

Greetings ABC Policy Committee,

Your ABC Weekly Federal Legislative Update prepared by the Dynamic Change Group is attached and copied below. As a reminder, you can find past legislative updates on the Members Only Legislative Updates page.

Best,  
George



## ABC's Weekly Federal Legislative Update March 2, 2020

### Introduction

Lawmakers plan to take up a supplemental spending bill to help combat the coronavirus epidemic. The Senate will be voting on a procedural measure to begin debate on a slimmed down Energy bill. Trump Administration officials continue to come before Congress to defend the FY 2021 federal budget request. The following is news from Washington, D.C.

### Administration

#### [EPA: Wheeler Wants to Serve During President Trump's Second Term](#)

*Last week, EPA Administrator Wheeler indicated he would like to remain as EPA head under a second term of the Trump Administration.*

Corbin Hiar of [E&E News PM](#) wrote on February 27, "EPA Administrator Andrew Wheeler today indicated he has no immediate plans to go back to K Street.

"If President Trump wins reelection in November, Wheeler — the former coal lobbyist who's led EPA since July 2018 — would like to continue serving in the Trump administration, he told reporters this afternoon.

"That's at the president's discretion, but I have an agenda that's going to take at least two or three more years to get finished," Wheeler said in an impromptu press conference on Capitol Hill.

“Near the top of his list is a long-delayed proposal to effectively revoke the agency's ability to regulate mercury from the electricity industry. The metal is a powerful neurotoxin emitted by coal- and oil-fired power plants. Last year, EPA's air chief said the final rule — which is under review by the White House Office of Management and Budget — would be unveiled by December.

“Now Wheeler says the rule will remain under wraps until "late spring, early summer."

“EPA's Science Advisory Board last month suggested the agency needs to completely reevaluate the risks posed by rolling back restrictions on mercury emissions.

“Other priorities for 2020, Wheeler said, include a regulation to weaken corporate average fuel economy standards for automakers, a required update to a drinking water rule for lead pipes, a regulation to limit the types of peer-reviewed science the agency can cite, and an overhaul to how the costs and benefits of regulations are calculated under the Clean Air Act.

"We have, I think, 33 or 34 major rulemakings we want to finish this year," he said. Wheeler spoke to reporters after a House Energy and Commerce subcommittee budget hearing in which Democrats slammed the Trump administration's limited efforts to combat climate change.

“The EPA chief also made clear he has no concerns about Democrats attempting to overturn those rules in 2021 via the Congressional Review Act, which would only be possible if they maintain control of the House in November and win the Senate and White House.

"President Trump will be able to veto any of those next year," Wheeler said.

## **Congress**

### [Renewable Fuel Standard: GOP Senators Urge Administration to Appeal Refinery Ruling](#)

*A letter sent by 13 GOP Senators urged the Trump Administration to appeal the 10<sup>th</sup> Circuits ruling limiting small refinery exemptions to the Renewable Fuel Standard.*

On February 27, Marc Heller of [E&E News PM](#) published, “Thirteen senators today called on the Trump administration to appeal a federal court ruling that could force more small refineries to meet the renewable fuel standard's biofuel blending requirements.

“Led by Senate Environment and Public Works Chairman John Barrasso (R-WY), the lawmakers urged President Trump in a letter not to let stand a ruling that EPA was overly broad in granting biofuel exemptions to small refineries in Wyoming, Utah and Colorado.

"If allowed to stand, the decision will put a dozen small refineries in the Tenth Circuit under severe financial strain and thousands of jobs at risk," said the senators, all Republicans. "If applied nationally, it will jeopardize nearly all small refineries."

"In the Jan. 24 ruling, a three-judge panel of the 10th U.S. Circuit Court of Appeals said the Clean Air Act allows EPA only to extend waivers granted in the program's earlier days, not to issue new ones. If that interpretation prevails, the number of such waivers will diminish dramatically. The agency granted 31 last year.

"EPA hasn't said whether it will appeal, which could include asking the 10th Circuit to rehear the case. EPA Administrator Andrew Wheeler said at a House hearing today that officials are still reviewing the case and that he has no announcements.

"The senators added that prices for renewable fuel credits, or renewable identification numbers, have tripled since the ruling and are likely to keep rising if the administration doesn't appeal. Refiners could pass that cost on to consumers through higher gas prices, they said.

"At today's hearing, Wheeler said that he hopes to issue guidance on how EPA would implement the decision "hopefully very shortly" and that Trump remains "fully committed" to the RFS and to maintaining at least 15 billion gallons of conventional biofuel annually as required by Congress.

