

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 8/2/2017 7:48:06 PM
Subject: Interior No. 2 tells employees to follow the law, not 'parrot' special interests

By Esther Whieldon

08/02/2017 03:44 PM EDT

Interior Deputy Secretary David Bernhardt, a former lobbyist, believes a few bad apples within the department have "forgotten their oath" and "choose to parrot comments of special interests rather than carry out their governmental duties to move the country forward," he told employees in an introductory [email](#) sent after he was sworn in Tuesday.

"By doing so, they often avoid grounding their views in the actual facts or the law. Such conduct is arbitrary. It is lazy. We must always refrain from taking such a path," Bernhardt wrote in the email, a copy of which was obtained by POLITICO today.

Before being confirmed as Interior Secretary Ryan Zinke's second-in-command, Bernhardt spent years as a lobbyist for clients including Westlands Water District. Bernhardt pledged during his confirmation process to recuse himself from matters involving past clients for two years.

In the email, Bernhardt promised to respect employees at the Interior Department, where he served a previous stint under President George W. Bush. But he stressed that they were bound by laws set by Congress and obligated to exercise discretion in implementing those laws to accord with the administration's views.

The agency's authority has limits, he wrote, and instead of trying to "stretch the law like a fraying rubber band to fit a particular policy vision," the agency should ask Congress for help.

Bernhardt told the Senate Energy and Natural Resource Committee in May that the president's views, not the recommendations of climate scientists, would guide the department's policies where possible.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/08/interior-no-2-tells-employees-to-follow-the-law-not-parrot-special-interests-091418>

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 7/7/2017 11:52:57 PM
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Daily Environment Report

July 10, 2017 - Number 130

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Leading the News

Chemical Safety Board

Safety Board's Push for Exxon Records Carries High Stakes

A years-long dispute over the Chemical Safety Board's access to ExxonMobil Corp. documents will enter a new phase at a Los Angeles federal courthouse in August, posing a test for the agency—and for corporations seeking to avoid disclosure that could prompt new regulations.

General Policy

Week Ahead: Senate Expected to Confirm New Regulatory Chief

The Trump administration's pick for chief regulatory officer is expected to win Senate confirmation, one of several developments on environment and energy issues during the week of July 10.

Regulatory Policy

EPA Defeat on Methane Could Hinder Other Regulatory Rollbacks

A defeat in court of the EPA's plan to postpone methane standards for oil and gas wells could bolster challenges to delays of emissions limits for landfills and regulations for new chemical plant security.

News

Air Pollution

Ex-Audi Manager Charged in U.S. Over VW Emissions Scandal

Munich prosecutors arrested a former manager at Volkswagen AG's Audi unit in a probe of the diesel-emissions scandal three days before he was charged by the U.S. Justice Department, two people familiar with the case said.

Air Pollution

Los Angeles Refineries to Pay More for Excessive Flaring

Los Angeles area oil refineries face higher fees for unplanned and repeat flaring events under a new local regulation.

Chemicals

Regional Role in Chemicals Nixed in EPA Guidance to Staff

EPA regions are no longer directed to intensify their work promoting chemical safety in guidance to agency officials overseeing the program.

Cybersecurity

Russians Are Said to Be Suspects in Nuclear Site Hackings

Hackers working for a foreign government recently breached at least a dozen U.S. power plants, including the Wolf Creek nuclear facility in Kansas, according to current and former U.S. officials, sparking concerns the attackers were searching for vulnerabilities in the electrical grid.

Endangered Species

German Vote Would Ease Construction Near Protected Species

German lawmakers voted to amend the country's Federal Act for the Protection of Nature to make it easier for construction projects to proceed, even if they threaten protected species.

Endangered Species

Sage Grouse Lawsuits on Hold Pending Interior Action

Three court fights over protections for the greater sage grouse were halted as the Interior Department reconsiders its strategy for protecting the birds, which could impact energy production, mining, and livestock operations.

Energy

Cooler Efficiency Rule Issued, Others on Ice at Energy Agency

It was a welcome breath of cold air for refrigeration companies and energy efficiency advocates when the Energy Department released a walk-in cooler and freezer energy efficiency standard that was held at the end of the Obama administration.

Energy

Germany Extends Tax Breaks for Natural Gas Production

A plan to extend significant tax breaks for production of both natural gas and liquefied petroleum gas through 2023 was approved July 7 by German lawmakers, who deemed the measure deemed necessary for the country's problematic transportation sector.

Energy

Germany Moves to Equalize Consumer Electric Grid Costs

The upper house of the German Parliament, the Bundesrat, passed a bill July 7 that clears the way for the government to harmonize long-distance electricity transmission costs across the country by 2023, a move many welcome but say comes too late at too high a cost.

