

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** POLITICO Pro Energy  
**Sent:** Wed 6/7/2017 9:46:05 AM  
**Subject:** Morning Energy: Pruitt, Zinke join Trump in Ohio today — EPA delays implementation of tightened ozone standard — Clark picked for top DOJ environmental job

By Anthony Adragna | 06/07/2017 05:44 AM EDT

*With help from Eric Wolff, Annie Snider and Alex Guillén*

**TRUMP INFRASTRUCTURE TRAIN ROLLS ON:** Both EPA Administrator Scott Pruitt and Interior Secretary Ryan Zinke are expected to be on hand today as President Donald Trump heads down to the banks of the Ohio River. With an Ingram coal barge as a backdrop, Trump is expected to tout the role that inland waterways play in America's agricultural and energy exports. Infrastructure advocates often point out that it's the U.S.'s ability to get goods to market cheaply that allow us to beat out competitors. Zinke is expected to speak about energy dominance during the event as well.

**Literally just tossing this out:** Because why not, Trump floated the idea of installing solar panels on his proposed Mexican border wall to cover the billions in construction costs during a meeting with congressional leaders Tuesday, POLITICO's Josh Dawsey and Rachael Bade [report](#). It's... not exactly clear just how this would work. ME did some digging, and using 28-inch wide solar panels available at Home Depot (Buy American!), you'd need 4,364,434 panels to run the entire 1,989 miles of the proposed border wall. What's more, you'd create the biggest solar array in the world at 1.25 gigawatts of total capacity (the largest currently is 850 megawatts)! That's before we even get to the issue of how Trump would install the transmission needed to carry all the power and where it would go! One company, Gleason Partners LLC of Las Vegas, actually proposed a similar idea back April, according to the [Las Vegas Journal-Review](#).

**OZONE DECISIONS PUSHED:** Pruitt announced late Tuesday he would delay deciding which areas of the U.S. do not meet the 2015 ozone standard, saying he needs another year to "consider completely" the states' suggestions "and to rely fully on the most recent air quality data," Pro's Alex Guillén [reports](#). In [letters to governors](#), Pruitt said "there is insufficient information" to act at this time.

**In response,** Sen. [Shelley Moore Capito](#) hailed Pruitt's decision: "State and local governments and employers across the country have had insufficient time to comply with the latest revisions to the ozone standards," she said. But environmental advocates hinted at litigation over the move. "The delay is flagrantly illegal as well as a direct assault on our right to breathe safe, clean air," John Walke, director of NRDC's clean air program, said in a statement.

**WELCOME TO WEDNESDAY!** I'm your host Anthony Adragna, and Kansas, Mississippi and Tennessee are the three states that are entirely dry by default. (Individual counties can specifically authorize the sale of alcohol.) For today: How many members of the Senate lack a four-year degree? Send your tips, energy gossip and comments to [aadragna@politico.com](mailto:aadragna@politico.com), or follow us on Twitter: [@AnthonyAdragna](#), [@Morning\\_Energy](#), and [@POLITICOPro](#).

**CLARK PICK FOR TOP DOJ ENVIRONMENTAL JOB:** Trump has selected veteran Washington attorney Jeffrey Bossert Clark to run DOJ's Environment and Natural Resources Division, Pro's Alex Guillén [reports](#). Clark is involved in the lawsuits challenging EPA's Clean Power Plan and will likely have to recuse himself from that ongoing litigation, if confirmed. He's been a partner at Kirkland & Ellis since 1996, except between 2001 to 2005, when he was the deputy assistant attorney for ENRD.

**Blast from the past:** Clark has been involved in some other key litigation in recent years. He represented the Alliance of Automobile Manufacturers and National Automobile Dealers Association in lawsuits challenging EPA's 2009 decision to reject a waiver to set more stringent vehicle emissions standards than the federal level. The Obama administration later reversed course and granted that waiver to California, but the Trump administration now is weighing whether to revoke it, a contentious issue. Clark also represented the U.S. Chamber of Commerce in challenges to EPA's greenhouse gas endangerment finding and several early climate rules. And he represented ethanol group Growth Energy in successfully fending off oil industry challenges to an early EPA Renewable Fuel Standard rule.

