-stakes negotiations to avoid a government shutdown at week's end.

The Thursday sit-down at the White House with Trump and GOP leaders would amount to a do-

over of the meeting Democrats ditched last week over a fiery Trump tweet that slammed the Democrats and cast doubt on the prospect of reaching a deal. The boycott caused a political spectacle and temporarily halted talks on a broader spending deal congressional leaders have been negotiating behind the scenes.

"We hope the President will go into this meeting with an open mind, rather than deciding that an agreement can't be reached beforehand," the Democratic leaders wrote in a joint statement.

Government funding runs out Friday at midnight, though Republican leaders believe they have the votes to push back that deadline until just before Christmas. Both parties hope to have reached a bipartisan, two-year agreement on overall spending levels for defense and nondefense programs by the time funding runs out again on Dec. 22.

That year-end deal is also likely to include other long-stalled legislative priorities, including addressing funding lapses for the Children's Health Insurance Program and the National Flood Insurance Program.

South Dakota Sen. John Thune, the third-ranking Senate Republican, said "probably not all [GOP senators] but most of them" will support the brief, two-week funding fix when it hits the Senate floor later this week.

"It's a matter of just making the government function," Thune said.

Democratic leaders reiterated on Monday that they are seeking a compromise to extend protections for the hundreds of thousands of undocumented immigrants who came to the country as children and are protected by an Obama-era program that Trump is ending in March.

Though top congressional Republicans would prefer to defer the immigration battle to early next year, several key GOP lawmakers are getting impatient and trying to work up their own legislative fix for Dreamers in order to pressure leadership.

Sen. Jeff Flake (R-Ariz.) quietly began working with Sen. Michael Bennet (D-Colo.) several weeks ago in a new "gang" to craft Dreamer legislation that could pick up 60 votes, according to a Flake spokesman. Flake and Bennet worked together nearly five years ago to write the Gang of Eight comprehensive immigration reform measure. Aides declined to name all the senators who are involved, although Democratic officials said Sen. Dick Durbin of Illinois is also engaged in the talks.

"To have those kids go through another end of the year without knowing what their status is, is not good," Flake said Monday evening. "There are a couple of issues we still need consensus on, but we're getting close on a number of them."

House GOP leaders plan to pass a two-week stopgap on Wednesday to buy more time for striking a broader spending deal. House Majority Leader Kevin McCarthy promised on Saturday at the Reagan National Defense Forum that "we'll get out of this mess."

But the major question remains the Senate, where Republicans will need Democrats to pass any stopgap legislation and the Democratic leadership has declined to say whether it will offer votes to avert a government shutdown, even if some of its members say they'll vote for a stopgap bill.

"It doesn't make a difference whether we do [vote for the continuing resolution] or not," said Vermont Sen. Patrick Leahy, the top Democrat on the Appropriations Committee. "The Republicans are in charge."

Sen. Dianne Feinstein (D-Calif.) said she expects enough Democrats to support the bill: "The last thing we need is for the government to shut down."

Enacting the temporary patch would likely allow GOP leaders to postpone Democratic demands on prickly political issues like the deal for young immigrants and funding for the children's health care program.

The two-week stopgap does include language, however, that would make more funding available until month's end to states that are running out of money for administering the children's health program.

House GOP leaders believe they can secure enough votes from Republicans alone to clear this week's stopgap bill without making concessions to Democrats. But some conservatives have scoffed at the idea of punting until Dec. 22, which they fear will lead to a rash of spending before Christmas.

House Freedom Caucus members have asked Ryan for a stopgap through Dec.30 instead

"It's still up in the air," one House GOP staffer said about whether Republicans will back the two-week continuing resolution. "It's like a Kabuki dance in slow motion."

Defense hawks have also balked at the idea of a stopgap bill through the end of January, warning of budgetary uncertainty for the Pentagon.

With that in mind, some House Republicans are pushing a strategy that would include a full year's worth of funding for the Defense Department on one of the stopgap bills this month.

Rep. Mike Gallagher (R-Wis.) said that strategy would allow the House GOP to take a "bigger stand."