Energy

Millennials and Their iPhones Are Killing Traditional Utilities

It won't be long, experts say, before the average Londoner will be able to program her day to start this way:

International Climate

China, EU Bolster Greener Global Shipping to Curb Emissions

The trillion-dollar global shipping industry may soon be forced to curb greenhouse gas emissions under new rules backed by the European Union and China.

Oil Spills

NAFTA Agency Asked to Study Leaks From Oil Sands Operations

The commission that addresses environmental issues under the North American Free Trade Agreement said July 7 it has been asked to review Canada's enforcement of rules that prohibit toxic leaks from oil sands operations in Alberta.

Pesticides

Appeals Court Hands Win to Kansas Termite Control Industry

A federal appeals court upheld a tougher termite control regulation in Kansas than what's required on the federal level, but the very industry that supports the rule may be seeking changes anyway.

REACH

EU Chemicals Agency Chief: Firms Not Updating Dossiers

Companies that trade chemicals in the European Union are failing to meet their obligations to update the substance registration dossiers they submitted under the bloc's REACH law, according to the head of the European Chemicals Agency.

Renewable Energy

Tesla to Build World's Largest Energy Storage Battery in Australia

Tesla will install the world's largest energy storage battery in South Australia and will get the job done in 100 days, Premier Jay Weatherill announced July 7.

Stormwater

Cities, Towns Writing New Water Permits Under EPA Direction

Cities, towns and counties that are in the process of renewing their permits to minimize stormwater runoff from paved surfaces can now rely on the EPA's recently updated guidance.

Superfund

EPA Plans for Fewer Superfund Cleanups, More Brownfield Jobs

The Environmental Protection Agency plans to review fewer contaminated sites and make fewer cleanup actions but wants to leverage thousands of new jobs, according to a draft agency document.

Sustainability

EU Lawmakers Seek to Promote More Durable Consumer Products

European lawmakers want the European Union to take steps to promote more durable and more easily repairable consumer products, in order to reduce waste and conserve resources.

Toxic Chemicals

Eastman, American Water \$150M Elk River Settlement Approved

Eastman Chemical Co. and public drinking water providers gained preliminary court approval of a settlement with those impacted by a 2014 chemical spill into West Virginia's Elk River that could total \$151 million (Good v. W. Va. Am. Water Co., 2017 BL 233263, S.D. W.Va., No. 14-1374, 7/6/17).

Toxic Chemicals

Ruling: Medical Monitoring Claims Barred by Superfund Law

A family's medical monitoring case over water pollution from two U.S. Navy facilities must be dismissed because it is barred by the federal Superfund law, the Eastern District of Pennsylvania ruled July 6 (*Giovanni v. U.S. Dep't of Navy*, 2017 BL 232930, E.D. Pa., No. 16-cv-04873, 7/6/17).

Toxic Substances

Brazil Ratifies Minamata Convention to Phase Out Mercury

Brazilian President Michel Temer is expected to issue a decree specifying how the country will fully comply with the Minamata Convention on Mercury, which was ratified July 7 via a Congressional proclamation.

Toxic Substances

EU Criteria on Endocrine Disruptors in Pesticides Draw Fire

A European Union committee's approval of criteria for identifying endocrine-disrupting substances in pesticides—which could be applied to other chemicals in future EU legislation—is under fire from industry and lawmakers.

Toxic Substances

Petroleum Industry Wins Partial Victory in EPA Challenge

The American Petroleum Institute July 7 won a partial victory in its challenge to the EPA's definition of solid waste regulations as the D.C. Circuit vacated a section related to recycling of hazardous waste materials (*American Petroleum Institute v. EPA*, D.C. Cir., No. 09-01038, 7/7/17).

Vehicle Fuels

France Aims to End Sale of Fossil Fuel-Powered Cars by 2040

France plans to end the sale of gasoline- and diesel-powered vehicles by 2040 in a bid to become a carbon-neutral nation, Energy Minister Nicolas Hulot said, effectively promoting electric cars.

Vehicle Fuels

Late to the Battery-Car Race, VW Says It Can Still Blunt Tesla

Volkswagen AG will start deliveries of its first standalone battery-powered models in 2020, around the time that Tesla Inc. wants to hand over 1 million vehicles a year. So why does the German carmaker think it can stop the U.S. electric-auto pioneer in its tracks?

Water Pollution

Ohio Law Boosts Control Over Lake Erie Dredging, Landfills

Ohio's EPA gained ground in its latest move to control dredging in Lake Erie, landfill cleanups, and community water systems management in a bill that received nearly unanimous bipartisan support.

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