**Also:** If you were thinking about protesting his confirmation hearing, Clark is on record as not being a huge fan of protesters who step over the line. In a 1986 [piece](#) in the Harvard Crimson, where according to his LinkedIn profile he was editorial page editor, Clark argued that the school "justly" prosecuted political protesters because they "obstructed freedom of movement and violated trespassing laws."

**AUDACITY OF (CONTINUED) HOPE:** Former President Barack Obama remains optimistic about the chances of tackling climate change despite what he called a "temporary lack of U.S. leadership" on that issue, POLITICO's Jake Lahut [reports](#). "In Paris, we came around to the most ambitious agreement in history to combat climate change, an agreement that even with a temporary lack of U.S. leadership will still give our kids a fighting chance against climate change," Obama said in remarks to Montreal's Chamber of Commerce.

**THAT WAS FAST:** Mere hours after the Senate EPW Committee scrapped their confirmation hearings due to a lack of paperwork, the White House formally sent nominations for three NRC picks over to Congress, Pro's Darius Dixon [reports](#). The panel now plans to hold a hearing on the nominations of Annie Caputo and David Wright, and the reappointment of Chairwoman Kristine Svinicki, on June 13 at 10 a.m.

**REGULATORY CZAR PICK IN THE HOT SEAT:** The Senate Homeland Security and Governmental Affairs Committee today [hears from](#) Trump's pick to serve as the nation's regulatory gatekeeper, law professor Neomi Rao. The George Mason University's Antonin Scalia Law School professor has previously argued judicial deference has created a "significant expansion" of executive branch authority at the cost of Congress's power and urged lawmakers to pass more specific laws. Trump [tapped](#) her to run OMB's Office of Information and Regulatory Affairs in April.

**In response,** Public Citizen President Robert Weissman said: "It is clear that Trump appointed her to defang regulatory agencies, gut regulatory protections and give corporations a free hand to

pollute and pilfer, poison and profiteer."

**MOVE ALONG:** Lawmakers on the House Energy and Commerce Committee are expected today to advance 11 energy-related bills, including those addressing energy efficiency and infrastructure permitting. Most of them are fairly minor, and arguably the most consequential is a bill ([H.R. 1109](#)) that would amend the Federal Power Act to set \$10 million as the minimum threshold for mergers and acquisitions subject to FERC jurisdiction. A full list of bills up for consideration at the markup, which kicks off at 10 a.m. in Rayburn 2123, is available [here](#).

**ME FIRST — RFA SAYS RFS HAS WORKED OUT GREAT!** The Renewable Fuels Association is out with [a report](#) today providing data that the Renewable Fuel Standard is working out just fine, thank you. It shows that gas prices and dependence on foreign oil imports are down since the RFS was signed in 2005, while ethanol jobs grew 121 percent over the same period. The report comes as the E15 debate heats up, with EPW Chairman [John Barrasso](#) planning to schedule a hearing and markup on a bill that would allow year-round sales of the E15, a major goal of ethanol producers.

**Flag Day for E15?:** Mike Lorenz, executive vice president for gasoline retailer Sheetz, said he plans to testify before EPW on [Deb Fischer's](#) E15 bill on June 14 at 10 a.m. The committee wouldn't confirm that date, but we'll [assume](#) it's set. Lorenz, who lives in Pittsburgh, said he plans to be in town next Tuesday to prepare for the hearing the following day. Sheetz is the largest retailer of 15 percent ethanol fuel in the country. The hearing and eventual markup is part of an agreement between Barrasso and Fischer to win support from corn-state senators for a vote against an Obama-era methane regulation. The bill, which would allow year-round sales of E15, has been long-sought by of ethanol producers.

