

Date: Wednesday, July 18 2018 06:10 AM
Subject: Fwd: Morning Energy: House enviro riders entice spending votes — RFS, the next chapter — Opposition to EPA science policy on full display
From: [REDACTED]@api.org
To: Patrick Kelly [REDACTED]@api.org>;

No fan of the RFS

Sent from my iPhone
Begin forwarded message:

From: "POLITICO Pro Energy" [REDACTED]@politicopro.com >
Date: July 18, 2018 at 5:41:57 AM EDT
To: <[REDACTED]@api.org>
Subject: Morning Energy: House enviro riders entice spending votes — RFS, the next chapter — Opposition to EPA science policy on full display
Reply-To: "POLITICO subscriptions" <reply-fe8f13757d62047e76-630326_HTML-677791864-1376319-0@politicoemail.com>

By Kelsey Tamborrino | 07/18/2018 05:40 AM EDT

With help from Anthony Adragna, Annie Snider, Eric Wolff and Alex Guillén

RIDE-ALONG: Though House Republicans say they continue to be satisfied with the pace of the Trump administration's deregulatory efforts, GOP leaders have teed up votes this week to block several Obama-era environmental rules — ranging from the Chesapeake Bay cleanup to Endangered Species Act listings — in hopes of securing support for their next spending bill from the conservative right flank of the party. The Obama-era riders were made in order this week to the pending "minibus" package H.R. 6147 (115) for which recorded amendment votes are expected today and a vote likely Thursday.

GOP Rep. Ken Calvert, who chairs the subcommittee that authored the Interior-EPA spending bill included in the minibus, said the riders are simply an "insurance" policy to make sure the administration completes work on GOP priorities, Pro's Anthony Adragna reports. But the approach could backfire when it comes to conference with the Senate, where the chamber has tried to tamp down on any controversial policy riders. "We've tried for the most part thus far to keep riders and authorizing legislation and poison pills, whatever you want to call them, off these bills," Senate Appropriations Chairman Richard Shelby said. "That's what we'd like to stay with."

Democrats and Republicans alike say most of the policy riders aren't likely to become law since bills ultimately need 60 votes for passage in the Senate, but multiple House GOP lawmakers said they thought adding them would give their chamber a better hand going into negotiations with the Senate. Still, some in the House say the effort showed a fundamental disrespect of the appropriations process. "I'm a disciplined appropriator who believes we should not have authorizing language on an appropriations bill," Democratic Rep. Marcy Kaptur told reporters. "It is a terrible way to legislate." Read the full story.

NEXT STOP: Senate GOP leaders are eyeing a floor vote next week on its spending package to fund an array of domestic agencies, including the Interior-Environment title, a source familiar with the plan told Pro's Sarah Ferris. The Senate bill would be broader than the House minibus on the floor this week. Senate Republicans are in talks to bring up a four-bill spending bundle that would include the Transportation-HUD S. 3023 (115), Agriculture S. 2976 (115), Financial Services and Interior-

Environment bills — or one-third of Congress' annual spending work. Read [more](#).

IT'S WEDNESDAY! I'm your host, Kelsey Tamborrino. NOIA's Nicolette Nye was the first to identify Iowa and Ohio — the two states with just one consonant in their spelling. For today, another All-Star game question: How many All-Star games have been held in D.C.? Send your tips, energy gossip and comments to [\[REDACTED\]@politico.com](#), or follow us on Twitter [\[REDACTED\]](#), [@Morning_Energy](#) and [@POLITICOPro](#).

JUST RELEASED: [View the latest POLITICO/AARP poll](#) to better understand Arizona voters over 50, a voting bloc poised to shape the midterm election outcome. Get up to speed on priority issues for Hispanic voters age 50+, who will help determine whether Arizona turns blue or stays red.

What role will Hispanic voters over 50 play in Arizona this Fall? Read POLITICO Magazine's new series ["The Deciders"](#) which focuses on this powerful voting bloc that could be the determining factor in turning Arizona blue.

RFS, THE NEXT CHAPTER: EPA officials will be in Michigan this morning to hear ethanol and oil supporters duke it out over its [proposed](#) biofuel volume obligations under the Renewable Fuel Standard. The agency made a modest increase to the requirements for advanced biofuels, but it backed down at the last minute on a provision that would have shifted the mandate from small refiners with economic hardship exemptions to large refiners. A public hearing on the RFS proposal kicks off at 9 a.m. in Ypsilanti, Mich., featuring voices from both sides of the RFS debate divided into 10 panels, according to a [draft schedule](#) shared with ME.

