

Anti-Environmental Riders on H.R. 1, Full-Year Continuing Appropriations Act, 2011

AS OF 2/19/11 (AS PASSED BY THE HOUSE)

*) indicates a provision that has been deleted or amended and is no longer objectionable. Please consult the STATUS line for further details.

HOUSE CONTINUING RESOLUTION (H.R. 1)

Division B – Full-Year Continuing Appropriations for Fiscal Year 2011

Title IV – Energy and Water Development and Related Agencies

1) Section 1475(a): Prohibiting Implementation of Legal Requirements in the California Central Valley for Salmon, Delta Smelt and Other Species – would block legally required

implementation of the protections of two federal biological opinions, one for salmon, steelhead, and green sturgeon and one for Delta smelt, in the San Francisco Bay-Delta ecosystem. This provision leaves all the problems but denies funding to any of the solutions to a long-fought conflict over water the Delta. The Bay-Delta is the largest estuary on the West Coast. As a direct result of increased water diversions in recent years, numerous species that inhabit this ecosystem, including California’s major salmon runs, are collapsing. As a result, the valuable salmon fishery in California was completely closed in 2008 and 2009 for the first time in history, and 2010 had only a very limited season. These closures have resulted in thousands of lost jobs and hundreds of millions of dollars in lost fishing industry income throughout California and most of Oregon. Rules governing water diversions were rewritten in 2008 and 2009 to provide more water to protect and restore these important species. The rider in the House Continuing Resolution seeks to turn back the clock by wiping out these new, more balanced rules. This rider would block protections that represent the best available science. The National Academy of Sciences’ National Research Council issued an interim report last March finding that the current rules in the biological opinions are “scientifically justified” and have a “sound conceptual basis.” If passed, this rider would throw California water policy into chaos.

<u>H.R. 1 Anti-Environmental Rider Ticker</u>			
	Enacted	Deleted	Proposed
H.R. 1			
Division B	-	-	6
<i>Energy & Water</i>	-	-	2
<i>Interior</i>	-	-	4
Division D	-	-	18
Failed	-	1	1
Total	-	1	25
Total # of Anti-Environmental Riders Enacted: <u>X number</u>			
(X) = Bill has been signed into law			
(V) = Bill has been vetoed			
* = includes provisions amended to no longer be objectionable			

STATUS: This provision was included in H.R. 1 as introduced.

2) Section 1475(b): Prohibiting Implementation of the San Joaquin River Restoration Settlement Act – attempts to prohibit implementation of the San Joaquin River Restoration Settlement Act. This act, which was enacted into law in 2009 as part of Public Law 111-11, authorizes implementation of a landmark settlement agreement among farmers, environmental and fishing groups, and the federal government to restore flows and salmon to the San Joaquin River and to develop programs to *avoid and minimize water supply impacts to local farmers*. This settlement ended 18 years of litigation over the Bureau of Reclamation’s operations, which had completely dried up part of California’s second longest river and destroyed one of its most important salmon runs. The San Joaquin River Settlement Act was supported by farmers, conservation groups, fishing organizations, and urban water districts, and had bipartisan support, including the support of the George W. Bush administration and the Schwarzenegger gubernatorial administration. The legislation was initially co-sponsored by former Rep. Richard Pombo (R-CA) and by Senator Dianne Feinstein (D-CA). If enacted, this rider would eliminate funding for projects that improve local flood protection for farms and communities. It would also defund several projects to *improve* water supplies in the region and to improve water management. The rider would also seriously undermine California’s salmon restoration efforts, and undercut support for the thousands of jobs that depend on healthy salmon runs. It also would harm drinking water quality for the 23 million Californians who get part of their water supply from the San Francisco Bay-Delta. Defunding this restoration work would waste years of effort and hundreds of millions of dollars that create water supply projects, habitat restoration projects, flood protection improvements – *and local jobs*. For these reasons, this rider is opposed by all the parties to the Settlement, including local farmers and environmental groups, as well as the state of California.

