

Successes and Obstacles for Trump/Pruitt/Republican Environmental Deregulation Agenda As of August 2, 2017

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Some Background on Pruitt's Positions on Environmental Regulations

While on the Executive Committee of the Republican Attorney General Association, the organization received \$530,000 from Koch Industries, \$350,000 from Murry Energy, \$160,000 from Exxon-Mobil, \$125,000 from Devon Energy. Since 2015, the fossil-fuel industry and associates have given more than \$2.25 million to RAGA. While a board member of the Rule of Law Defense Fund (founded when Pruitt was head of RAGA) the organization received \$175,000 (since 2014) from Koch Brothers' super fund Freedom Partners. As Oklahoma Attorney General, Pruitt sued the E.P.A. fourteen times, one of the cases challenged Obama's Clean Power Plan.

Source: Jeff Goodell, "Scott Pruitt's Crimes Against Nature: Trump's EPA chief is gutting the agency, defunding science, and serving the fossil-fuel industry, www.rollingstone.com).

Successes

Scott Pruitt--who has strong ties with the Energy Industry, who has worked closely with Devon Energy, who is skeptical of human impact on climate change, and who favors environmental deregulation--is confirmed by Congress to serve as the head of the E.P.A.

Using the *Congressional Review Act*, allowing presidents to use legislation to roll back a predecessor's regulations within 60 days of taking office, Trump worked with Congress to pass:

--2/14/17, A joint resolution nullifying a rule that would have required oil, gas and mining companies to disclose payments made to foreign governments in exchange for access to drilling or mining rights.

--2/16/17, House Joint Resolution 38 nullified a regulation that would have required coal companies to prevent waste from mountaintop mining from polluting local waterways.

--3/27/17, A joint resolution nullifying a rule that would have revised the way the federal government conducts land-use planning.

--4/3/17, A joint resolution nullifying a rule that would have tightened restrictions on efforts by state officials to allow hunting of certain animals.

Source: NYT 7/18/17:A14.

The Office of International Climate and Technology, which works with other countries to develop clean energy was closed and its eleven positions were terminated. **Source: Brad Plumer, "Energy Dept. Closes Office for Sharing Clean Technology," NYT 6/16/17:A20.**

Dr. Deborah Swackhamer, an environmental chemist who leads the E.P.A.'s Board of Scientific Counselors, stated "The Board of Scientific Counselors had 68 members two months ago. It will have 11 come Sept. 1." She went on: "They've [the E.P.A. administration] essentially suspended scientific activities by ending these terms. We have no meetings scheduled, no bodies to do the work." **Sources: Coral Davenport, "E.P.A. Official Pressured Scientist on Congressional Testimony, Emails Show," NYT 6/27/17:A15; see also Jeff Goodell, "Scott Pruitt's Crimes Against Nature: Trump's EPA Chief is gutting the agency, defunding science, and serving the fossil-fuel Industry, www.rollingstone.com).**

In mid March, Pruitt went against the recommendations of E.P.A. scientists to approve the use of chlorpyrifos, an agricultural pesticide shown to be especially dangerous to infants and young children. **Jeff Goodell, "Scott Pruitt's Crimes Against Nature: Trump's EPA Chief is gutting the agency, defunding science, and serving the fossil-fuel Industry, www.rollingstone.com).**

Obstacles

On July 31, 2017, the U.S. District Court for the District of Columbia ordered the EPA to enforce an Obama administration rule limiting the amount of methane that can be emitted from new or modified oil and gas wells. The 9-2 decision comes after an earlier 2-to-1 ruling, July 3, by the United States Court of Appeals for the District of Columbia Circuit striking down as illegal a 90-day delay in the implementation of the decision compelling oil and gas well operators to plug methane leaks.

The *Administrative Procedure Act* requires the E.P.A to seek public comment and state its justification before suspending a rule as it is being considered for repeal. Bethany A. Davis Noll, an attorney at the Institute for Policy Integrity, and Richard L. Revesz, a New York University law professor, argue that the EPA is cutting corners in striking down Obama administration rules. They argue that Pruitt has suspended rules without taking actions required beforehand, making his actions open to judicial challenges, such as the July 31 court ruling. **Sources: Dino Grandoni, "How Pruitt's Hustle to Deregulate the EPA May Bite Him" *Washington Post*, "Power Post 202" Aug. 1, 2017; Lisa Friedman, "Court Keeps Methane Rule, Foiling Trump" *NYT* 7/4/17:A1,A13.**

In July, 2017, California extended its cap-and-trade program to cut carbon emissions, and mayors around the country are banding together to cut emissions in the face of Trump pulling out of the Paris Accord.