Patrick Kelly, senior fuels policy adviser at the American Petroleum Institute — no fan of the biofuels program — will urge EPA not to exceed 9.7 percent ethanol in the gasoline pool for 2019. "The increases in gasoline demand projected at the inception of the RFS in 2007 did not materialize, nor did the commercialization of cellulosic biofuels," he says in his prepared testimony, urging the use of EPA's exemption authority. On the other side, Samantha Slater of the Renewable Fuels Association is slated to say EPA's proposal "means nothing" until it reallocates lost gallons under its waivers. And National Wildlife Federation's Marc Smith will call out "the negative impacts the production of these fuels has on water quality, land use, wildlife habitat, and air emissions" in his testimony. If you want to listen in to today's hearing, EPA is providing a "listen only" teleconference line [here](#).

OPPOSITION IN FULL DISPLAY: Dozens of speakers from medical and environmental groups turned up Tuesday for a public hearing to oppose EPA's proposal to bar science that doesn't have publicly available data, outnumbering those who support the policy, Pro's Emily Holden reports. They argued EPA's policy would make it impossible or incredibly expensive to conduct research needed for writing regulations. And they drew on the tobacco industry's playbook surrounding secondhand smoke.

"**In short, we believe this policy** is not in the best interest of our profession, the patients that we serve or the public health," said Meredith McCormack, a physician-scientist with the American Thoracic Society. "The focus on transparency is highly reminiscent of the rhetoric used by the tobacco players decades ago." Three Democratic lawmakers appeared at the hearing, including Rep. [Paul Tonko](#) of New York who called out the policy's transparency. "This is not about protecting human health or our environment. This emperor has no clothes," he said. Read [more](#).

WHEELER'S FIRST RULE: EPA finalized a rule Tuesday that directs how the toxic waste produced from 400 coal-fired power plants is stored across the U.S., according to The Washington Post. It is the first major rule signed by acting EPA Administrator Andrew Wheeler since he took over for Scott Pruitt. The rule says existing ash ponds can stick around until October 2020, an extension from April 2019. It would also provide more flexibility to states in certifying whether utilities' facilities meet standards, as well as in suspending groundwater monitoring in certain cases, the Post reports. The rule is expected to save the industry between \$28 million and \$31 million a year in compliance costs, officials told the Post.

Under Pruitt, EPA first proposed changes in March to the 2015 rule, after industry petitioned the Trump administration. EPA did not return questions from POLITICO and did not post a copy of the rule. Read the story.

DRILLING DOWN: They may have come up short in getting their amendments considered as part of the Interior-EPA floor fight, but opponents of offshore drilling in the Eastern Gulf of Mexico are already eyeing their next opportunity: the NDAA conference. "I'm going to keep coming at them like a rabid dog to get offshore drilling banned in the Eastern Gulf," Rep. Francis Rooney (R-Fla.) told reporters. He said opponents of offshore drilling were "pretty set in" their opposition but willing to listen to potential compromises. "At the end of the day, getting the most protections we can for the people of Florida is the main thing," he said.

WHAT'S THE HOLD-UP? Top Senate Energy leaders Lisa Murkowski and Maria Cantwell are pushing to add an amendment related to the Bureau of Reclamation to the pending water resources package, S. 2800 (115), according to EPW ranking member Tom Carper. "If it were actually folded into our bill — and I don't know that it would be — it would comprise about 25 percent of our bill," Carper told reporters, adding he'd have to look at the final version before pledging his support. EPW Chairman John Barrasso's office confirmed the effort and said he backs the amendment. Neither Cantwell's nor Murkowski's office responded to requests for comment.

FOIA WHAT IT'S WORTH: EPA chief of staff Ryan Jackson told Pro's Eric Wolff the agency hopes to clear a backlog of FOIA requests from the administrator's office "within the next few months," following outcry over unanswered requests that grew under Pruitt, leading watchdog groups and news organizations to file lawsuits accusing the agency of flouting the law. "I believe that we have an organization in place now that will be able to response to these and get the FOIA requests answered, get FOIA lawsuits settled and completed we hope," Jackson said. Read [more](#).

AND SO IT GOES: The National Archives and Records Administration is looking into whether EPA scrubbed calendar records under Pruitt, in light of a recent CNN report that detailed how meetings and appointments on Pruitt's official calendar were altered or removed. Laurence Brewer, the chief records officer for the U.S. Government, sent a letter to EPA's record official, John Ellis, requesting that the agency detail how it will address the allegations in 30 days.