"I don't think there's an appetite among ... defense hawks in Congress for a long-term CR going into the next year," Gallagher, a member of the House Armed Services Committee, said at the Reagan National Defense Forum on Saturday.

Senate Majority Leader Mitch McConnell on Monday was confident Congress could pass a short-term funding bill. "We'll pass it before the end of the week," he said on the floor of the two-week measure.

And Republican leaders, despite some agitation from their rank and file, see no justification for Democratic demands for tying a so-called Dreamers deal to legislation intended to prevent a government shutdown.

"You hear our Democratic colleagues say, well, they're going to shut down the government unless we capitulate on the DACA fix, which is not going to happen," Senate Majority Whip John Cornyn of Texas said on Monday.

White House Budget Director Mick Mulvaney noted over the weekend that Democrats who are hell-bent on getting a Dreamers deal aren't the only ones threatening to withhold votes on government funding. Some House "right-wingers" have threatened opposition, he noted, as well as lawmakers from hurricane-hit states who want more disaster aid.

"This just sheds light on the fact that the spending system is broken when any little group can sort of hold the government hostage," Mulvaney said on CBS' "Face the Nation" on Sunday. "We need to get beyond that. I think that we will. I don't think you'll see a government shutdown."

John Bresnahan, Rachael Bade and Connor O'Brien contributed to this report.

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Ryan weighed stripping Frelinghuysen of chairmanship [Back](#)

By Rachael Bade and John Bresnahan | 12/04/2017 03:13 PM EDT

Speaker Paul Ryan and his leadership team recently discussed replacing House Appropriations Chairman Rodney Frelinghuysen after he bucked the party and voted against the GOP tax bill, multiple sources told POLITICO.

Ryan, House Majority Leader Kevin McCarthy (R-Calif.) and Majority Whip Steve Scalise (R-La.) over the Thanksgiving recess considered calling up the GOP steering committee charged with selecting chairmen to force a roll call on whether Frelinghuysen should maintain his position. Scalise, three sources said, pushed hard for the move and was furious that the New Jersey Republican opposed the legislation that leaders believe is vital to maintaining their majority.

"Committee chairmen are expected to support the team," said one senior GOP leadership aide said. "How does he expect to win support for his own bills when he's unwilling to support the President and Speaker's number one priority?"

Spokespeople for Ryan's office and the Appropriations Committee declined to comment.

News about the talks comes after Ryan last week pulled out of a fundraiser for Rep. Lee Zeldin of New York, another centrist Republican who voted against the tax bill. Both Zeldin and Frelinghuysen share concerns about what repealing the state and local tax deduction would mean for their high-tax districts, where constituents use that benefit to lower their federal tax bill.

But Republican lawmakers are even more angry about Frelinghuysen, who's one of the most powerful chairmen in the conference. Chairmen are expected to support GOP leaders on tough votes or major pieces of legislation. And Frelinghuysen, who hails from a more moderate-minded swing district, was not given a green light to vote against the tax bill.

The chairman's "no" vote is particularly sensitive because Ryan, McCarthy and Scalise often have to strong-arm other Republicans to vote for government funding bills that come out of Frelinghuysen's committee. There's a fear that if the chairman is not punished, other lawmakers will balk when GOP leaders need them most on spending bills.

"If there's no perceived blowback against Frelinghuysen, Ryan's hand is weakened," said a second House Republican source familiar with the back-and-forth. "It's almost a political necessity. There has to be real or perceived blowback."

At the same time, many conservative Republicans grew angry when former Speaker John Boehner removed lawmakers from prized committees for voting against leadership on critical bills. Boehner punished former Rep. Tim Huelskamp by kicking him off the Agriculture Committee — which helped lead to his primary defeat just over a year later.

"I disagree with the chairman's vote, but he, like all of us, should vote according to the principles on which he was elected—as long as within bounds of the Constitution," said Rep. Justin Amash (R-Mich.) on Twitter. "Leaders would be wise to surround themselves with more people, not fewer, who hold alternative viewpoints."

It's not the first time Frelinghuysen has gone against leadership. Ryan and his top lieutenants had to work hard to flip him from "no" to "yes" on the Obamacare repeal bill earlier this year. The New Jersey Republican did not want to vote for the health bill and worried it would undercut his re-election effort, multiple sources told POLITICO at the time.