"Rep. Dave Loebsack (D-IA), who's retiring from Congress after this year, said Iowa lawmakers from both parties will remain committed to the RFS after he leaves.

"We won't be letting up," Loebsack said."

#### [RFS: Senator Grassley Support USDA Innovation Agenda](#)

*The following story discusses Senator Grassley's support for a recent USDA initiative that would increase the use of biofuels.*

E&E News PM reporter Marc Heller submitted on February 25, "Sen. Chuck Grassley today praised the Department of Agriculture for aiming to make biofuel nearly a third of the nation's fuel supply by 2050 — but acknowledged that won't be an easy task.

"That goal, part of a broader innovation agenda Agriculture Secretary Sonny Perdue announced last week, "is not only good for the environment but good for farmers and the rural economy," Grassley (R-Iowa) told reporters on a conference call.

"Grassley, one of the Senate's most outspoken supporters of biofuel and the renewable fuel standard, said the target set by USDA reflects President Trump and Perdue's support for higher-ethanol fuel than the 10% blend sold in most gas stations.

“Perdue told reporters last week the biofuels part of the innovation agenda — which also includes more support for conservation practices on farms — may be the easiest to carry out. But it also involves another federal agency, EPA, that has the main decisionmaking authority over biofuels.

“Grassley said that he hasn't followed up with EPA Administrator Andrew Wheeler about the USDA agenda but that a recent 10th U.S. Circuit Court of Appeals ruling is likely to make the agency more cautious about letting small refineries sidestep biofuel blending requirements. The 10th Circuit ordered EPA to reconsider exemptions for three refineries.

“Wheeler and Perdue are scheduled to appear together tomorrow at a meeting of the National Association of State Departments of Agriculture.

“Fewer exemptions for refineries — typically granted in cases of economic hardship — could help boost biofuel volumes, according to the ethanol and biodiesel industries.

“Grassley said he realizes boosting ethanol to a 30% level is ambitious, given resistance from petroleum interests and the need to coordinate with EPA.

"It's not an easy thing to get done because you're fighting the oil companies, and they've got a lot of power in this town," he said.

“In addition, Grassley said, the renewable fuel standard remains a political problem for Trump, who's promised not to let conventional ethanol fall below 15 billion gallons annually. Without monthly updates to show progress, the administration won't know until a year from this March — well after the presidential election — whether the promise has been kept for 2020, Grassley said.

“Grassley has asked EPA to provide monthly numbers to show it's on track for 15 billion gallons and for the Government Accountability Office to monitor. That way, Grassley said, "it'll have credibility."

### [Climate: Rep. Pingree Aims to Zero Out Agricultural Emissions by 2040](#)

*Rep. Chellie Pingree of Maine introduced legislation last week that would increase funding for farmland conservation programs and reduce food waste.*

Marc Heller of [E&E Daily](#) wrote on February 27, “Rep. Chellie Pingree (D-ME) has proposed legislation to reduce net greenhouse gas emissions from agriculture to zero by 2040.

“Pingree's bill, called the "Agriculture Resilience Act," would boost funding for farmland conservation programs and research at the Department of Agriculture, encourage pasture-based livestock operations and aim to reduce food waste, all of which researchers say can cut agriculture's contribution to climate change.

"Agriculture accounts for about 8.4% of U.S. greenhouse gas emissions, her office said. A copy of the bill text for H.R. 5861 was not yet available.

"Some of the initiatives, including boosting soil health through conservation, have broad bipartisan support, including at USDA.

"Others, such as pursuing carbon markets and tax incentives for carbon sequestration, still face mixed reactions from congressional Republicans and big farm groups.

"We need to empower farmers with the best available science and provide a range of conservation tools, because what works for one farmer in Maine may not work for another in Iowa or Georgia," Pingree said in a news release.

"I have set an ambitious but achievable goal: to reduce agricultural emissions by 50% before 2030 and make this segment of our economy net-zero by 2040," she said.

"Challenges of this scale demand bold solutions and, unlike other industries, agriculture has a unique opportunity to draw down massive amounts of carbon from the atmosphere and store it in the soil," Pingree said.

"Among other specifics, Pingree's bill would increase funding for the Agriculture Conservation Easement Program, which helps farmers keep their land in production agriculture, and exclude from gross income the proceeds from sales of permanent conservation easements as a tax incentive.

"Pingree's bill would also increase the study of dual-use renewable energy and cropping or livestock systems on farms.

## **Other**