STATUS: This provision was included in H.R. 1 as introduced.

Title VII – Interior, Environment and Related Agencies

1) Section 1713: Legislatively Delisting a Species Protected Under the Endangered Species Act (ESA) - directs the Secretary of the Interior to reinstate a 2009 rule delisting wolves from the ESA within portions of the northern Rockies within 60 days of the bill’s enactment and insulates the action from judicial review. This provision establishes a dangerous precedent of legislatively delisting a species, never before done throughout the history of the ESA. The 2009 delisting rule designated the Northern Rockies Distinct Population Segment (DPS) of Gray Wolves comprising Idaho, Montana, Wyoming and parts of Oregon, Washington and Utah, but excluded the State of Wyoming from the delisting because it has failed to establish adequate mechanisms to ensure the species’ continued survival and recovery, including by failing to amend a state law allowing wolves to be killed on sight in the vast majority of the state. In August 2010, a U.S. District Court Judge Molloy ruled in favor of the plaintiffs, holding after an extensive analysis of the plain language of the ESA, legislative history and long-standing agency interpretation that the 2009 delisting rule was contrary to the ESA because it delisted only a portion of the DPS rather than the entire population. The 2009 delisting was based on a Bush administration Solicitor’s Opinion that endorsed for the first time ever the listing and delisting of species based on political boundaries rather than biological factors. Although wolves within the northern Rockies DPS may be biologically recovered, the ESA also requires as a condition of delisting that adequate state and other regulatory mechanisms are in place to ensure an endangered species’ continued survival and recovery, something which now is in serious doubt.

STATUS: This provision was included in H.R. 1 as introduced.

2) Section 1746: Taking Away EPA’s Authority to Enforce the Clean Air Act – states that zero funds may be used by the Environmental Protection Agency (EPA) to enforce or promulgate any regulation related to the emissions of greenhouse gases due to concerns regarding climate change. This far reaching legislation prevents EPA from regulating carbon pollution and protecting Americans from the impacts of climate change. This section stops EPA from requiring new power plants, oil refineries, and other major new sources of carbon pollution to begin reducing their carbon emissions. It also prevents EPA from setting minimum federal standards for power plants and oil refineries, and severely interferes with EPA’s permitting process for new or expanded facilities. In addition, this section prevents the public from learning how much carbon pollution is actually being emitted by the largest polluters. This legislation ties EPA’s hands and allows carbon pollution to continue or even increase unabated – endangering public health, food and water supplies, wildlife habitat, species, forests and coastlines throughout our nation.

STATUS: This provision was included in H.R. 1 as introduced.

3) Section 1747: Blocking EPA Efforts to Clarify the Scope of the Clean Water Act – halts the EPA’s ongoing effort to make clear which waters remain protected by the Clean Water Act in the wake of confusing court decisions and subsequent Bush administration policy. This provision leaves millions of acres of wetlands and thousands of miles of streams without clear Clean Water Act protection. These streams provide at least part of the drinking water for 117 million Americans. It jeopardizes EPA’s ability to enforce the law against oil spills and waste dumping in these waters.

STATUS: This provision was included in H.R. 1 as introduced.

4) Section 1778: Dismantling the BLM Wild Lands Policy – On December 23, 2010, Secretary of the Interior Ken Salazar issued Secretarial Order #3310, which directs the Bureau of Land Management (BLM) to identify and consider protecting lands harboring “wilderness characteristics” within the hundreds of millions of acres of public lands that it manages. The legal authority for this policy is found in the Federal Land Policy and Management Act (FLPMA), the BLM’s “organic statute.” Among other things, Congress declared in FLPMA that it is the policy of the United States that, “...the public lands be managed in a manner that, where appropriate, will preserve and protect certain public lands in their natural condition...” (Sec. 102(a)(8)) The new policy is simply a statement of how the BLM is to go about fulfilling its existing statutory obligations to “protect certain public lands in their natural condition,” to inventory the wild land resources of the public lands, and to make decisions about which areas harboring wilderness characteristics should be administratively protected.

