

# Current Status Chart - 112th Congress, 1st Session

**April 27, 2011**

See last page for key to abbreviations and terms.  
Information added since last issue is printed in BLUE.

## Follow the Money

Bill	Status	Additional Information																						
<p><b>FY2011 Continuing Resolution PL-112-10</b></p> <p>For background, see Legislative Update #2.</p>	<ul style="list-style-type: none"> <li>➤ After a succession of six short-term CRs, Congress at last passed a CR for remainder of the fiscal year in mid-April. Signed into law as PL 112-10.</li> <li>➤ Final CR had only three of the anti-environmental riders added by the House earlier in HR 1:               <ul style="list-style-type: none"> <li>• Interior Dept. Bureau of Land Management was blocked from implementing the "wild lands" policy of identifying and protecting wilderness-quality roadless public lands.</li> <li>• The Grey Wolf was legislatively removed from the endangered species listing.</li> <li>• NOAA was precluded from using a market-based approach to limit over-fishing and restore depleted fisheries.</li> </ul> </li> <li>➤ Funding levels were not cut as drastically as in original House-passed version.</li> <li>➤ Funding included an 0.2% across the board "rescission" (i.e. cut) in all accounts and projects.</li> <li>➤ House Appropriations Chairman Rogers (R-KY) says funding for Interior and Environment agencies was 9% below the president's budget request and Energy/Water was 10% below.</li> </ul>	<ul style="list-style-type: none"> <li>➤ The two environmental riders on the CR expire September 30 along with the rest of the bill. Look for efforts to include similar language in the appropriations for FY 2012 or attached to other non-money bills.</li> <li>➤ EPA received \$8.7 B, which was \$1.6 B less than FY2010 but \$1.45 B more than original House bill.</li> <li>➤ Land and Water Conservation Fund programs were reduced one-third to \$301 M, a \$149 M cut below the 2010 level.</li> <li>➤ Newly created BOEMRE received \$239 M, an increase of \$58 M over current funding and \$14 M more than earlier House-passed CR (HR 1). This will assist in managing off-shore oil/gas exploration, development, and production.</li> <li>➤ Park Service got \$2.6 B, \$112.7 M above earlier House-passed CR (HR 1).</li> <li>➤ Fish &amp; Wildlife Service got \$1.5 B, an increase of \$239 M over earlier House-passed CR (HR 1).</li> <li>➤ NOAA received \$4.6 B, which was \$140 M below FY 2010 level but \$245 M more than original House bill.</li> </ul>																						
<p><b>FY2012 budget and appropriations H. Con. Res. 34</b></p> <p>For background, see Legislative Update #3.</p>	<ul style="list-style-type: none"> <li>➤ House adopted FY 2012 Budget Resolution (H.Con.Res.34) on April 15. It would allow \$32 B in budget authority for FY 2012, \$29 B for FY 2013, and \$25 B for FY 2014. These levels would be considerably below those during the Bush Administration (see chart).</li> <li>➤ Senate has begun negotiating on larger budget picture, including an increase in the public debt ceiling that must be enacted in the next few months. Bipartisan "Gang of Six" senators are leading the negotiations: Democrats Conrad (ND), Durbin (IL), and Warner (VA), and Republicans Chambliss (GA), Coburn (OK), and Crapo (ID).</li> </ul>	<ul style="list-style-type: none"> <li>➤ Administration's budget was sent to Congress on February 14. It proposes a freeze on discretionary spending through 2015, would trim EPA and Energy Department budgets. LWCF proposed for full funding at \$900 million.</li> <li>➤ Prospects are slim that House and Senate can agree on a budget resolution for FY 2012, much less a broad multi-year deficit reduction effort. Instead, each side will adopt its own resolution and fight out different priorities in appropriations legislation.</li> <li>➤ The President does not sign budget resolutions, but his agreement is required to enact appropriations and a debt ceiling increase.</li> </ul> <div style="text-align: center; margin-top: 20px;"> <p><b>Function 300 Budget Authority 2003-2012</b> FY2011 &amp; 2012 = President's Request</p> <table border="1" style="margin: 10px auto; border-collapse: collapse;"> <caption>Function 300 Budget Authority 2003-2012</caption> <thead> <tr> <th>Fiscal Year</th> <th>Budget Authority (\$ Billions)</th> </tr> </thead> <tbody> <tr><td>FY 2003</td><td>32</td></tr> <tr><td>FY 2004</td><td>33</td></tr> <tr><td>FY 2005</td><td>33</td></tr> <tr><td>FY 2006</td><td>38</td></tr> <tr><td>FY 2007</td><td>34</td></tr> <tr><td>FY 2008</td><td>37</td></tr> <tr><td>FY 2009</td><td>57</td></tr> <tr><td>FY 2010</td><td>40</td></tr> <tr><td>FY 2011</td><td>39</td></tr> <tr><td>FY 2012</td><td>37</td></tr> </tbody> </table> </div>	Fiscal Year	Budget Authority (\$ Billions)	FY 2003	32	FY 2004	33	FY 2005	33	FY 2006	38	FY 2007	34	FY 2008	37	FY 2009	57	FY 2010	40	FY 2011	39	FY 2012	37
