

To: Dravis, Samantha[dravis.samantha@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Kelly, Kerry[KKelly5@wm.com]
From: Kelly, Kerry
Sent: Fri 4/28/2017 4:24:36 PM
Subject: Follow Up
[ATT00001.txt](#)
[story for kelly.pdf](#)
[Christopher Ball.vcf](#)
[Christopher Ball2.vcf](#)
[Carol McCabe.vcf](#)
[Mack McGuffey.vcf](#)

Dear Samantha, Mandy and Brittany:

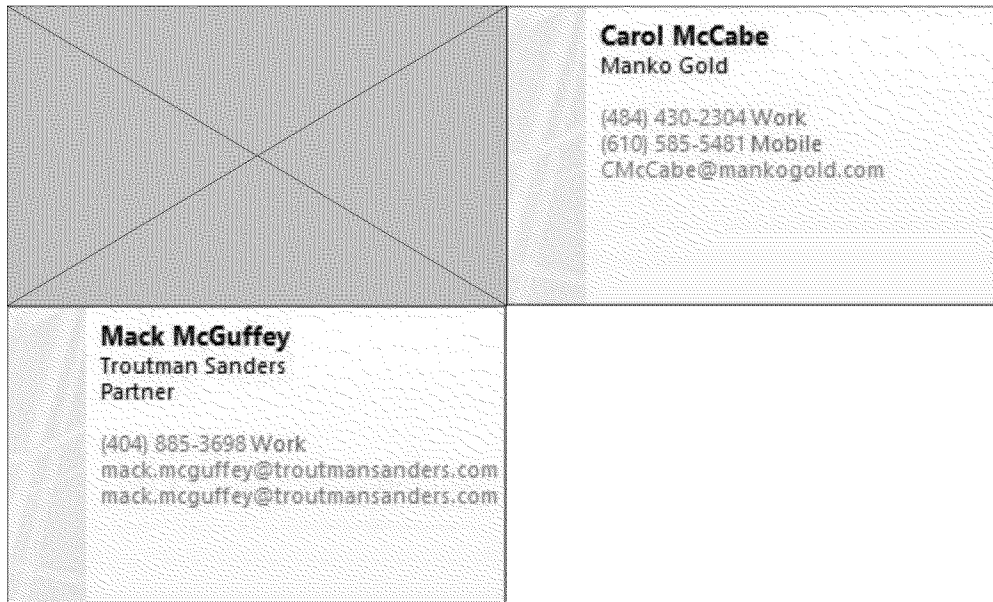
Attached is the online story by David Schultz of Bloomberg BNA. I understand the print version runs Monday morning, but the story is available online. I hope you feel as I do that there is nothing here to cause any embarrassment to the Agency. I made clear that the meeting was very pro forma and a typical meeting that any sector would have with their regulatory agency. I also said that this was the first opportunity we had to discuss our regulatory issues with the new leadership at EPA and we were pleased to have the chance to brief such capable and intelligent EPA policymakers. The fact that Anne Germain talked to the press without our knowledge and volunteered that the meeting had taken place is another troubling matter that we are dealing with. It is not our practice to reach out to the press or volunteer information during the particularly sensitive time when the Agency has not yet made a decision on a matter and is considering its options. I truly regret this incident and apologize for the concern it must have caused you.

I truly hope this incident has not soured our relationship. I have to say that as a former EPA employee, I feel very inspired to see three very capable women in places of leadership within the Agency and I look forward to the prospect of getting to know you better.

This evening I leave for a two-week vacation to Spain, so I did want to ensure that you have alternative contacts to reach out to with any questions or information you might want to share. I am attaching contact information for Chris Ball, our WM Senior Counsel, Carol McCabe, our WM, outside counsel and Mack McGuffey, who is Republic Services outside counsel.

Warm regards,

Kerry



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While the bill might make the process of assembling experts more onerous, it doesn't change the basic procedures followed by the board as a committee governed by the Federal Advisory Committee Act, Eighmy said. The selection of members for specific committees was an extremely deliberative process with extensive ethics and conflict of interest review that involved high levels of participation from industry scientists, he said.

Others in the field are not so sanguine.

"This bill suggests to me that the people who wrote it think that the science that's being given to EPA by the current SAB is political, not just scientific, and this is their way to respond to that," Holly Doremus, a professor of environmental regulation at the University of California, Berkeley, School of Law, told Bloomberg BNA. "I think that it's intended to be a check on robust EPA action and on strong scientific advice."

Only Constant in Trump's Approach to Climate is Inconsistency

Posted: Apr 28, 2017, 6:02 AM EDT

By David Schultz, Dean Scott and Andrew Childers

Defibrillating what was once a vibrant coal industry has been central to President Donald Trump's environmental agenda. But that singular focus on fossil fuels has caused an inconsistent and often contradictory stance on climate change.

Not that industry seems to mind much so far. Most of the Trump administration's environmental priorities in its first 100 days have been targeted at lifting burdens on domestic energy production, particularly coal. Climate change policies that the power sector has long opposed are now on the Environmental Protection Agency's chopping block.

But his administration has also kept in place—and, in one instance, even defended—other Obama-era climate policies that don't affect energy production. And, in likely the most significant environmental decision of Trump's presidency thus far, the U.S. may end up staying in an international agreement to address climate change even as it guts the carbon dioxide limits for power plants that are crucial to meeting that goal.