STATUS: This provision was included in H.R. 1 as introduced.

Division D – Miscellaneous Provisions

1) Section 4007: Barring the Court House Door to the Disadvantaged – would prevent individuals of modest means, small businesses and non-profits from collecting reimbursement of reasonable costs of successful litigation against illegal actions by the federal government as awarded to them by the courts, pursuant to the Equal Access to Justice Act (EAJA). From the beginning of our Republic, the principle of access to the courts has been one of the centerpieces of our democracy. The right to challenge decisions of the federal government that harms citizens is as

fundamental to our democracy as the right to vote and freedom of speech. EAJA was first adopted as a experimental program in 1980, and permanent authorization passed with strong bipartisan support in 1985 and was signed into law by President Ronald Reagan. Recovery of attorney's fees and legal expenses pursuant to the EAJA was carefully tailored by Congress to encourage private enforcement of legal violations by the public, yet not allow them to incur windfall recoveries. *See generally* 28 U.S.C. 2412. EAJA already has strong safeguards written into the statute to prevent unneeded recovery of attorney's fees. Under EAJA, a party may recover fees *only if* the government loses AND the position of the government was not "substantially justified." Section 4007 will only succeed in hampering court access to those who could not otherwise afford it, including veterans, small business owners, Social Security beneficiaries and conservationists who have been harmed by unjustified government decisions, such as wrongful enforcement or regulatory actions. A wronged party, knowing both that they cannot afford legal representation and that Congress has acted to prevent reimbursement of court costs under EAJA, will be deterred from seeking justice.

STATUS: This provision was offered as an amendment (#195) by Representative Cynthia Lummis (R-WY) on the floor and passed by a vote of 232-197.

2) Section 4008: Limiting Enforcement of the Cement Kiln Air Toxics Standard – EPA is prohibited from using any funds to implement or enforce a health standard to control mercury and other pollutants from cement plants. Cement plants are the third leading source of man-made mercury emissions and have evaded controls prescribed under the Clean Air Act for over 13 years. EPA finalized these life-saving standards in September 2010 with a compliance deadline of September 2014. These overdue standards will save 2,500 lives, prevent 1,000 heart attacks, and reduce 130,000 missed days of school and work each year, according to EPA estimates. EPA also projects that this rule would save \$18 billion in health costs just from reductions of fine particulate matter. Defunding implementation of this critical reduction of mercury, lead, particulate matter and other hazardous pollutants will not remove any regulatory obligations. In fact, this amendment deprives states and cement manufacturers from getting technical assistance and support in developing compliance plans. Barring EPA from providing critical guidance for this protective health standard puts the public at risk and leaves industry without critical compliance input.

STATUS: This provision was offered as an amendment (#165) by Rep. John Carter (R-TX) on the floor and passed 250-177.

3) Section 4009: Eliminating Funding for Presidential Advisors – would eliminate funding of federal agency "czars" – top officials in the administration that have not been confirmed by Congress. The amendment would axe nine positions: (1) assistant to the President for Energy and Climate Change, (2) special master for TARP Executive Compensation, (3) special adviser for green jobs, enterprise, and innovation, (4) White House director of Urban Affairs, (5) chief diversity officer for the Federal Communications Commission, (6) director of the White House Office of Health Reform, (7) senior adviser to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and senior counselor for manufacturing policy, (8) special envoy to oversee the closure of the Guantanamo Bay Detention Center, and (9) special envoy for Climate Change at the Department of State.

STATUS: This provision was offered as an amendment (#204) on the floor by Rep. Steve Scalise (R-LA) and passed 249-179.

4) Section 4014: Allowing Oil Companies to Sidestep Air Quality Standards in the Arctic – limits the EPA’s ability to review air permits, by halting its Environmental Appeals Board (EAB) from considering the validity of Outer Continental Shelf (OCS) air permits in the Arctic Ocean. Offshore oil drilling in the Arctic Ocean can cause large amounts of air pollution, which in turn can harm human health in communities along the Arctic coastline as well as exacerbate the effects of climate change in the region and globally. The Arctic Ocean has relatively clean air, and air emissions there are governed by the Clean Air Act’s Prevention of Significant Deterioration (PSD) program. Permitting requirements under the PSD program are designed to decrease harmful emissions to the maximum extent possible through the application of the best available control technology and stringent air quality standards. If the EAB is unable to review air permits, oil companies could potentially sidestep air quality standards.