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## Programs and Issues

<p><b>CES/RES: Clean energy standard, renewable energy standard</b> See Melissa McAdam's 3/11 paper on clean coal</p>	<ul style="list-style-type: none"> <li>➤ Bipartisan group of Senators led by Bingaman (D-NM) and Murkowski (R-AK) reportedly are working on bill to require utilities to generate a percentage of their power from clean sources.</li> <li>➤ President called for an 80% CES by 2035 in his 2011 State of the Union address. His proposal is expected to include renewables, nuclear power, natural gas and coal with carbon capture/ storage.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Sen. Bingaman previously opposed including nuclear power and coal in a definition of CES.</li> <li>➤ Senators Graham (R-SC) and Lugar (R-IN) are reportedly working on clean electricity mandate.</li> <li>➤ Sen. Inhofe (R-OK) questions whether CES is just a regulation aimed at curbing GHGs.</li> <li>➤ Rep. Upton (R-MI), Chair of House Energy Committee, voted for a 15% renewable mandate in 2007, but now questions the president's proposal as a "government-approved list of required electricity sources." He points out that 28 states already have their own renewable mandates.</li> </ul>
<p><b>Coal ash, chromium water contamination, CCR, HR 1391</b></p> <p>For more details, see report on Coal Ash by Annie Ager, March, 2011</p>	<ul style="list-style-type: none"> <li>➤ EPA Administrator Jackson proposed a coal combustion residual rule in June, 2010. Public comment period closed in November, 2010. Final rule has not been filed yet.</li> <li>➤ EPA proposed two options and asked stakeholders to comment. Option #1 under Subtitle C of RCRA, would require development of state or federal permit programs, would allow for direct federal enforcement and could take several years to implement. Option #2 under Subtitle D of RCRA could take effect in six months because it would not require permit programs (but would allow states the option to require permits). Option #2 would not be federally enforceable and would rely on citizen suits.</li> <li>➤ House-passed FY2011 CR was amended to prohibit EPA from listing coal ash as hazardous under RCRA (see above). That rider was not included in the final CR, PL112-10.</li> <li>➤ At House Energy &amp; Commerce Committee hearing on April 14, Environment/Economy Subcommittee Chair Shimkus (R-IL) pressed EPA official for details about impact analysis done of EPA proposed options for regulating coal ash.</li> <li>➤ HR 1391, the Recycling Coal Combustion Residuals Accessibility Act of 2011 (RCCRA) was introduced by Rep. McKinney (D-WV) and 33 cosponsors. It would exempt fly ash, bottom ash, slag and flue gas from regulation under the Solid Waste Disposal Act.</li> </ul>	<ul style="list-style-type: none"> <li>➤ In December, 2008, a wall holding back an ash retention pond at the TVA's Kingston Fossil generating plant burst, releasing tons of coal ash sludge over more than 300 acres in the surrounding community and waterways. Similar spills occurred at other plants across the country in recent years. There are hundreds of facilities nationwide. Clean-up at TVA still continues.</li> <li>➤ Environmental groups want coal ash classified as "hazardous" under the Resource Conservation and Recovery Act and retention ponds phased out. Construction industry and road builders use recycled ash in paving and building materials. Power plants look for the cheapest option.</li> <li>➤ Coal industry leaders are extremely concerned about a "hazardous" designation, which they say would cost more than \$50 B over 20 years, and lead to significant job losses and higher consumer electric bills. They also fear that a hazardous designation would make recycling coal ash all but impossible.</li> <li>➤ CCRs contain many toxic elements, including mercury, cadmium and arsenic associated with cancer, and chromium, which can leach into drinking water supplies.</li> </ul>