Taken together, Trump's actions signal a renaissance for energy production but chaos and confusion for climate change advocates.

"There is no coherent climate policy," Michael Burger, executive director of the Sabin Center for Climate Change Law at Columbia Law School, told Bloomberg BNA. "There is no climate policy at all. A policy requires that there be a goal."

Some Industries Set the Agenda ...

Trump is earning accolades from industry groups who say some initial policy uncertainties are worth the regulatory relief they see coming from the new regime.

"I think there's a general sense out there among the energy industry that things are heading in the right direction," Thomas Pyle, president of the American Energy Alliance, the advocacy arm of the Institute for Energy Research, told Bloomberg BNA. "The question is, what will prevent a whipsaw? What will prevent the next administration from coming back and pushing it?"

Ensuring those gains last will require reopening laws such as the Clean Air Act and Clean Water Act to make the Trump actions harder for a new administration to undo, Pyle said.

"You have a Clean Air Act that is interpreted widely differently across administrations and we would love to see a long-term approach," Dan Byers, vice president for policy at U.S. Chamber of Commerce's Institute for 21st Century Energy, told Bloomberg BNA. He predicted overhauling the Clean Air Act could begin within a year. However, he acknowledged such an effort would face significant hurdles in the Senate and ignite a firestorm from environmental groups.

The Trump administration's environmental and climate policies appear patchwork and occasionally contradictory because industry groups now have leverage with a friendly White House, Alden Meyer, director of strategy and policy for the Union of Concerned Scientists, told Bloomberg BNA. Industries with the most clout are seeing their issues addressed first by a Trump team eager to boost American business, especially energy producers.

"Trump in each case was responding to pressure, from industry, either privately behind the scenes or publicly," Meyer said.

... While Others Wait Their Turn

However, industries with less clout are still awaiting their opportunities. For example, the Trump EPA has not yet indicated what, if anything, it will do about the Obama administration's methane limits for landfills, something that industry would like to see reconsidered or revised.

Anne Germain, a director with the National Waste & Recycling Association, which is a plaintiff in a lawsuit challenging the rule, said she believes this area simply isn't a major priority for the Trump administration.

Germain said her group met earlier this month with two new policy advisers to the EPA's administrator, Scott Pruitt. She said the advisers were polite and professional, but also firmly noncommittal.

"There was no commitment to do any action," Germain told Bloomberg BNA. "I think they are trying to make sure they fully understand what we're asking for. They're hearing it from many, many industries."

But another factor may be at play here. It's possible that the nascent Trump administration, still struggling to staff up in key areas, has simply yet to think through its stance on the lower-profile climate regulations that don't affect the energy sector, she said.

Indeed, political leaders at the agency have been getting an earful from lots of different industry groups, according to EPA spokeswoman Liz Bowman.

"It is not a secret that many Americans felt left out of the regulatory process by the previous administration and have highlighted a significant number of concerns with existing rules," she told Bloomberg BNA in an email.

Competing Interests Tug at Paris Deal

The in-or-out uncertainty about the U.S. role in the Paris climate agreement is a reflection of those same tugging forces.

Pruitt has called for leaving the international pact while Secretary of State Rex Tillerson favors remaining in the agreement and Energy Secretary Rick Perry has called for remaining but renegotiating its terms. Even if the U.S. remains in the Paris deal, Trump has directed the EPA to roll back carbon dioxide limits for power plants, the heart of the country's pledge to reduce its emissions by at least 26 percent from 2005 levels by 2025.

"That's the interesting scenario: What happens if the U.S. does what seems quite likely and stays in and does nothing," Burger said.

The White House was scheduled to pull together competing factions to hash out the administration's stance on the Paris deal on April 27.

In the absence of federal action, states, cities and companies will still take action on climate change, said Gina McCarthy, head of the EPA under President Barack Obama. Pulling the U.S. out of Paris would also give ground to China, which has served as an economic and policy foil for Trump, she said.

"Why would we want to run away and cede leadership to China?" McCarthy said April 26 during a talk at the Harvard T.H. Chan School of Public Health.

Clarity—and More Rollbacks—Coming?

Greater policy clarity could be coming once Republicans clear other legislative priorities from their calendars and start uprooting more regulations.

Rep. Kevin Cramer (R-N.D.), a key Trump ally on energy issues in the House, acknowledged that Trump has left some climate policies untouched, including U.S. participation in the global deal to cut hydrofluorocarbons (HFCs), refrigerants that are extremely potent climate pollutants, and the EPA's initial determination that greenhouse gases should be regulated under the Clean Air Act.

Cramer called Trump's policies "a little bit disjointed," but he told reporters April 25 that the Republican-led Congress has been busy rolling back as many energy and climate regulations as it can under the Congressional Review Act before the window for taking advantage of the law's expedited procedures closes. Trump has signed 13 resolutions repealing regulations into law in the first three months of his presidency.

Once the Congressional Review Act option expires, Republicans and the new administration will be able to take a closer look at what to do about any remaining Obama climate policies.

"Whatever remnants that are still left that are reasonable [we can] hang onto. And whatever needs to be re-done or rebuilt—we'll do that," he said.

Though all of the policy components may not be in place, businesses say the regulatory tide is turning in their favor.

"We couldn't be more pleased, frankly, with what they're doing," Byers said.

⬆️ Top

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