Frelinghuysen was also one of only two Republicans to vote in early October against a GOP bill to restrict abortions after 20 weeks except in instances of rape or where the mother's life is in danger.

Beyond floor votes, Frelinghuysen clashed with Ryan over a new, controversial Authorization for the Use of Military Force. Frelinghuysen, eager to embrace "regular order," allowed his panel in June to adopt a bipartisan amendment to a spending bill that would phase out the post-9/11 authority for military action overseas and call for new war guidelines.

Ryan called it a "mistake" at the time — and instructed the House Rules Committee to strip the language from the bill before it even hit the floor.

Then, again to the chagrin of GOP leaders, Frelinghuysen took the unusual step in July of allowing controversial immigration language to be adopted by voice vote during a committee markup. Using the same tactic as with the AUMF provision, GOP leaders again overrode the chairman's call by plucking the immigration language before it reached the floor.

The discussion about Frelinghuysen's fate comes as Congress barrels toward a potential shutdown at week's end. House Republicans are expected to pass a two-week spending stopgap without Democratic support on Wednesday, a painful vote for conservatives and appropriators who see "continuing resolutions" as bad policy.

Even if a shutdown is averted, conservatives are likely to be forced in the coming weeks to accept an increase in non-defense spending in order to win a Pentagon budget boost — then back a massive omnibus in January that could include additional spending for other programs that is not offset with cuts elsewhere.

Jennifer Scholtes contributed to this report.

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National Academies study on rail ECP brake efficacy inconclusive [Back](#)

By Lauren Gardner | 10/05/2017 11:00 AM EDT

A National Academies committee tasked with reviewing DOT-conducted train brake testing could not conclude whether an advanced system that regulators have required for unit trains carrying hazardous materials like oil performs better in emergencies compared to others, according to a report released today.

That finding, based on results produced by DOT, may pave the way for the department to roll back a 2015 mandate for certain trains to install electronically controlled pneumatic brakes. Congress required studies of the requirement in the FAST Act and directed DOT to use the results to either justify its costs or repeal it by the end of 2017.

The latest report builds off an initial study released in February that [determined](#) DOT didn't adequately support why it planned to use certain parameters and factors to analyze ECP brakes and their performance relative to other systems. The panel made recommendations on that issue in advance of physical tests in the field and in a lab, which the members witnessed in the spring.

"DOT's efforts to validate its modeling and simulation approach in response to the committee's request do not instill sufficient confidence in DOT's comparison of the estimated emergency performance of ECP braking systems with that of" others, the report said.

A 2016 Government Accountability Office [report](#) on competing ECP braking studies from DOT

and the railroad industry concluded that both sides' studies suffered from a lack of data to support their claims, in part because at that time the railroad industry had shared limited data.

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GAO: Data lacking in DOT and freights' arguments on ECP brakes [Back](#)

By Jennifer Scholtes | 10/12/2016 04:39 PM EDT

Special brakes for trains hauling flammable liquids might not be as beneficial as the DOT claimed in its rule last year strengthening protections for crude-by-rail, the Government Accountability Office reported this afternoon.

DOT has argued that electronically controlled pneumatic brakes not only allow trains to stop faster but also save money by reducing fuel consumption, operational inefficiency and wear. But GAO says those conclusions were based on limited data — at least in part because the information railroads have shared on their use is itself limited.

"Industry stakeholders claim that DOT overestimated benefits," GAO stated in its [report](#). "DOT's use of limited data adds uncertainty to the estimates that DOT did not always acknowledge in the rule and its supporting analysis."

The railroad industry has deployed its own studies finding essentially the opposite.

It may not be possible to determine which side's studies are most accurate, considering GAO found DOT's modeling "lacked transparency as the information published may not be sufficient to enable an independent third party to replicate it." GAO also dinged industry studies that suffered from the same lack of data: "only two out of five railroads provided GAO extensive quantifiable data to support these claims."