**NEW PUSH AGAINST ROVER PIPELINE:** Oil Change International released a [new analysis](#) today finding the Rover pipeline (and the natural gas it would transport) would produce as much greenhouse gas pollution as 42 coal-fired power plants — some 145 million metric tons per year — if completed. The \$4.2 billion high-pressure natural gas pipeline that would transport natural gas through Pennsylvania, West Virginia, Ohio and Michigan.

**Meanwhile, indigenous and green groups are urging 28 major banks** not to fund the Trans Mountain pipeline expansion project. In [a letter](#) Tuesday, they say the "expansion project is no minor expansion of an existing pipeline; it is a proposal for a new pipeline that would triple Trans Mountain's capacity ... We urge you to avoid the reputational and financial risk of supporting this destructive project."

**WHY THE DELAY?** Top House Natural Resources Democrat [Raul Grijalva](#) wants to know why Interior postponed a scheduled meeting of the Extractive Industries Transparency Initiative, which requires governments to disclose payments they receive for extracting minerals, gas and oil, to an undetermined date later this year. Grijalva asked Zinke in [a letter](#) to clarify the administration's position on the group by June 30 and commit to holding a meeting no later than the end of August.

**PRUITT FEARS 'QUESTIONABLE' CLIMATE MODELS:** Speaking Tuesday on [Fox](#)

Business, Pruitt acknowledged human activity contributed to climate change but questioned the validity of modeling on the impacts of the problem. "The modeling that has been used over the last several years has absolutely been questionable," he alleged. "What we do know is human activity contributes to warming, what we do know is it's very difficult to measure with precision the amount of human activity contributing to the warming."

**MAIL CALL! NOT SO FAST, MR. SECRETARY:** The American Public Power Association and the National Rural Electric Cooperative Association sent a letter to Energy Secretary Rick Perry expressing concern over the administration's proposal to sell off transmission assets of three federal power marketing administrations. "There is no factual evidence that selling the transmission assets of the PMAs would result in a more efficient allocation of resources," the groups wrote. "Rather, it is much more likely that any sale of these assets to private entities would result in attempts by the new owners to charge substantially increased transmission rates to the PMA customers for the same service they have historically received."

**NEW PUSH FOR REGULATORY OVERHAUL:** Sixteen Republican attorneys general, led by Texas' Ken Paxton, released a letter to Trump Tuesday urging Congress to pass a law saying that no federal agency regulations, interpretations, guidance documents, bulletins, circulars or any other administrative statement are enforceable in federal courts. Instead, those entities would send their actions to Congress for review. "In this way, the lawmaking power would return to where it belongs — Congress — and the judiciary would reemerge as an independent adjudicator of lawsuits between the federal government and the people," they wrote.

**MAINE CAN MANAGE ITS OWN PARK:** Rep. Bruce Poliquin sent a letter to Zinke arguing Maine could best manage the Katahdin Woods and Waters National Monument while vowing to continue efforts to revamp the president's authority to use the Antiquities Act to designate national monuments. "Whatever your final recommendation, I ask you to convey to the President my continued strong opposition to this unchecked executive power and my request that he supports my long-term solution for local control of monument designations," Poliquin wrote. He notably stopped short of calling for full repeal of the national monument.

**Separately, 260 former and current employees of the National Park Service** are sending a letter to Zinke today expressing opposition to Trump's order calling for the review of the designation of more than two dozen national monuments under the Antiquities Act.

**REPORT: ENERGY DEVELOPMENT ENDANGERS NATIONAL PARKS:** The National Parks Conservation Association is out with a report warning of negative consequences from improperly sited oil and gas leases at seven national parks.

**REPORT: DIVESTMENT WOULD COST PENSIONS BIG:** Divesting from fossil fuels would cost 11 of the biggest public pension funds \$4.9 trillion over 50 years due to reduced portfolio diversification, according to a report released today through the Independent Petroleum Association of America's Divestment Facts program.