NICHOLS MEETS WHEELER: California Air Resources Board Chairwoman Mary Nichols met with Wheeler Tuesday, but the two discussed nothing of substance, according to CARB spokesman Stanley Young. Nichols had said earlier in the day that she'd never met Wheeler but didn't expect much change in policy from his predecessor. California and EPA are locked in a fight over the stringency of fuel economy standards, a battle that seems destined to end up in court. But today's meeting was "cordial," Young said.

FRIEND OR FOE? President Donald Trump will host European Commission President Jean-Claude Juncker at the White House on July 25 for talks on a "wide range of priorities," including energy security, the White House confirmed. Trump recently called the EU a "foe" of the United States during a CBS News interview. But the president has also focused his attention on the Nord Stream 2 gas pipeline, reiterating at his Russia summit in Helsinki this week that the pipeline — a collaboration between Germany and the Kremlin — would emerge as a competitor to the U.S.

About that: Barrasso, who was appointed this week to the Senate's NATO Observer Group, said he would introduce legislation today "to make it easier for our NATO allies to work with us, with the abundance of natural gas that we have that they can buy from us." The legislation, he said during Tuesday's leadership press conference, will try to do two things: make mandatory sanctions against those involved with the Nord Stream 2 pipeline related to Russia, and make it easier for NATO and the United States to work together on a transatlantic energy alliance. Read a summary of the legislation [here](#).

GREENS APPEAL WOTUS INJUNCTION: Environmental groups represented by the Southern

Environmental Law Center are [appealing](#) to the U.S. Court of Appeals for the 11th Circuit to put the Obama-era Waters of the U.S. rule on hold in 11 states. For now, the fight is merely semantic, since the Trump administration finalized a rule delaying the 2015 regulation. But that rule is also being challenged in court, and if overturned, the Obama-era water rule could spring back into effect.

GAO: MOST SCHOOLS DON'T TEST FOR LEAD: Less than half of the school districts in America test for lead in their drinking water, a new [report](#) from the Government Accountability Office found. The report added that when schools do test drinking water, more than a third find elevated levels of the potent neurotoxin, Pro's Annie Snider [reports](#).

MAIL CALL! LAWMAKERS TO WHEELER: RECONSIDER PFAS: In a bipartisan letter led by Michigan Reps. [Fred Upton](#) and [Dan Kildee](#), lawmakers [called on](#) Wheeler to consider toughening his agency's health advisory for a pair of nonstick chemicals based on an HHS study that the administration sought to block. The lawmakers urge Wheeler to adjust the advisory for those PFAS chemicals, if appropriate, and to consider setting health advisory levels for additional chemicals that the report looked at. Annie has more [here](#).

— **Democratic Sen. Tom Udall** sent [a letter](#) to Wheeler calling on him to rebuild trust in the EPA. "Given your employment history as a lobbyist for EPA-regulated companies and industries, there are legitimate concerns that your priorities could place your past and potential future employers' interests over the public interest," he writes.

— **Members of the Sustainable Energy and Environment Coalition** sent a letter Tuesday to House and Senate appropriators urging higher funding levels for DOE's Office of Energy Efficiency and Renewable Energy and the Advanced Research Projects Agency-Energy. Read it [here](#).

AD WARS: Clean Air Moms Action is out with a new \$500,000 ad buy in Las Vegas and Reno on Sen. [Dean Heller](#)'s record on air pollution. The ads began Monday and use images of Nevada smog to illustrate the impact on smog on children's health in the state. Watch the ads [here](#) and [here](#).

QUICK HITS

- "House Republican will introduce \$23 carbon tax next week," [E&E News](#).
- "FEMA avoids 'climate change' when introducing future storm resiliency plans," [The Hill](#).
- "Delta tunnels get 'real' as backers seek \$1.6B loan from Trump administration," [The Sacramento Bee](#).
- "In India, summer heat could soon be unbearable. Literally," [The New York Times](#).
- "U.S. plans uranium import probe that may lead to tariffs," [Bloomberg](#).
- "Acting U.S. EPA administrator wants to 'depoliticize' environmental issues," [The Pittsburgh Post-Gazette](#).

HAPPENING TODAY

9 a.m. — EPA [public hearing](#) on "Proposed Renewable Fuel Standards for 2019, and the Biomass-Based Diesel Volume for 2020," Ypsilanti, Mich.

9 a.m. — House Energy and Commerce Energy Subcommittee [hearing](#) on "Powering America: The Role of Energy Storage in the Nation's Electricity System," 2322 Rayburn.