Proposals/Goals Not Yet Brought to Fruition

Trump proposes to cut \$2.6 billion from the EPA's budget in part by cutting about 3,200 positions, about a fifth of the department's work force. **Source: Alan Rappoport and Glenn Thrush, "Trump Budget Seeks Big Tilt to the Military," *NYT* 3/16/17:A1).**

Trump proposes to cut \$3.1 billion from energy research programs at the Energy Department, an 18% reduction from last year, programs aimed at developing innovative technologies, e.g., better batteries for electric vehicles or carbon capture for coal and gas plants. **Source Brad Plumer and Coral Davenport, "Trump's Plan on Energy Calls for Deep Cuts to Innovation Programs," *NYT* 5/24/17:A16.**

On 6/27/17, the E.P.A. made a formal proposal to repeal the 2015 "waters of the United States" regulation (WOTUS) which puts small water ways and wetlands connected to larger waterways under federal protection from pollution. Pruitt stated, "We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses." **Source: Timothy Cama, "EPA Moves to Repeal Obama Water Rule," *The Hill*, 6/27/17.**

Pruitt has vowed to reverse Obama's *Clean Power Plan* regulation on power plant carbon emissions, but has yet to publish the details on how this is to be accomplished.

Pruitt's "goal is to destroy the legal foundation for greenhouse-gas regulations of any kind," says David Doniger, director of the climate and clean-air program at the Natural Resources Defense Council. For that, Pruitt must successfully argue that the *endangerment finding* [that carbon emissions damage health, folding the Clean Power Plan into the Clean Energy Act thus making it law] is fundamentally incorrect. "Pruitt will either have to prove that accumulation of all greenhouse gases isn't damaging, or that contributions from vehicles and power plants aren't contributing to the problem," says Doniger. "And he will need to document it all with a double Mount Everest of data to offset the Mount Everest of data that shows that accumulated pollution does indeed endanger public health and welfare. No one thinks it's possible, especially with his resources and staff. He will be laughed out of court." **Source:**

Jeff Goodell, “Scott Pruitt's Crimes Against Nature: Trump's EPA chief is gutting the agency, defunding science, and serving the fossil-fuel Industry, www.rollingstone.com).

Lisa Murkowski (R-Alaska) and Maria Cantwell (D-Wash.) have introduced the *Energy and Natural Resources Act* (ENRA) which has strong support of Mitch McConnell. It has wide ranging provisions. Receiving support from some environmentalists and renewable-energy advocates, the bill permanently authorizes a fund that grants money collected from offshore oil and gas projects to state and local governments to buy land for parks and other outdoor recreation areas. It also reauthorizes the Energy Department's loan program to companies developing new energy technologies. The Trump administration has proposed eliminating that loan program.

But the bill also streamlines the process by which the federal government approves pipelines and export terminals for natural gas. Currently, companies building that infrastructure have to go through rounds of approvals from DOE and the Federal Energy Regulatory Commission that industry regards as overly tedious. The new bill would expedite the process. A number of environmental groups oppose the bill because of this provision. **Source: Dino Grandoni, “Energy Bill Could Be Trump's First Big Win,” *Washington Post*, *Energy* 202, 7/31/17.**

Sheldon Whitehouse (D-RI) and Brian Schatz (D-Hawaii) are proposing a conventional carbon tax designed to fit the Trump era, a \$49-per-metric-ton fee placed on carbon emissions with the estimated 2.1 trillion raised in the first decade going to fund a top GOP wish list item: a reduction of the top marginal corporate income-tax rate from 35% to 29% as well as other Trump priorities. **Source: Dino Grandoni, “Democrats Enter the Lion's Den to Talk About Climate Change,” *Washington Post*, *The Energy* 202, 7/27/17.**