DOT contends GAO's argument is lacking and has disagreed with its recommendations that DOT "acknowledge uncertainty" in revising its economic analysis on ECP brakes, collect data from railroads on their use of the technology and publish more information on brake modeling.

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Revised ECP brake rule analysis shows costs greater than benefits [Back](#)

By Lauren Gardner | 10/13/2017 02:43 PM EDT

DOT's updated regulatory impact analysis of a 2015 braking mandate for certain unit trains found that its costs exceed its estimated benefits, putting the rule one step closer to repeal later this year.

While costs and benefits associated with the electronically controlled pneumatic braking requirement both decreased, the estimated benefits plummeted even more compared to the original analysis. DOT attributed the change to the decline of tank cars transporting flammable energy goods since 2015 and to railroads failing to order ECP brakes on new trainsets, meaning required installations would have to be done via costlier retrofits.

The FAST Act directed DOT to update its analysis to take into account studies by GAO and the National Academies on ECP brakes, though the department indicated it will review the National Academies report during the comment period. Freight railroads and some lawmakers had protested the ECP requirement, arguing that not enough data exists to justify the cost of retrofitting them onto locomotives.

DOT has until early December to justify the ECP requirements or repeal them.

The Association of American Railroads applauded the updated report and said it shows the rule should be thrown out. But the group took issue with DOT's citations of testing FRA conducted within the analysis, pointing to the National Academies [study](#) that couldn't conclude whether those brakes were more effective than others.

"Nothing could be further from the truth," the group said, regarding the study's validity.

Comments on the updated analysis are due Nov. 1.

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Greens sue EPA over missed ozone designation deadline [Back](#)

By Alex Guillén | 12/04/2017 03:04 PM EDT

Ten environmental and public health groups today [sued](#) EPA for missing a key deadline to implement the 2015 ozone standard.

EPA faced a statutory deadline on Oct. 1 to say which parts of the U.S. were meeting the new ozone standard. Administrator Scott Pruitt said over the summer that he would delay that decision by one year, although he reversed course after several lawsuits were filed. EPA last month [issued designations](#) for 85 percent of all U.S. counties which it said met the standard or did not have enough information to decide.

But the agency has remained silent on the remaining 15 percent of the nation, which includes

many of the urban and downwind regions that face the worst smog pollution. Any area deemed in "nonattainment" will have to write a plan to reduce ozone-related pollution, and EPA's delay also puts off any requirement for those areas to act.

A coalition of Democratic attorneys general is also expected to sue EPA soon.

EPA has faced similar lawsuits after delaying designations under previous standards — such as the 2010 sulfur dioxide rule, for which environmental groups negotiated a consent decree with the Obama administration that set a series of designation deadlines lasting through 2020.

It's unclear whether a similar deal can be reached here. Pruitt recently issued a directive barring EPA from agreeing to such consent decrees. If EPA resists negotiations, the court may set its own timeline for the agency to act.

WHAT'S NEXT: The environmentalists' suit was filed in the U.S. District Court for Northern California. EPA has not indicated when it may act on the remaining designations.

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Judge says Interior delay of methane waste rule was illegal [Back](#)

By Alex Guillén | 10/04/2017 07:32 PM EDT

A federal judge [ruled](#) today that the Bureau of Land Management's June postponement of key compliance dates for the methane waste rule was unlawful.

BLM relied on Section 705 of the Administrative Procedure Act to justify the delay. But Magistrate Judge Elizabeth Laporte of the U.S. District Court for Northern California said it was too late because the rule's effective date had already passed. That means BLM should have gone through a round of notice-and-comment rulemaking before suspending any part of the rule, she said.

Coincidentally, the ruling came on the same day that Interior [proposed](#) an 18-month delay of the methane waste rule as it works to rewrite it.

Laporte's ruling acknowledges the pending rulemaking but said it could be months before it is finalized and takes effect, and may not survive its own legal challenge, giving her no reason to pause now.

She vacated the delay and ordered the requirements reinstated. She rejected BLM's arguments that the delay should be kept in place, saying that doing so would create "a free pass for agencies to exceed their statutory authority and ignore their legal obligations under the APA, making a mockery of the statute." And Laporte said any company that misses upcoming January deadlines

because of Interior's delay is in "a problem to some extent of their own making."