**VITTER LANDS A SIDE HUSTLE:** Former Sen. David Vitter has a new gig. The Louisiana Republican, who joined Mercury in February after retiring from the Senate, has joined the New

Orleans office of the law firm Butler Snow as of counsel. The news was first reported by the Associated Press. He will continue to work full-time as a lobbyist in Washington for Mercury, where his clients include Morris & Dickson, Cabot Corporation, the Atlantic Development Group, the American Chemistry Council, Morganza Action Coalition and the Air-Conditioning, Heating and Refrigeration Institute, according to disclosure records. "This doesn't change his role or work at Mercury," a Mercury spokeswoman wrote in an email. (h/t POLITICO Influence)

**SIERRA CLUB FURTHER BACKS OSSOFF:** Ahead of the June 20 runoff election, the Sierra Club is launching a new campaign targeting some 41,000 voters with two pieces of mail backing Democrat Jon Ossoff, who faces Karen Handel in the race for HHS Secretary Tom Price's old seat in Georgia.

**WORKING ON YOUR FITNESS?** Rep. Jared Huffman is teaming up with three Olympians in holding a public lands-themed interval workout on the Capitol Grounds this morning at 8 a.m. across from the Reflecting Pool.

## QUICK HITS

— How climate change helped Lyme disease invade America. Vox.

— Oil is flowing in the Dakota Access Pipeline, but Iowa opponents still think they can shut it down. Des Moines Register.

— More NC homeowners could have rooftop solar panels with leasing deals. The News & Observer.

— Saudi Dispute With Qatar Has 22-Year History Rooted in Gas. Bloomberg.

— U.S. senators press EPA for documents on Icahn's biofuel dealings. Reuters.

— Workers in North Carolina were lifted by solar's rise. Now they're worried about Trump. Washington Post.

— Donald J. Vidrine, Supervisor on Ill-Fated Deepwater Horizon Rig, Dies at 69. New York Times.

## HAPPENING TODAY

8:45 a.m. — "Energy Security in Central & Eastern Europe: New Challenges and Opportunities," Atlantic Council, 1030 15th Street NW

9:30 a.m. — "Review of the FY2018 Budget Request for the U.S. Forest Service," Senate Appropriations Interior, EPA and Related Agencies Subcommittee, Dirksen 124

10:00 a.m. — House Energy and Commerce Committee marks up various energy bills, 2123 Rayburn

10:00 a.m. — Senate Homeland Security and Governmental Affairs Committee considers nomination of Neomi Rao for OIRA, Dirksen 342

10:00 a.m. — "Energy Opportunities in North America," House Foreign Affairs Committee's Western Hemisphere Subcommittee, 2172 Rayburn

10:00 a.m. — "Oversight on the Office of Surface Mining Reclamation and Enforcement's Abandoned Mine Lands Program," House Natural Resources Committee's Energy and Mineral Resources Subcommittee, 1324 Longworth

10:30 a.m. — "National Science Foundation Budget Hearing," House Appropriations Commerce, Justice, Science, and Related Agencies Subcommittee, 2359 Rayburn

2:00 p.m. — House Natural Resources Committee, Indian, Insular and Alaska Native Affairs Subcommittee hearing on various legislation, 1324 Longworth

2:30 p.m. — "Moving into a Second Century of Service: Working to Improve the National Park Service Workplace Environment," Senate Energy Committee's National Parks Subcommittee, 366 Dirksen

2:30 p.m. — "Review of the FY2018 Budget Request for the Nuclear Regulatory Commission," Senate Appropriations Energy and Water Development Subcommittee, Dirksen 138

## **THAT'S ALL FOR ME!**

*To view online:*

<https://www.politicopro.com/tipsheets/morning-energy/2017/06/pruitt-zinke-join-trump-in-ohio-today-023179>

## **Stories from POLITICO Pro**

### **Trump floats idea of using solar panels to pay for Mexico wall [Back](#)**

By Josh Dawsey and Rachael Bade | 06/06/2017 05:51 PM EDT

President Donald Trump floated putting solar panels on his planned Mexican border wall in a meeting with legislative leaders Tuesday afternoon, according to White House and Capitol Hill officials.