<p><b>Endangered species</b></p>	<ul style="list-style-type: none"> <li>➤ The FY 2011 CR stripped Endangered Species Act protections for gray wolves in Montana, Idaho and parts of three other states and returned species management to those states. This is the first time legislation has removed ESA protections for a species.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Environmentalists are concerned this could set a precedent and may indicate that protections for other species could become legislative bargaining chips, especially for species such as the sage grouse or Arctic wildlife whose habitats contain oil and gas reserves.</li> <li>➤ Supporters of the rider say the gray wolf species has recovered and now stands at 1700, which far exceeds its recovery goal.</li> </ul>
<p><b>EPA's greenhouse gas regulations</b></p> <p>For background, see 112th Congress Update #1.</p> <p>See also Suzanne Booker-Canfield's report on GHG regulations, March 2011</p>	<ul style="list-style-type: none"> <li>➤ The Senate on 4/6/11 narrowly defeated by a 50-50 vote an amendment to a small business bill that would have permanently blocked EPA from implementing climate regulations. Three other amendments to delay or stop EPA enforcement of GHG emissions were also defeated by wider margins. Majority Leader Reid (D-NV) vows to keep such riders from being considered in the future and says the Senate will not consider HR 910, the bill passed by the House.</li> <li>➤ The next day, the House passed Energy Committee Chairman Upton's bill, HR 910, by 255-177. The bill would prevent EPA from regulating GHG emissions. 19 Democrats voted for the bill. A dozen amendments were defeated, including motions to clarify that EPA can provide technical assistance to states in limiting GHG emissions, to accept EPA's scientific findings on climate change, and to ensure EPA can protect public health during an emergency.</li> <li>➤ Final version of the FY2011 CR dropped language barring EPA enforcement of GHG emissions that had been included in the House-passed version.</li> </ul>	<ul style="list-style-type: none"> <li>➤ S. J. Res. 26, proposed by Sen. Murkowski (R-AK) and 40 cosponsors failed 47-53 in 2010. It would have vetoed EPA's endangerment finding on which GHG regulations are based.</li> <li>➤ Bills to stop EPA from regulating GHGs could be offered as amendments to other bills including appropriations, despite Sen. Reid's intention to prevent this from happening.</li> </ul>
<p><b>EPA's Cement regulations</b></p> <p>See Diane Stoner's report of June, 2009</p>	<ul style="list-style-type: none"> <li>➤ H. J. Res. 9, introduced by Rep. Carter (R-TX) and 31 cosponsors would disapprove the EPA's August, 2010 regulation of Portland cement plants. The Congressional Review Act assures this resolution of expedited action in the House and Senate. It can be vetoed by the president.</li> <li>➤ Rep. Carter's amendment to the first House FY2011 CR barring use of EPA funds for cement plant regulation for the next seven months passed 250-177; it was not included in the final CR.</li> <li>➤ House Energy and Commerce subcommittee hearing on 4/15/11 looked at EPA regs on industrial boilers and cement kilns. Next step will be Rep. Carter's bill or something similar.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Cement-making plants emit huge amounts of CO<sub>2</sub> and eight tons of mercury nationwide annually.</li> <li>➤ EPA adopted regulations in August, 2010 to require plants to reduce mercury emissions to the maximum extent possible.</li> </ul>

<p><b>Farm bill</b></p>	<ul style="list-style-type: none"> <li>➤ Current 5-year farm bill will expire in 2012. New House Agriculture Committee chair Lucas (R-OK) plans to use 2011 to educate the committee's 16 new Republicans and 7 new Democrats about the issues and building working relationships. He does not plan to tackle farm bill reauthorization until 2012.</li> <li>➤ Lucas plans oversight hearings in 2011, including review of impact of EPA regulations on farms.</li> <li>➤ New Senate Agriculture Chair Debbie Stabenow (D-MI) and new ranking Republican Roberts (KS) are expected to have a good bipartisan relationship.</li> <li>➤ GCA concerns: farm conservation programs; impact of EPA clean air and clean water regulations on farming; CAFOs; genetically-engineered crops; impact of corn alcohol as a fuel on food supply and farm energy consumption; organic, sustainable, local food production; farm subsidy reform.