Laporte previously used similar legal reasoning to [strike down](#) Interior's delay of a resource valuation rule.

WHAT'S NEXT: BLM will take public comment for 30 days on its new proposal to delay the methane waste rule.

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BLM proposes 18-month delay to methane rule [Back](#)

By Ben Lefebvre | 10/04/2017 09:59 AM EDT

The Interior Department proposed to suspend enforcement of an Obama-era rule on methane emissions for 18 months as it plans to rewrite it, according to a [document](#) to be filed tomorrow in the Federal Register.

"The BLM is currently reviewing the 2016 final rule and wants to avoid imposing temporary or permanent compliance costs on operators for requirements that may be rescinded or significantly revised in the near future," the agency said in the document.

The agency said it is concerned that the final rule analysis "may have underestimated costs and overestimated benefits, and [BLM] is therefore presently reviewing that analysis for potential inaccuracies."

The 2016 rule was intended to require oil and gas developers on federal lands to capture more of the methane that leaked during their operations. The rule went into effect in January 2017 and survived an effort by Congressional Republicans to repeal it.

WHAT'S NEXT: BLM will accept public comments on the proposal for 30 days.

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Trump judge assigned challenge to EPA water rule delay [Back](#)

By Alex Guillén | 12/04/2017 04:01 PM EDT

Environmentalists' lawsuit seeking to end EPA's delay of a regulation limiting power plants' toxic wastewater discharge has been assigned to a judge newly placed on the bench by President

Donald Trump.

The suit was reassigned today from Judge Ketanji Brown Jackson, an Obama appointee, to Judge Dabney L. Friedrich, who was confirmed by the Senate last week by a vote of 97-3.

Green groups filed the lawsuit in May after EPA stayed certain requirements under the rule, known as the steam electric effluent limitations guidelines. But in September, EPA finalized a delay of certain implementation deadlines as it works to reconsider those parts of the rule, and the agency argues that means this lawsuit should be dismissed as moot since the stay was ended.

EPA and environmentalists have been trading briefs on the matter in the months since.

Friedrich was a former White House attorney under George W. Bush and was formerly an aide to Sen. Orrin Hatch. From 2006 to 2016, she served on the U.S. Sentencing Commission, which creates sentencing guidelines for federal courts.

WHAT'S NEXT: Friedrich will have to determine whether to dismiss the suit, but will likely need time to get up to speed on the case.

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EPA delays parts of power plant toxic discharge rule [Back](#)

By Alex Guillén | 09/13/2017 03:35 PM EDT

EPA has finalized a rule delaying by two years the key compliance dates for a 2015 regulation limiting toxic discharges in power plants' wastewater streams while it reconsiders those standards.

The delay provides "relief from the existing regulatory deadlines while the agency revisits some of the rule's requirements," EPA Administrator Scott Pruitt said in a statement.

Following industry requests, EPA specifically is delaying deadlines related to limits on discharges of flue gas desulfurization wastewater and bottom ash transport water, two waste streams associated with burning coal for electricity. EPA estimates the two-year delay of those requirements will provide annualized utility cost savings between \$27.5 million and \$36.8 million.

The agency said it will not revisit new standards for other types of waste streams — including fly ash transport water, flue gas mercury control wastewater and gasification wastewater — and will leave deadlines associated with those streams in place.

The delay will take effect two weeks after it is published in the Federal Register, and is open to

court challenges.

The Obama administration said the overall rule, known as effluent limitations guidelines or ELGs, ultimately would curb 1.4 billion pounds of aluminum, lead, mercury, arsenic and other toxic metals from entering waterways via discharge streams each year.

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Head of conservative states' air group to take top EPA post [Back](#)

By Emily Holden | 12/04/2017 05:07 PM EDT

EPA is hiring Clint Woods, the head of an association that represents conservative state air agencies that have challenged federal pollution and climate regulations, to become deputy assistant administrator of the agency's air office.

Woods is executive director of the Association of Air Pollution Control Agencies. He previously worked for the energy and environment subpanel of the House Science Committee and for the American Legislative Exchange Council, an organization of conservative state legislators and businesses. Before that, he was government affairs manager for the Recreation Vehicle Industry Association.