9 a.m. — The National Academy of Sciences' Board on Atmospheric Sciences and Climate meeting to

discuss a research agenda for adaptation science, 2101 Constitution Avenue NW.

10 a.m. — Senate Commerce Committee hearing on "SHARKS! — Innovations in Shark Research and Technology," 253 Russell.

10 a.m. — House Science Committee markup of the "Department of Energy Veterans' Health Initiative Act" and the "Chemical Assessment Improvement Act," 2318 Rayburn.

10 a.m. — House Transportation Economic Development, Public Buildings and Emergency Management Subcommittee hearing on "Are We Ready? Recovering from 2017 Disasters and Preparing for the 2018 Hurricane Season," 2167 Rayburn.

10:30 a.m. — The Center for Strategic and International Studies discussion on "Digitalization in the Industrial Sector: Implications for Energy, Technology, and Policy," 1616 Rhode Island Avenue NW.

10:45 a.m. — House Natural Resources Committee markup of various bills, 1324 Longworth.

1 p.m. — The Atlantic Council discussion on "Oil and Iran: How Renewed Sanctions Will Affect Iran and World Markets," 1030 15th St. NW.

2:30 p.m. — Senate Indian Affairs Committee hearing on S. 3168 (115), to amend the Omnibus Public Land Management Act of 2009 to make Reclamation Water Settlements Fund permanent, 628 Dirksen.

THAT'S ALL FOR ME!

To view online:

<https://subscriber.politicopro.com/newsletters/morning-energy/2018/07/house-enviro-riders-entice-spending-votes-281910>

Stories from POLITICO Pro

Poison pills banished from Senate spending bills [Back](#)

By Sarah Ferris | 06/15/2018 12:39 PM EDT

The Senate this year has abandoned the perennial brawls over policy riders that uprooted its regular spending process for nearly a decade, aiming to avoid another paralyzing funding fight this fall.

In a pact that's gone largely unnoticed on Capitol Hill, senators of both parties have so far crafted bills that are virtually free of so-called poison pill riders that usually entangle the annual spending bills. The motivation for the Senate's uncommonly bipartisan process is the threat of a government shutdown just weeks before the midterm elections.

The powerful Senate Appropriations Committee is now more than halfway done with its work for the year, without a single fight over immigration, the Second Amendment or Obama-era environmental rules.

The newfound accord is a show of bargaining, not brinkmanship. Sen. Patrick Leahy (D-Vt.), the lead negotiator for Democrats, heralded the development as a return to "old school" appropriations work.

"For those who are new to this, it's no small accomplishment," Leahy said Thursday. "We avoided new poison pill riders, from either the left or the right."

The tidal shift is the result of an unlikely partnership between GOP spending chief Richard Shelby (R-Ala.) and Leahy. It has brought hope that the Senate can finally end its yearslong drought of individual funding bills on the floor, halting the cycle of shutdowns and trillion-dollar spending bills approved in the

dead of night.

The Senate Appropriations Committee has coasted through seven bills in just four weeks, with plans to complete all 12 by July. Each has been approved overwhelmingly, and most unanimously.

Instead of turning markups into high-voltage matchups, the first-term chairman and Leahy have resolved to work out matters privately. Both parties have agreed to hold their noses to vote for a bill that they consider imperfect, but good enough.

"More important than the pace of this process is the bipartisanship that has defined it here," Shelby told appropriators at Thursday's markup, lauding both parties from "refraining" from extraneous political fights.

"The most appropriate place for that debate is the relevant authorizing committee, not the Appropriations Committee," Shelby said.

The Senate's stack of finished bills includes one with a notorious track record for poison pill riders: The measure that funds the EPA.

That Interior-Environment bill was tripped up by partisan riders during the entire span of former President Barack Obama's tenure, and it hasn't reached the Senate floor since 2009.

This year, despite mounting crises at the EPA, the bill sailed out of committee on a 31-0 vote on Thursday.

"I have said we need to return to regular order around here," said a jubilant Sen. Lisa Murkowski (R-Alaska), chairwoman of the subcommittee that handles the bill.

Another long-serving Republican on that subcommittee, Lamar Alexander of Tennessee, said he was astonished the bill was approved so easily.

"You've been able to take probably the most difficult set of issues of any subcommittees and work out a consensus," Alexander said. "That's what the Senate should do, and I congratulate you for that."

The smooth path for spending bills in the Senate — at least in committee — couldn't look more different in the House.

In the House bills, for example, Republicans have drafted language to allow firearms on Army Corps of Engineers land, repeal the Waters of the United States rule and block funding for high-speed rail in California.