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Technical budget issue: Farm conservation and price supports are mandatory programs; therefore any changes that increase their costs must be passed on a pay-as-you-go basis. However, about \$10 B of programs, including renewable energy programs, are scheduled to expire at the end of the current farm bill, meaning that they would have no funding "baseline" in calculating the cost of the future bill. Thus, the full cost of extending them at current levels would have to be offset with cuts in other programs or increases in revenues. Agriculture Department changes further reduced the future baseline by \$4 B, leaving the next bill \$14 B in the hole before legislating even begins.</li> <li>➤ Crop prices are extremely high and the farm economy is very strong. This could translate into willingness to trim agricultural subsidies.</li> </ul>
<p><b>Fracking, FRAC Act, HR 1084</b></p> <p>For background, see Jane Whitaker's 2/11 report and Gretchen Downs's paper of 12/2010 on NAL website and Jane Whitaker's paper of 2/2011.</p>	<ul style="list-style-type: none"> <li>➤ Interior Secretary Salazar announced in November development of a policy for public disclosure of fracking chemicals injected into public lands.</li> <li>➤ 32 bipartisan House members wrote Sec'y Salazar on Jan. 5 urging him <i>not</i> to propose fracking regulations until the EPA study has been completed. Reps. Tim Murphy (R-PA) and Boren (D-OK), co-chairs of the Natural Gas Caucus, took the letter-writing lead.</li> <li>➤ 46 House Democrats wrote Sec'y Salazar on Jan. 13 in <i>support</i> of his proposal for public disclosure of fracking chemicals used on public lands. Reps. Hinchey (D-NY) and DeGette (D-CO) spearheaded this letter. <a href="#">Rep. DeGette reintroduced the Fracturing Responsibility and Awareness of Chemicals Act (FRAC Act) as HR 1084 on March 25. The bill would require disclosure of fracking chemicals. A similar measure died in committee last year.</a></li> <li>➤ Sen. Casey (D-PA) in February 2011 asked the Delaware River Basin Commission to include fracking chemical disclosure and emergency response in its regulations for gas drilling in northeastern PA and upstate NY. He led 9 cosponsors in proposing S.1215 in the 111th Congress to require disclosure of fracking chemicals.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Only two states, Wyoming and Colorado, require disclosure of fracking chemicals. Environmental and health advocates are concerned about impact on drinking water.</li> <li>➤ Two-year study by EPA is underway, with report due to Congress in 2012.</li> <li>➤ About 90 percent of wells drilled on federal lands use fracking techniques.</li> <li>➤ In 2003 EPA entered into a voluntary memorandum of agreement with Halliburton, BJ Services and Schlumberger, the three largest fracking companies, to eliminate diesel fuel from their well injections. The firms have continued to use diesel.</li> </ul>
<p><b>Gulf oil spill clean-up HR 56, 501, S. 861</b></p>	<ul style="list-style-type: none"> <li>➤ House Natural Resources Committee hearing March 3 explored how BOEMRE would use additional \$132 M requested by the administration to improve offshore drilling safety. <a href="#">The BOEMRE budget was increased in the final CR for FY 2011 (see above).</a></li> <li>➤ Administration's FY2012 budget proposes \$20 M for coastal eco-system restoration.</li> <li>➤ NOAA administrator Lubchenco and others in February, 2010, urged Congress to devote a substantial amount of Clean Water Act penalties associated with the Gulf oil spill to a dedicated fund supporting restoration efforts in the Gulf. Louisiana legislators pushed last year for putting 80% of oil spill penalties into Gulf restoration. This measure, <a href="#">S.861, was reintroduce by Louisiana Senators Landrieu (D) and Vitter (R).</a> Similar bill, HR 56, introduced by Rep. Scalise (R-LA) but Republicans are taking a cautious approach.</li> <li>➤ 40 House Democrats urged Speaker Boehner (R-OH) and Natural Resources chair Hastings (R-WA) to give a high priority to BP Oil Spill Commission recommendations. HR 501 by Markey and 10 cosponsors would implement commission recommendations which were released on 1/11/11.</li> <li>➤ NOAA is "scoping" environmental restoration alternatives. Public comment invited.</li> </ul>	<ul style="list-style-type: none"> <li>➤ After Gulf oil-spill disaster in 2010, moratorium on deepwater drilling was imposed. Administration lifted the moratorium October 12, 2010, but made safety requirements more stringent. However, 13 companies already drilling in the Gulf before the spill (including Shell and Chevron) were allowed to continue drilling without a full environmental assessment.