It was unclear why Trump brought up the topic, but he presented the panels as a way to fund the wall, which is expected to cost billions of dollars, according to three people familiar with the conversation.

He didn't express certainty that it would happen — but that he'd heard it as a possible idea and wanted to see what others thought, said a senior official familiar with the White House meeting.

Trump has insisted that Mexico will pay for the wall's construction — something Mexican officials have repeatedly denied — but has acknowledged that taxpayers may need to initially foot the bill before being repaid.

The president's interest in a potential solar panel solution comes as he's received intense criticism from world leaders for his decision to pull out of the Paris climate agreement.

*To view online [click here](#).*

[Back](#)

### **Pruitt delays next step in implementing 2015 ozone standard [Back](#)**

By Alex Guillén | 06/06/2017 07:14 PM EDT

EPA Administrator Scott Pruitt is delaying a deadline for deciding which areas of the U.S. do not meet the 2015 ozone standard, saying "there is insufficient information" to act at this time.

In [letters to governors](#) sent today, Pruitt says he needs the extra year to "consider completely" the states' suggestions "and to rely fully on the most recent air quality data." Determining which areas do not comply with the new standard is the first step toward requiring states to form plans to reduce ozone levels.

June 9 had been the target date for EPA to publish state proposals and take public comment, with a final decision coming by Oct. 1 of this year, according to a February 2016 [memo](#) from EPA.

Pruitt said he is also reviewing "a host of complex issues" regarding the standard, including background ozone, international sources and "exceptional events" like wildfires or volcanic eruptions that can spike ozone levels. The letter says Pruitt has also created an Ozone Cooperative Compliance Task Force "to develop additional flexibilities for states to comply with the ozone standard."

EPA has paused legal challenges to the standard while it reviews the rule requiring states to limit ozone to 70 parts per billion. It is not yet clear whether Pruitt will seek to repeal it and return to the 2008 standard of 75 ppb.

*To view online [click here](#).*

[Back](#)

### **Trump picks lawyer involved in carbon rule challenge for DOJ enviro chief [Back](#)**

By Alex Guillén | 06/06/2017 06:38 PM EDT

President Donald Trump plans to nominate longtime Washington lawyer Jeffrey Bossert Clark, who is involved in the lawsuits challenging EPA's Clean Power Plan, to run DOJ's Environment and Natural Resources Division, the White House announced today.

Clark has been a partner at Kirkland & Ellis since 1996, except between 2001 to 2005, when he was the deputy assistant attorney for ENRD.

Clark is involved in the litigation over EPA's Clean Power Plan, and likely will have to recuse himself from that lawsuit while running ENRD. He represented Consumers' Research, a self-described "independent educational organization," in filing a "[friend of the court](#)" brief along with the state of Nevada that urged the D.C. Circuit Court of Appeals to strike down the carbon rule.

He previously successfully argued on behalf of the Bush EPA before the D.C. Circuit in *Massachusetts v. EPA*, though that ruling was later overturned by the Supreme Court and ultimately established EPA's mandate to regulate greenhouse gases.

Clark has testified before Congress several times recently, including last year, when he [supported legislation](#) that would end Chevron deference, the doctrine in which courts are supposed to accept an agency's reasonable interpretation of ambiguous statutes.

Coincidentally, Jeffrey Wood, the Trump appointee currently acting as head of ENRD who has had to recuse himself from the Clean Power Plan lawsuit because he represented Republican lawmakers in a filing, will testify on Thursday at a House Judiciary oversight hearing.