Another provision would allow a government-funded ad campaign to promote GMO products, which was left out of the Senate's bill.

"They've loaded it down with riders just like before, and that's not acceptable," said Rep. David Price of North Carolina, the top Democrat on the House Appropriations transportation and infrastructure panel.

The Senate is working to reduce conflicts after President Donald Trump declared this year that he wouldn't sign another massive omnibus, in which congressional leaders bundle all 12 spending bills into one must-pass package. The most recent omnibus topped out at over 2,200 pages, and was approved just hours after it was released.

That unsavory process triggered a last-minute veto threat from Trump, giving lawmakers whiplash on Capitol Hill after Trump's own advisers had helped shape it.

"If we're going to avoid another omnibus, and instead pass individual spending bills and send them to the president's desk, we have to work in a bipartisan fashion, which I'm going to try hard to do," Shelby declared to his fellow appropriators last month.

Shelby and Leahy spent months scheming behind closed doors with fellow appropriators and party leadership on a way to end the Senate's appropriations stalemate on the floor.

Since 2009, very few spending bills have passed the Senate at all, let alone on time. Most of those were sweetened with a must-pass government funding extension or a side of emergency cash.

The Senate last approved an individual spending bill in 2016, when it cleared \$1.1 billion for the Zika virus attached to an unrelated Military Construction-VA bill.

The Senate's work this year has been made possible by a massive budget deal that delivered a huge cash infusion for domestic programs. Under the deal, domestic spending explodes by \$78 billion over just two years.

With billions more to spend, it defused the usual partisan bickering over where that money would go.

But Senate Republicans did take some stances on funding issues that put them at odds with their House counterparts.

The Senate, for instance, increases spending on nuclear nonproliferation, while the House cuts nearly \$1 billion compared with last year. The Senate also doesn't touch funding for contentious projects like California high-speed railways and hydroelectric dams in the Pacific Northwest, which the House would block.

The Senate's agriculture bill includes a generous budget for an international food aid program, Food for Peace, that Trump sought to cut. House Republicans, meanwhile, cut about \$200 million from the program.

In the Senate's environmental bill, Murkowski struck what she called "a common sense approach" to funding the EPA.

That bill does include ethics-related language aimed at embattled EPA Administrator Scott Pruitt, admonishing agency officials for using their positions for private gain or to perform personal duties.

The language won't become law, however. As a compromise, it was only included in the committee report, not the actual text.

"While I would have preferred bill language, I think the report language we are including sends a strong message," Sen. Tom Udall (D-N.M.) said Thursday.

On the Commerce-Justice-Science bill, Sen. Jeanne Shaheen (D-N.H.) said the measure touched on some of the most contentious and partisan issues before Congress, including the Census, immigration policy and gun regulation.

"But we have chosen to follow the direction of Chairman Shelby and Vice Chairman Leahy: No authorizing and no poison-pill riders," she said.

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[Back](#)

House GOP uses enviro riders to entice spending bill votes [Back](#)

By Anthony Adragna | 07/18/2018 05:02 AM EDT

House Republicans will vote this week to block several Obama-era environmental rules from EPA and the Interior Department in an effort to round up votes for their annual spending bill for those agencies.

GOP lawmakers say that while they're satisfied with the pace of the Trump administration's deregulatory efforts, they want to ensure their feelings are crystal clear and also think the amendments will shore up their conservative right flank on the floor. Riders going after a host of familiar Obama-era environmental targets, ranging from the tightened ozone standard to the Chesapeake Bay cleanup to Endangered Species Act listings, were made in order to the pending "minibus" package, H.R. 6147 (115), which combines the fiscal 2019 Interior-EPA, Financial Services and General Government spending bills.

"They help you on the floor in terms of attracting votes," Rep. Tom Cole (R-Okla.), a senior appropriator, told reporters about the policy riders. "Even though the current administration is certainly very friendly in this committee — and we've all been pleased how it's been run — it just makes it crystal clear at least the direction Congress would like to go."

Rep. Ken Calvert (R-Calif.), who chairs the subcommittee that authored the Interior-EPA spending bill, said the riders are an "insurance" policy to make sure the administration completes work on GOP priorities like the rewrite of the Obama-era of the waters of the U.S. regulation.

"We're going through this [rollback] administratively but also we're laying down our marker as a legislative branch," Calvert said.

Amendment debate began on the measure on Tuesday night with recorded amendment votes expected Wednesday and a final vote on the package likely Thursday.

But the House approach may backfire when it's time to go to conference. Senate Appropriations Chairman Richard Shelby (R-Ala.) said it would "be more difficult" to finish appropriations work with the inclusion of controversial policy riders.