</li> <li>➤ Scandal-ridden Minerals Management Service was reorganized in June 2010 into BOEMRE (Bureau of Ocean Energy Management, Regulation and Enforcement). BOEMRE resumed selling leases for off-shore oil/gas exploration and wind power installations.</li> <li>➤ House &amp; Senate Interior Appropriations bill that died at end of 111th Congress would have tripled the time for drilling permit reviews from 30 to 90 days to allow fuller reviews.</li> <li>➤ <a href="#">House passed HR 3534 in 2010 to increase offshore worker and environmental safety, put new ethics requirements on federal drilling regulators, and set up a coastal restoration program. Senate never took up this measure and it died at the end of the 111th Congress.</a></li> </ul>
<p><b>Off-shore drilling</b></p>	<ul style="list-style-type: none"> <li>➤ House Natural Resources Committee reported three bills on 4/13/11, with the backing of all Republicans and two Democrats—Costa (CA) and Boren (OK): <ul style="list-style-type: none"> <li>• HR 1231 would mandate oil/gas off-shore leasing, including the northeast, California and Alaska.</li> <li>• HR 1229, HR 1230 would force the administration to offer leases in coastal Virginia and Gulf of Mexico. <a href="#">Leases in these areas were canceled after the Gulf oil spill in 2010.</a></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ Notwithstanding the Gulf oil spill disaster in 2010, high energy prices are fueling a drive in Congress to develop more oil and gas reserves from off-shore tracts.</li> <li>➤ Issues include improved regulations, drilling safety, and environmental protections and restoration. Weighing against these is the desire to increase U.S. domestic oil and gas production as quickly and cheaply as possible.</li> </ul>
<p><b>Hardrock mining reform, S. 26, HR 1452</b></p>	<ul style="list-style-type: none"> <li>➤ Rep. Lamborn (R-CO), the new chair of House Energy &amp; Mineral Resources Subcommittee, is an oil shale advocate. He wants lower royalties and fees.</li> <li>➤ Sen. Shaheen (D-NH) introduced S. 26 to eliminate the percentage depletion tax break mining</li> </ul>	<ul style="list-style-type: none"> <li>➤ Doubtful that the Republican-controlled House will pass an overhaul of the outdated 1872 mining law. House passed a reform bill in 2007 that died in the Senate. That bill was opposed by all but 24 Republican representatives.</li> </ul>

	<p>firms use to reduce their federal taxes. Would generate an estimated \$250 million over five years.</p> <ul style="list-style-type: none"> <li>➤ Administration budget proposes first-ever leasing process for hardrock minerals and royalties on gold, silver, copper, uranium and other minerals from new mining claims.</li> <li>➤ Reps. Heinrich and Lujan (both D-NM) introduced HR 1452 to put a 12.5% royalty on uranium and set up a competitive leasing process for uranium mining on federal land.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Uranium mining experienced a resurgence with renewed interest in nuclear power; the impact of the tsunami in Japan may have reduced the push to promote nuclear power.</li> </ul>
<b>Land and Water Conservation Fund</b>	<ul style="list-style-type: none"> <li>➤ Administration's FY2012 budget proposes \$900 M full funding for LWCF. Funds would go to National Park Service (\$360 M), Fish &amp; Wildlife Service (\$140 M), Forest Legacy (\$135 M), Endangered Species Fund (\$100 M), Forest Service (\$90 M), Bureau of Land Management (\$50 M), and Bureau of Mines (\$25 M).</li> <li>➤ FY2011 CR reduced LWCF by one-third below FY 2010 enacted level, to \$301 B. Included in this total: <ul style="list-style-type: none"> <li>• \$53 M for Forest Legacy</li> <li>• \$22 M for BLM acquisitions</li> <li>• \$55 M for Fish and Wildlife Service acquisitions</li> <li>• \$95 M for National Park Service acquisitions (including State acquisition program)</li> <li>• \$33 M for US Forest Service acquisitions</li> <li>• \$12.1 M for Department of Interior property appraisals</li> <li>• \$31 M for LWCF portion of Cooperative Endangered Species Program.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ During House CR debate in February, amendment by Rep. Lummis (R-WY) to strike all LWCF funds from the FY 2011 CR narrowly failed 213-216.</li> <li>➤ Administration's Great Outdoors initiative relies on LWCF funding.</li> <li>➤ In the last congress, legislation to re-authorize LWCF and provide it with permanent full funding failed. House passed these provisions as part of HR3534, a bill dealing with Gulf oil spill response. In the Senate, Sen. Barrasso (R-WY) advocated that 40% of LWCF funds go to state-side grants. In the last decade, state grants ran less than 10% of the total program. Barrasso amendment was withdrawn.</li> </ul>