Woods will work under the agency's air chief, Bill Wehrum, a former Hunton & Williams lawyer who has represented fossil fuel and chemical companies and was acting head of the air office under the Bush administration. Woods says he will also work with Principal Deputy Assistant Administrator Mandy Gunasekara, who took up the role last month, and David Harlow, an EPA air adviser from the same law firm as Wehrum.

Woods did not say what his specific duties would be but noted that his time with state and local agencies through AAPCA will "draw a lot of parallels" with EPA's work in implementing the Clean Air Act through cooperative federalism.

He is currently based in Lexington, Ky., and will assume his new position in mid-December.

AAPCA President Stuart Spencer, the associate director of the Arkansas Department of Environmental Quality, said Woods helped grow membership, increased engagement with EPA and produced reports on the state role in environmental protection.

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Dourson at risk of rejection as more Republicans lean no [Back](#)

By Nick Juliano and Anthony Adragna | 11/16/2017 05:55 PM EDT

President Donald Trump's nominee to a key chemical safety job at the EPA is at risk of rejection after Republican senators balked amid accusations that he is too eager to cover for companies peddling dangerous products.

North Carolina's two GOP senators have said they will vote against confirming Michael Dourson as an EPA assistant administrator, citing a record that included work on a chemical linked to cancer deaths near a Marine Corps base in their home state. And Maine Republican [Susan Collins](#) said Thursday that she is leaning no as well — a vote that would be enough to sink his nomination.

Democrats are optimistic about turning four additional Republicans who they believe should be in play based on contamination issues back home.

Republican leaders have not decided what to do about Dourson's nomination, Senate Majority Whip [John Cornyn](#) (R-Texas) said Thursday.

"We'll have to see whether it's a viable nomination, and with two against him obviously that doesn't leave us a lot of room," Cornyn told POLITICO. "We haven't made a decisions on that yet, but we'll be revisiting it."

Critics say Dourson, a former industry-funded toxicologist, regularly downplayed the risks of chemicals such as PFOA and trichloroethylene that are contaminating soil and water in communities across the country. Dourson has already begun working at EPA as a senior adviser to Administrator Scott Pruitt, an arrangement Democrats have condemned as improper.

"There are all these local contamination issues across the country that have been bubbling up recently or have been out there for years, and because Dourson is this hired gun ... he's almost by nature of his job been working on these really controversial chemicals," said Jack Pratt, chemicals campaign director for the Environmental Defense Fund, which opposes Dourson's nomination.

Republican North Carolina Sens. [Thom Tillis](#) and [Richard Burr](#) said Wednesday that they could not support Dourson because of his past work as a toxicologist who was frequently hired by industry to rebut public health concerns about chemicals. Collins said Thursday that she is "leaning against" confirming him.

A legislative aide said Democrats are eyeing Republican Sens. [Jeff Flake](#) of Arizona, [Lisa Murkowski](#) of Alaska, [Bob Corker](#) of Tennessee and [Pat Toomey](#) of Pennsylvania, although Flake, Toomey and Corker told POLITICO they're still undecided.

"Sen. Toomey remains concerned about the PFOA issue in Bucks County and Montgomery County and remains dedicated to addressing it," a spokesman for the Pennsylvania Republican

said, naming two Philadelphia-area counties where toxic firefighting chemicals leached into the ground from two closed naval bases. Toomey is reviewing the nomination "with these concerns in mind," but the spokesman did not say how he plans to vote.

However, even if the nomination is pulled or rejected, Dourson will still be able to influence EPA's implementation of a major chemical safety law because he has already started working at the agency. Democrats have criticized that arrangement, though EPA says previous administrations allowed people to begin working there before being confirmed.

EPA's chemical safety office, which Dourson has been nominated to lead, has a heavy workload after Congress in 2016 passed a bipartisan law updating the Toxic Substances Control Act for the first time in nearly 40 years. The office has been charged with evaluating the safety of chemicals already in use and determining how to test new chemicals before they are allowed into the marketplace.