"We've tried for the most part thus far to keep riders and authorizing legislation and poison pills, whatever you want to call them, off these bills," he said. "That's what we'd like to stay with."

The two chambers are involved in a similar showdown over a separate minibus spending bill to fund the Energy Department and several other agencies. The House included a rider blocking an Obama-era water rule that the Senate rejected to keep its bill bipartisan. A conference committee on the bill, H.R. 5895 (115), was canceled last week amid a disagreement over a veterans' health care program, and it remains to be seen when the session will be rescheduled.

Both Republicans and Democrats acknowledged most of the policy riders wouldn't become law since bills ultimately need 60 votes for passage in the Senate, but multiple House GOP lawmakers said they thought adding them now would give their chamber a better hand going into negotiations to resolve their differences with the Senate.

Democrats generally oppose the underlying House bill, and they said the fact Republicans feel the need to add sweeteners means they can't even count on their own conference to pass it. And they said the move to embrace controversial riders would imperil the chances of getting other appropriations packages across the finish line.

"House Republicans must be worried about their ability to pass these bills on their own or else they wouldn't violate their stated commitment to not allow controversial Floor votes," House Appropriations

ranking member [Nita Lowey](#) (D-N.Y.) said in a statement. "We should be following the Senate and producing bipartisan bills instead of including extreme poison pills to appease the right-wing of the Republican Conference."

Rep. [Betty McCollum](#) (D-Minn.), ranking member on the Interior and Environment Appropriations subcommittee, echoed that: "These toxic amendments, along with the 18 poison pill policy riders already in the bill, are taking this bill from bad to worse."

Others said the effort showed a fundamental disrespect of the appropriations process.

"I'm a disciplined appropriator who believes we should not have authorizing language on an appropriations bill," Rep. [Marcy Kaptur](#) (D-Ohio) told reporters. "It is a terrible way to legislate."

The House's approach stands in stark contrast to that in the Senate, which has steadfastly refused to include the policy riders that have upended the appropriations process for a decade on its spending bills this year.

That chamber passed its Interior-Environment bill out of the Appropriations Committee back in June unanimously after following what Sen. [Lisa Murkowski](#) (R-Alaska), chairman of the subcommittee responsible for the bill, called "a common sense approach" to funding EPA. Senators also beat back an attempt to add language repealing WOTUS to an earlier minibus in what Democrats called a positive show of discipline needed to actually get appropriations bills signed into law.

Murkowski told POLITICO she'd taken "a pretty hard line on keeping our bill free from riders" and suggested the House approach would make finishing their work more complicated.

"Will it make it more challenging? Yeah," she said. "But we're going to figure out a way."

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[Back](#)

Senate GOP leaders pitch four-bill domestic spending package [Back](#)

By Sarah Ferris | 07/17/2018 03:11 PM EDT

Senate GOP leaders are eyeing a floor vote next week on a spending package to fund an array of domestic agencies, including agriculture, transportation and housing, a Republican familiar with the plans said today.

GOP leaders are in talks to bring up a four-bill spending bundle that would include the Transportation-HUD [S. 3023 \(115\)](#), Agriculture [S. 2976 \(115\)](#), Financial Services and Interior-Environment bills, the individual said.

The four bills — which make up one-third of Congress' annual spending work — amount to roughly \$154.1 billion. It would be the Senate's second vote on a spending package so far for fiscal 2019, and it would bring those domestic agencies one step closer to avoiding a dreaded stopgap funding bill this fall.

The Senate was already slated to vote on the latter two bills, Financial Services and Interior-Environment, next week. The House is voting on its own version of those bills, [H.R. 6147 \(115\)](#), this week, and the Senate was planning to take up that package while substituting in its own bipartisan bills.

Now Majority Leader [Mitch McConnell](#) and his deputies are also considering adding Transportation-

HUD and Agriculture.

The House has not yet passed the transportation or the agriculture bill, and would need to vote again on the Senate's package, if it passes.

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[Back](#)

Critics: EPA science policy is out of tobacco playbook [Back](#)

By Emily Holden | 07/17/2018 05:57 PM EDT

Public health advocates opposing EPA's new science policy are seeking to frame it as a repeat of the tobacco industry's discredited attacks on the research surrounding secondhand smoke.

Dozens of speakers from medical and environmental groups at a public hearing Tuesday said the agency's proposal to bar science that doesn't have publicly available data would make it impossible or incredibly expensive to conduct research that EPA would consider in writing regulations. They argued it could also undermine study participants' trust and have a chilling effect on what kind of science health experts could pursue.