<b>Mountain top removal mining HR 457, S.272</b>  See Claudia Bell's March, 2011 paper on Water & Wetlands	<ul style="list-style-type: none"> <li>➤ Final version of the FY 2011 CR did not contain any language blocking EPA from enforcing regulations against mountain top mining. Original House-passed version would have stopped enforcement of certain regulations for the rest of the fiscal year.</li> <li>➤ EPA's interim guidance, issued in April, 2010, to clarify EPA's interpretation of mountaintop mining regulations has been subject to extensive public comment and analysis. Final guidance is expected later this spring on how mountain top removal mining can be done in compliance with the Clean Water Act. WV legislators say EPA is overreaching and going into areas that should be legislated, not regulated. The guidance applies to about 80 projects.</li> <li>➤ Opposing bills: HR 1275 by Rep. Pallone (D-NJ) and 54 cosponsors would ban mountaintop removal mining. In the other direction, several bills would retroactively ban EPA from vetoing Clean Water Act permits for coal-mining projects—S. 468, by Senators McConnell and Paul (both R-KY), HR 457, by Rep. McKinley (R-WV) and 9 cosponsors, and S. 272 by Sen. Manchin (D-WV) and 8 cosponsors.</li> </ul>	<ul style="list-style-type: none"> <li>➤ EPA revoked the 2007 permit for Arch Coal's Spruce No. 1 mine in West Virginia, the first time a valid clean water permit for a coal mine had been rescinded. Permit was originally issued by the U.S. Army Corps of Engineers.</li> <li>➤ Spruce No. 1 would have dynamited tops off nearly 2300 acres of mountains, dumped 110 million cubic yards of spoil into nearby valleys, and buried six miles of streams and rivers, killing wildlife, polluting streams and endangering human health downstream.</li> <li>➤ Arch Coal is taking EPA to court in battle against the permit revocation.</li> <li>➤ Broad coalition of business, realtors, transportation builders, are opposing the EPA decision as threatening to the nation's business climate.</li> </ul>
<b>NEPA</b>	<ul style="list-style-type: none"> <li>➤ House Subcommittee on Highways &amp; Transit chair Duncan (R-TN) is exploring ways to streamline NEPA environmental reviews of proposed highway projects.</li> <li>➤ Obama administration working to "fast track" NEPA reviews of proposed off-shore wind energy development. BLM also fast tracking study of solar resources on federal lands to encourage development where resource potential is high, environmental impacts are low and transmission access is available.</li> <li>➤ House-passed CR (see above) would prohibit EPA's environmental Appeals Board from evaluating drilling permits off the Arctic coast.</li> <li>➤ EPA is soliciting public comment on its website through March 20 regarding which regulations are "outmoded, ineffective, insufficient or excessively burdensome." Listening sessions will be scheduled for DC and other parts of the country. EPA plans late May, 2011 release of its plan for revamping regulations and list of regulations to be "modified, streamlined, expanded or repealed."</li> </ul>	<ul style="list-style-type: none"> <li>➤ 109th Congress tried unsuccessfully to "streamline" NEPA environmental reviews with short deadlines, expansion of categories exempt from review, putting program officers in charge of reviews rather than scientists, and other strategies to gut environmental protections.</li> <li>➤ President Obama's outreach to business indicated willingness to work to eliminate burdensome regulations that stifle job creation and economic growth. Environmental and health advocates are alarmed that this signals EPA to tread lightly.</li> </ul>
<b>Pesticide spraying over water, HR 872</b>	<ul style="list-style-type: none"> <li>➤ The House passed HR 872 on March 31, 2011 by a vote of 292-130. All Republicans and 57 Democrats voted for the bill.</li> <li>➤ EPA help the House draft the bill. EPA says its FIFRA permitting process is sufficient and</li> </ul>	<ul style="list-style-type: none"> <li>➤ Federal appeals court ruling in 2009 held that FIFRA permits for pesticide users who spray over water were not enough. It mandated EPA to start issuing additional permits under the Clean Water Act starting April 9, 2011. Court extended this deadline to Oct. 31 at EPA's request.</li> </ul>