*To view online [click here](#).*

[Back](#)

**Obama optimistic despite 'temporary lack of U.S. leadership' on climate [Back](#)**

By Jake Lahut | 06/06/2017 07:06 PM EDT

Former President Barack Obama critiqued what he said was a "temporary lack of U.S. leadership" on climate change and urged his audience to resist a global trend toward nationalism during remarks Tuesday to Montreal's Chamber of Commerce.

Obama refrained from directly criticizing President Donald Trump, but he expressed confidence in the Paris deal to combat climate change, from which Trump recently [announced](#) the United States would withdraw.

"In Paris, we came around to the most ambitious agreement in history to combat climate change, an agreement that even with a temporary lack of U.S. leadership will still give our kids a fighting chance against climate change," Obama said.

The former president said he recognized that the "unrelenting pace" of globalization and technological change has not been beneficial for everyone. Harkening back to the onset of industrialization in the Western world, Obama acknowledged "a great temptation to fall into the politics of nationalism and of tribe, of us vs. them."

"It can seem that the international order we've created is constantly being tested and that the center may not hold," Obama said. "That can lead people to call for isolationism and nationalism, and the reduction in the rights of others. Or they can retreat, and argue that we have no obligations beyond our borders, beyond our tribe."

The former president did not mention Trump by name in his prepared remarks, even though Quebecois dignitaries teed him up to take a swing at the current president in their introductions. Obama's comments were optimistic, centering around an assertion that not all progress is linear.

"In times of disruption, we may go backward instead of forward," he said.

*To view online [click here](#).*

[Back](#)

## **White House sends NRC nominations to the Senate [Back](#)**

By Darius Dixon | 06/06/2017 05:06 PM EDT

The White House officially sent the nominations for President Donald Trump's three picks for the Nuclear Regulatory Commission to the Senate today, according to a White House notice.

On May 22, the White House [announced](#) Trump's intent to nominate Annie Caputo and David Wright to a pair of vacant seats on the NRC, while reappointing agency Chairwoman Kristine Svinicki. But the White House hadn't formally shipped the nominations to the Senate until today. Similar [delays](#) have prevented numerous other positions from being filled across the Trump administration.

Svinicki's term expires at the end of the month.

The Senate Environment and Public Works Committee initially scheduled a hearing on the NRC nominees for Wednesday morning, even though it had not received the paper, and it ultimately [postponed](#) that hearing.

**WHAT'S NEXT:** EPW's rescheduled hearing will take at 10 a.m. June 13 to review the NRC nominations.

*To view online [click here](#).*

[Back](#)

**Trump picks law professor for OIRA post** [Back](#)

By Alex Guillén | 04/07/2017 05:10 PM EDT

President Donald Trump plans to nominate law professor Neomi Rao to run the Office of Management and Budget's Office of Information and Regulatory Affairs, putting her in charge of government-wide regulatory efforts.

Rao is a law professor at George Mason University's Antonin Scalia Law School, with a focus on constitutional and administrative law.

Previously, Rao was an associate White House counsel for George W. Bush and an aide on the Senate Judiciary Committee. She also clerked for Justice Clarence Thomas.

Rao [testified](#) last year at a Senate hearing on judicial deference, including the Chevron doctrine, under which judges are supposed to defer to reasonable agency interpretations of ambiguous laws. She argued that judicial deference has created a "significant expansion" of executive branch authority at the cost of Congress's power. She called on Congress to pass more specific laws.

Rao also wrote a [blog post](#) in December suggesting the White House should exercise greater control over independent agencies such as FERC.

*To view online [click here](#).*

[Back](#)

Was this Pro content helpful? Tell us what you think in one click.				
<a href="#">Yes, very</a>	<a href="#">Somewhat</a>	<a href="#">Neutral</a>	<a href="#">Not really</a>	<a href="#">Not at all</a>

**You received this POLITICO Pro content because your customized settings include: Morning Energy. To change your alert settings, please go to <https://www.politicopro.com/settings>**

---

This email was sent to [jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov) by: POLITICO, LLC 1000 Wilson Blvd.  
Arlington, VA, 22209, USA

---