The result: EPA would begin to ignore critical information about how pollutants harm people, said the rule's critics, who vastly outnumbered supporters.

"In short, we believe this policy is not in the best interest of our profession, the patients that we serve or the public health," said Meredith McCormack, a physician-scientist with the American Thoracic Society. "The focus on transparency is highly reminiscent of the rhetoric used by the tobacco players decades ago."

McCormack said tobacco industry documents showed companies trying to set up procedural hurdles for what science the government could consider, and also used language similar to EPA's proposal around transparency, sound science and reproducible science.

The change could weaken air quality standards in the near-term, as EPA reviews rules for ozone and particulate matter, and could slow regulations long-term, said Paul Billings, senior vice president of advocacy for the American Lung Association.

"If you didn't know that particulate matter led to premature death and EPA had not evaluated that science, what would happen because of that?" Billings said outside the meeting room at agency headquarters. "We could see a path where less information would then mean that you have weaker standards and weaker cleanup."

Three Democrat lawmakers — Reps. Paul Tonko of New York, Suzanne Bonamici of Oregon and Dan Lipinski of Illinois — also appeared in opposition to the proposal.

Officials from Minnesota — John Stine from the Pollution Control Agency and Paul Allwood from the Department of Health — asked EPA to immediately suspend the proposal.

Without studies on chemicals used at 3M manufacturing sites, the state wouldn't have been able to successfully sue on behalf of affected residents, they said. Without research used in computer models for pollution, they wouldn't know how many people in the Twin Cities die prematurely or are hospitalized because of dirty air, they said.

Stine said after his statement that the state will seek a meeting with acting EPA Administrator Andrew Wheeler.

The science rule was a priority for former Administrator Scott Pruitt, who promoted the proposal in interviews with conservative media outlets, although its progress has already begun to slow, with EPA reclassifying the regulation to require a greater level of internal review. Wheeler has said he will take a "hard look" at the proposal, and some groups hope his biology background might prompt him to scrutinize it more closely.

The draft rule's critics also maintained that peer review ensures that study data is valid, even if the data itself is not publicly available.

Community-based health researchers argued that the rule might deter valuable science.

Pamela Miller, executive director of Alaska Community Action on Toxics, said the proposal would prevent EPA from using her group's research on how toxic chemicals affect Arctic indigenous peoples.

"This information is considered protected information, medical information, because we're collecting information about health, about demographics, about behaviors in the home and community," Miller said. The group's research has been instrumental in informing how military operations are cleaned up, she said.

The handful of the proposal's supporters who appeared at the meeting argued that for epidemiological studies, researchers could make their data available while shielding the identities of participants.

Dan Byers, senior policy director for the U.S. Chamber of Commerce's Global Energy Institute, said many of EPA's claimed monetary benefits from regulations are based on particulate matter studies that didn't have public data.

Still, EPA's policy change could pose problems for businesses depending on how it is crafted.

The Chamber said it is "paramount" that EPA adhere to requirements to protect proprietary data and confidential business information, as well as participant privacy. The group noted that Wheeler would have special authority to exempt certain studies from the new requirement, and said EPA should develop systematic guidance for how that would work.

The American Petroleum Institute said any data used in EPA policymaking should be transparent, reproducible and publicly available "to the extent possible, and consistent with the protection of other compelling interests such as privacy, trade secrets, intellectual property, and other confidentiality protections."

Annie Snider contributed to this report.

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[Back](#)

EPA chief of staff: Agency aims to clear FOIA backlog in 'a few months' [Back](#)

By Eric Wolff | 07/17/2018 05:05 PM EDT

EPA hopes to clear a backlog of requests for records from the administrator's office "within the next few months," agency chief of staff Ryan Jackson told POLITICO today.

The action follows an outcry over unanswered Freedom of Information Act requests that grew under former EPA Administrator Scott Pruitt, leading watchdog groups and news organizations to file lawsuits accusing the agency of flouting the law.

Now the agency has worked to streamline how it processes requests and is in the process of hiring six to nine new staffers for its FOIA office, Jackson said in a phone interview. Jackson said the work was already underway and was not a response to pressure, and he said the agency also faced a backlog dating back to the George W. Bush administration.

"I believe that we have an organization in place now that will be able to respond to these and get the FOIA requests answered, get FOIA lawsuits settled and completed we hope," he said.

"What I mean is, 1) either entirely responded, or 2) be in the process of providing documents on a rolling basis that the requester can expect to rely on," Jackson added.