	<p>"double permitting" is not needed.</p> <ul style="list-style-type: none"> <li>➤ Senate Agriculture Committee members met with EPA Administrator Lisa Jackson to discuss how the court ruling would be implemented. Sen. Roberts, (R-KS), Ag Committee ranking Republican, is working with EPA on an approach that would make legislation unnecessary.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Environmental groups applauded the court ruling—NRDC is a big supporter. Farm state lawmakers and agribusiness have attacked the ruling as imposing a costly regulatory burden on farmers.</li> </ul>
<b>Toxic Chemicals, TSCA S.847</b>	<ul style="list-style-type: none"> <li>➤ House Commerce Committee hearing on February 15 on topic of regulatory burden focused on difficulties created by Toxic Substance Control Act.</li> <li>➤ Sen. Lautenberg re-introduced his bill, S. 847, to require safety testing of industrial chemicals and require industry to show that their chemicals are safe.</li> </ul>	<ul style="list-style-type: none"> <li>➤ TSCA reform had hard time developing traction in 111th Congress. It is the only major environmental statute never to have been amended. Industry supports updating its provisions.</li> <li>➤ Under current law, chemicals are safety-tested only after evidence is found that they are dangerous. EPA tests only 200 of the 80,000 chemicals on the market.</li> </ul>
<b>Transportation reauthorization SAFETEA-LU</b>	<ul style="list-style-type: none"> <li>➤ Big winner: Administration's FY2012 budget calls for six-year \$556 B surface transportation reauthorization, a 60 percent increase over inflation-adjusted levels for previous transportation authorizations and a \$53 B increase over 2010 levels. Includes \$8 B for high-speed rail and \$30 B for national infrastructure bank.</li> <li>➤ Transportation Secretary LaHood aims to have bill on President's desk by August, 2011.</li> <li>➤ Hearings have begun at Senate Environment/Public Works Committee and House Transportation/Infrastructure committees. Chairmen Boxer (D-CA) and Mica (R-FL), respectively, agree on August target enactment date and held joint field hearings in California 2/23/11.</li> <li>➤ Streamlined NEPA review of highway projects has already been focus of House Highways/Transit Subcommittee hearing. Critics contend NEPA can trap highway projects in planning stage for six years or longer.</li> </ul>	<ul style="list-style-type: none"> <li>➤ The five-year SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) expired September 30, 2009 and stop-gap funding has been doled out since then in a series of short extensions.</li> <li>➤ GCA concerns: billboards, storm water runoff, more alternative transit including walking and bike trails, prevention of urban sprawl, and CMAQ (Congestion Mitigation and Air Quality) improvement projects.</li> <li>➤ This is a huge issue that pits highways against mass transit. Impact of weaning auto industry off gasoline may affect outcome. Gasoline tax may not be best long-term means to finance the transportation infrastructure but there is no consensus on an alternative. General agreement that bill must be self-financing.</li> </ul>
<b>Wilderness lands</b>  See Sarah Young's report on National Parks, March,2011	<ul style="list-style-type: none"> <li>➤ The final CR for FY 2011 banned Bureau of Land Management from designating wilderness areas on public lands. This ban applies to current fiscal year 2011, until September 30, 2011.</li> <li>➤ Interior Department says the 1976 Federal Land Policy and Management Act requires an active inventory of wilderness-quality lands. Without funding, fulfilling this requirement will be difficult.</li> <li>➤ Good possibility that an attempt will be made to enact a <u>permanent</u> ban on BLM wilderness designations. GOP Idaho and Utah governors testified against the policy at House Public Lands Subcommittee in March. Sen. Hatch (R-UT) plans to introduce a bill to block the new policy. Sen. Bingaman (D-NM), Chair of Natural Resources and Energy Committee, is waiting for details and weighing options.</li> <li>➤ 46 House Democrats, led by Rep. Markey (MA), sent letter to Interior Secretary Salazar in December, 2010 praising the wild lands policy.