

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Bloomberg BNA Environment & Energy  
**Sent:** Mon 10/23/2017 11:04:12 AM  
**Subject:** First Move: Regulatory Bills Revived in House • Toxic Substance Law's Questions

What you need to know to start your day.

## Regulatory Bills Revived in House • Toxic Substance Law's Questions

By [Chuck McCutcheon](#)

Two regulatory bills that passed the House but stalled in the Senate last year resurface this week on Capitol Hill, as Republicans hope a Donald Trump presidency can give the measures the extra push to become law.

One of the bills would abolish “sue-and-settle” rulemaking by federal agencies. Interest groups often sue when an agency misses a legal deadline to take action or review its existing standards; rather than go through a long court battle, those agencies choose to settle to try to save time and money.

EPA leader Scott Pruitt recently [announced](#) that his agency would no longer settle court cases brought by environmental groups seeking to force it to take overdue actions.

House Democrats say environmental groups need the sue-and-settle tool to prod agencies to act when they're dragging their feet. But Democrats don't have the numbers in the House to stop the bill: Their only hope to save the practice will be in the Senate.

The other bill the House will take up would bar some federal agencies from entering into settlements that steer funds to third-party groups. Republicans disliked the way the Justice Department under President Obama required a donation to an outside group when the agency settled a lawsuit with a corporation or individual as a term of those agreements.

As [Amena H. Saiyid](#) recently [reported](#), the National Fish and Wildlife Foundation got a check for \$7 million from Princess Cruises—part of a \$40 million settlement the cruise line made with the feds in 2016 to resolve allegations that it illegally dumped oil waste and falsified oil spill records.

[Stephen Lee](#) will cover debate on the two bills.

**The changes spelled out in the landmark 2016 toxic substances law present**

challenges as well as opportunities—and raise many questions, say Beveridge & Diamond’s Mark Duvall, Ryan Carra, and Tim Serie in a Practitioner Insights piece coming later today.

Among the questions they explore are how the EPA decides which chemical substances to address, how to influence whether the agency designates a substance as low-priority, and how to influence whether it conducts a risk evaluation for a substance.

## Other Stories We’re Covering

- Four nominees for top-level EPA jobs, including ones for the chemical and air offices who have drawn opposition, will get Senate committee votes at a hearing rescheduled from last week.
- A European Commission committee scheduled a Wednesday vote among representatives of European countries on a 10-year renewal of glyphosate on the continent; Stephen Gardner is covering.
- The House natural resources panel will hold a Wednesday hearing on how states can be empowered to manage the sage grouse, a bird found in 11 Western states whose numbers are dwindling. Alan Kovski will monitor.
- An international conference in Manila this week seeks to explore how countries can protect wildlife and their ecosystems; Adam Allington is tracking.
- Air pollution in India’s capital soared off the charts again as Indians shot off firecrackers to celebrate a Hindu festival despite a court’s banning of fireworks sales.

An Indian pedestrian protects his face in New Delhi.  
DOMINIQUE FAGET/AFP/Getty Images

## This Week’s Events

### On The Hill

- **Tuesday, 10 a.m. • Hurricanes** • House energy committee’s oversight panel assesses public health preparedness during the recent hurricane season.
- **Wednesday, 10 a.m. • Wildfires** • Senate environment committee looks at draft legislation to address wildfires.
- **Thursday, 10 a.m. • Cyber** • Senate energy committee discusses technology that can protect electric grids against cyberattacks.

### Elsewhere

- **Monday, 10 a.m. • Asia Water** • Wilson Center events looks at Asia’s mountains and potential for new approaches to water and climate security.
- **Monday, 10 a.m. • Green Bonds** • Environmental Finance newsletter holds its third annual Green Bonds America conference in New York.

- **Monday, 3 p.m. • Chemicals** • Newly expanded North Carolina science advisory board meets to discuss chemicals' environmental impacts.
- **Tuesday-Thursday, All Day • Sustainability** • Sustainable business conference in Huntington Beach, Calif., includes former Vice President Al Gore among its speakers.
- **Tuesday, 6 p.m. • Flint Water Crisis** • Michigan Democratic Rep. Dan Kildee and the Lifetime Network screen film in Washington about Flint, Mich., water-contamination crisis.
- **Wednesday, 1 p.m. • Climate** • Harvard's health and environment center sponsors discussion of carbon-footprint calculations.
- **Wednesday-Thursday, All Day • Climate Risk** • Environmental scientists discuss climate risk at Maine workshop.

### Quote of the Day

"I don't spend any time with polluters. I prosecute polluters. What I'm spending time with are stakeholders who care about outcomes."

—EPA head Scott Pruitt in *Time* magazine, pushing back against environmentalists' criticism that he devotes too much attention to conversing with polluting industries.

### Around the Web

- The EPA continues to remove climate references from its website, an environmental group says.
- A lack of ocean-observation technology and research ships hurt U.S. ability to track changes in climate, a new National Academies report says.
- A pipeline that can pump nearly 900,000 barrels of tar sands oil across the Canadian border daily has won Trump administration approval.
- More than two-dozen accidents have occurred at BP's Alaska oil and gas operations this year, including five that risked dozens of workers' lives, BuzzFeed finds.
- The House may take up a bill this week aiming to open the way for storage of spent fuel from commercial nuclear power plants at Nevada's Yucca Mountain.

Want to see more of today's news?

**1801 South Bell Street, Arlington, VA 22202**  
 Copyright 2017 The Bureau of National Affairs, Inc

**Manage Your Subscriptions**

**Unsubscribe**

**Web Version**

**Contact Us**

**Privacy Policy**

**Terms of Service**