The near-universal support TSCA reform won in Congress last year may help explain the wariness among lawmakers about giving chemical industry allies too much of a foothold in EPA.

"They wanted to give the public some assurance that the products on their shelf are safe, and when you put the chemical industry in charge that's not going to happen," said Madeleine Foote, a legislative representative with the League of Conservation Voters.

Tillis and Burr stopped short of calling for Dourson to step down from his existing position at the agency. "I'll leave that up to the EPA to decide," Tillis told POLITICO.

Sen. Joe Manchin (D-W.Va.), who has supported several Trump nominees, said he would vote against Dourson but not object to him continuing to work at EPA.

Before joining EPA last month, Dourson was a professor at the University of Cincinnati College of Medicine's Risk Science Center, and he founded the nonprofit Toxicology Excellence for Risk Assessment, which was often conducted industry-funded research. He also previously worked at EPA from 1980 to 1995. Past clients of Dourson and his research group have included Dow Chemical, Koch Industries and Chevron, according to the Associated Press.

Critics say Dourson's research routinely concluded that chemicals were safer in far higher concentrations than those recommended by agencies like EPA, putting communities at greater risk of finding toxic substances like perchlorate, TCE or PFOA in their air or drinking water.

Pratt said Dourson's work followed a pattern.

"Over and over again these chemical companies would hire him, he'd look at the research, and say the standard that EPA or whatever regulatory body has is too strict — it should be looser," Pratt said.

EPA defended the nominee.

"Dr. Michael Dourson is a highly qualified scientist to lead EPA's Office of Chemical Safety and Pollution," EPA spokesman Jahan Wilcox said in a statement. "He worked at EPA for 15 years, founded a program that characterized the health hazards of chemicals, performed pro-bono work that saved a family near Cincinnati and his expertise on TCE contamination resulted in settlements that helped 130 families outside of San Francisco."

Dourson told the Environment and Public Works Committee at his confirmation hearing last month that he did not have a thumb on the scale.

"I can give you as many or more examples of situations where the science that we brought forward as a team actually lowered the safe dose or risk position for various sponsors," Dourson told Sen. Tom Carper (D-Del.) at the hearing. "If confirmed, I will rely on the guidance of EPA ethics officials."

Tillis and Burr said they could not support Dourson based on his record and North Carolina's history of chemical pollution problems, such drinking water at Camp Lejeune that was contaminated for decades by chemicals including trichloroethylene. TCE is one of the first 10 chemicals EPA must evaluate under the new safety law, but Dourson has previously endorsed health standards that are 1.5 to 15 times less protective than those backed by other researchers, according to EDF.

Retired Marine Corps Master Sgt. Jerry Ensminger, whose daughter died of leukemia linked to the contaminated water at Camp Lejeune, met with Tillis and aides to Burr to urge their opposition, according to the Wilmington Star News.

Among his other industry-funded work, Dourson appeared before an EPA scientific advisory panel session concerning the pesticide chlorpyrifos on behalf of CropLife America. He led a 2008 paper on acrylamide, which can form during high-temperature cooking of some starchy foods, that received funding from major food companies like Burger King, Frito-Lay and McDonald's. And he studied 1-bromopropane, a solvent linked to some neurological and reproductive disorders, in 2004 with funding from Albemarle Corp. and Ameribrom Inc.

In all cases, he recommended standards many factors less protective than public health and EPA research suggested.

He also has done work for industry-friendly state governments. In the early 2000s, Dourson helped West Virginia set drinking water guidance limits for PFOA, also known as perfluorooctanoic acid or C8, at 150 parts per billion. That was 150 times less protective than manufacturer DuPont's own internal standard of 1 part per billion and more than 2,000 times less protective than EPA's recommendation of 70 parts per trillion.

During his confirmation hearing, Dourson argued that the research had evolved significantly since his recommendation to West Virginia, saying that "the science has progressed, significantly advanced since the time of 2004 and the new science indicates a lower level." And he defended the integrity of his work overall.

"Throughout my career — with EPA, TERA and now with the University of Cincinnati — I have been objective in my work and applied sound science to come to my conclusions," Dourson said.

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