</li> <li>➤ Western states oppose wilderness designations because they prevent exploitation and development of vast tracts of public lands.</li> </ul>	<ul style="list-style-type: none"> <li>➤ BLM announced wild lands policy in December 2010 that allows agency managers to protect wilderness-quality areas temporarily from impact of oil &amp; gas development and off-highway vehicles. This temporary protection allows time for Congress to act on official wilderness designation.</li> <li>➤ Rep. Simpson (R-ID) was the key instigator of the appropriations ban on wilderness designations. Other key supporters: Reps. Hastings (R-WA), Rehberg (R-MT), Pearce (R-NM), Lewis (R-CA) and Labrador (R-ID).</li> <li>➤ The new policy directs BLM field managers to evaluate wilderness-quality lands and after taking public comments, designate "wild lands" and manage them for non-motorized activities such as hiking, hunting or fishing.</li> <li>➤ New policy overturns a 2003 settlement between then-Interior Secretary Gale Norton and former Utah Gov. Mike Leavitt (R).</li> <li>➤ Environmental and sporting groups applaud the new policy. Westerners favoring development call it a "War on the West."</li> </ul>
<b>WRDA - Water Resources Development Act</b>	<ul style="list-style-type: none"> <li>➤ WRDA is handled by the same committees that are also responsible for reauthorizing the massive surface transportation bill. Transportation reauthorization is on a fast track to August target enactment, so WRDA will have to get in line behind that huge effort.</li> <li>➤ Committees do plan to reauthorize WRDA later on. Expectation is that the House might use it as an opportunity to de-fund already authorized projects. Not clear yet whether this would be a net reduction or a cut-and-add plan.</li> <li>➤ House and Senate agreed on "no more earmarks" - this could mean Corps would decide which projects to build.</li> </ul>	<ul style="list-style-type: none"> <li>➤ WRDA is supposed to be reauthorized every two years. Last WRDA bill was enacted in 2007, and 2001 before that.</li> <li>➤ WRDA funds dams, levees, wetlands restoration and beaches, among other water projects. More attention has been since Gulf oil spill to environment consequences of WRDA projects.</li> <li>➤ WRDA has a \$60 billion funding backlog with many projects on hold for years. So authorizing another round of projects would not guarantee that they would be built. Appropriations for them must be passed, and current climate favors cutting rather than spending.</li> </ul>
<b>Abbreviations and terms</b>	<p>BLM - Bureau of Land Management in the Interior Department. Oversees the nations public lands.  BOEMRE - Bureau of Ocean Energy Management, Regulation and Enforcement. New Interior Department agency in charge of off-shore permitting and safety enforcement.  CAFOs - Concentrated Animal Feeding Operations, such as those for chickens, pigs and cattle that generate huge quantities of concentrated wastes and contamination.  CCR - Coal combustion residue.  CES - Clean Energy Standard, a requirement that a certain percentage of electricity be generated from clean and/or renewable sources.  CR - Continuing Resolution to provide appropriations at the same rate as previously.  EPA - Environmental Protection Agency  EPW - Senate Committee on Environment and Public Works.</p>	

	<p><a href="#">FIFRA - Federal Insecticide, Fungicide and Rodenticide Act</a></p> <p>Fracking - technique for injecting water or chemicals deep into rock formations to release gas.</p> <p>GHGs - greenhouse gases, including CO2, methane, hydrofluorocarbons and others.</p> <p>NEPA - National Environmental Protection Act, the foundation on which environmental protection is based. Requires government to evaluate environmental impact of projects before the begin.</p> <p>RCRA - Resource Conservation and Recovery Act</p> <p>T&amp;I - House Transportation and Infrastructure Committee, which has jurisdiction over transportation reauthorization and Water Resources Development Act</p> <p>TSCA - Toxic Substance Control Act</p> <p>WRDA - Water Resources Development Act</p>
<b>Last updated April 27, 2011</b>	<p>Editor: Martha Phillips (mhphillips@optonline.net. All e-mails and faxes are sent from GCA Headquarters. To unsubscribe: Contact Mary Jane at GCA Headquarters, 212-753-8287, or maryjane@gcamerica.org. (This document is designed to help you check the status of issues of interest. Don't feel that you need to read every item. Just use it to check on issues you are following.)</p>