EPA has seen jumps in both the number of requests and the number of lawsuits for failing to act quickly. Rep. Elijah Cummings (D-Md.), the top Democrat on the House Oversight Committee, last week demanded he be allowed to issue subpoenas due to abuses of FOIA.

In a response to Cummings sent Sunday, EPA principal deputy general counsel Kevin Minoli told Cummings and Oversight Chairman Trey Gowdy the agency had been working to clear up a long backlog of requests, including deploying a special team to help an overwhelmed staff in the Office of Administrator to deal with the increase.

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[Back](#)

White House confirms Trump meeting with Juncker next week [Back](#)

By Doug Palmer | 07/17/2018 01:29 PM EDT

President Donald Trump will host European Commission President Jean-Claude Juncker at the White House next week for talks on a "wide range of priorities, including foreign and security policy, counterterrorism, energy security and economic growth," the White House press office confirmed today.

The announcement of the visit on July 25 had been expected. It came one day after Trump returned from a weeklong trip to Europe that began with a fractious summit with NATO allies and ended with a surprisingly harmonious meeting with Russian President Vladimir Putin that left many observers scratching their heads.

During an interview with CBS News that aired Sunday, Trump called the European Union "a foe" of the United States — at least in an economic sense — along with other nations like China and Russia. Most members of the NATO alliance are also members of the EU, aside from Canada, Norway, Iceland and Turkey.

Trump has already imposed tariffs on EU steel and aluminum imports in the name of national security, and is threatening to do the same on EU auto and auto part imports. Trump's metal duties prompted the EU to respond in kind on U.S. agricultural and other exports.

Trump also routinely complains about the size of the U.S. goods trade deficit with the EU, which totaled \$151 billion last year. He seems less aware that the EU is the largest source of foreign investment in the

United States, totaling more than \$2 trillion dollars at the end of 2016.

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[Back](#)

GAO: Less than half of U.S. schools test for lead in water [Back](#)

By Annie Snider | 07/17/2018 02:17 PM EDT

Fewer than half of American school districts test their drinking water for lead, and when they do, more than a third find elevated levels of the potent neurotoxin, according to a government watchdog [report](#) released today.

Larger school districts, and those in the Northeast, were far more likely to test for lead — and more likely to find it — according to the Government Accountability Office report. The report, based on a survey of more than 500 school districts across the country, found widely varying programs to test for and remediate lead in drinking water.

There is no federal law requiring schools to test their drinking water for lead — in fact, a 1988 law requiring states to establish such programs was struck down as unconstitutional. Even newer schools can have lead in their systems because water fountains and other fixtures that contained up to 8 percent lead could legally be called "lead free" until 2014.

The GAO report calls for EPA and the Department of Education to step up their efforts to inform schools about the importance of testing for lead and the best ways to do so.

The six Democrats who requested the report, including top members of the House Energy and Commerce and Senate HELP committees, called the report's findings "disturbing and unacceptable" in a joint statement. They called on EPA to finalize a stronger regulation governing lead testing in drinking water and to issue guidance requiring testing in all public schools.

To view online [click here](#).

[Back](#)

Lawmakers urge EPA to consider update to PFAS health advisory [Back](#)

By Annie Snider | 07/17/2018 03:52 PM EDT

A bipartisan group of lawmakers is calling on the Trump administration to consider toughening its health advisory for a pair of nonstick chemicals based on an HHS study that the administration sought to block.

Lawmakers, led by Michigan Reps. [Fred Upton](#) (R) and [Dan Kildee](#) (D), [wrote](#) to acting EPA Administrator Andrew Wheeler today urging his agency to review the report from the Agency for Toxic Substances and Disease Registry, which set minimum risk levels for PFOA and PFOS seven to 10 times lower than EPA's 2016 health advisory for the chemicals.

The lawmakers also called on Wheeler to adjust EPA's health advisory for those chemicals, if appropriate, and to consider setting health advisory levels for additional PFAS chemicals that the report looked at.

"The EPA should move quickly to make appropriate changes to the existing drinking water health advisories that effectively communicate and explain risks to the public, as well as provide tools for adequate protection from exposure to these chemicals," the lawmakers wrote.

Such a move could have major implications for the DoD, whose sites are a major source of PFAS contamination. POLITICO reported in May that the Trump administration interfered with the ATSDR report, calling it a "public relations nightmare," in part because of concerns from the DoD.

Former EPA Administrator Pruitt laid out a series of steps for addressing PFAS contamination, including issuing toxicity values for two additional chemicals, a step short of issuing a health advisory.

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[Back](#)

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