STATUS: This provision was offered as an amendment (#533) by Rep. Don Young (R-AK) on the floor and passed 243-185.

5) Section 4015: Blocking EPA from Regulating Emissions from Stationary Sources – issues a “stop-work” order to the EPA for any regulation of carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons from stationary sources *for any reason*, including their impacts on ozone, climate change, or any other public health threat. The broad impacts of this amendment, therefore, include blocking work underway to address dangerous carbon dioxide pollution; a de facto construction ban on power plants and factories; interference with the Renewable Fuel Standard; preventing EPA from implementing a three-year study of biomass greenhouse gas emissions; interference with the EPA’s acid rain program; preventing enforcement of rules covering emissions of HFCs and perfluorocarbons from refrigeration and other equipment. This stop-work order would accomplish nothing other than to ensure that more dangerous pollution is dumped into the air and that U.S. companies fall behind in the global competition for clean energy markets.

STATUS: This provision was offered as an amendment (#466) on the floor by Rep. Ted Poe (R-TX) and passed 249-177.

6) Section 4028: Defunding a Key Klamath Basin Sedimentation Study and Disabling an Ongoing NEPA Process – this policy provision Congressionally forbids science-based studies necessary for completing an ongoing National Environmental Policy Act (NEPA) analysis of the costs, risks and benefits of the removal of four aging dams from the Klamath River. Klamath salmon runs have suffered steep declines over the past century, sparking fishing closures that have harmed commercial and recreational fishing communities all along the Northern California and Oregon coasts. Klamath dam removal is among the cheapest and most effective steps that could be taken to restore Klamath salmon runs, and enjoys strong public support in the two affected states. If approved, this provision would short-circuit the NEPA science review process, waste the \$18 million already devoted to this NEPA process, disrupt efforts to restore the Klamath River’s economically important salmon runs, and greatly increase the risks of costly future water and fisheries crises and litigation.

STATUS: This provision was offered as an amendment on the floor (#296) by Rep. Tom McClintock (R-CA) and passed 215-210.

7) Section 4029: Preventing Off-Road Vehicle Management and Enforcement on National Forests – would stop all implementation and enforcement of off-road vehicle travel management plans, which a broad spectrum of public stakeholders has invested the last six years working with the Forest Service to develop. This off-road vehicle management process was initiated by the Bush administration because damage and conflict from off-road vehicle use was out of control – in fact, unmanaged off-road vehicle use was identified by the Bush administration as one of the top four threats facing America’s forests and grasslands. These common-sense management plans protect sensitive environmental resources while providing quality recreational access. They reduce conflict and ensure the safety of forest visitors. Stopping implementation of these management plans means that ATVs and other off-road vehicles would once again be able to go anywhere, at any speed, at any time, endangering other forest users and taking a massive toll on water and wildlife, and would render wasted six years of good faith public participation.

STATUS: This provision was offered as an amendment (#177) by Rep. Wally Herger (R-CA) on the floor and passed 227-197.

8) Section 4032: Prohibiting Rules to Protect Streams from Surface Mining - keeps the Office of Surface Mining Reclamation and Enforcement within the Department of the Interior from continuing work to revise regulations adopted in the waning days of the Bush administration that opened up streams to destructive and polluting practices associated with surface coal mining. The Obama administration has acknowledged both substantive and legal flaws with the Bush administration rule and needs urging to accelerate its efforts on this rule, not a directive to stop work.

STATUS: This provision was offered as an amendment (#498) by Rep. Bill Johnson (R-OH) on the floor and passed 239-186.

9) Section 4033: Derailing Restoration of the Chesapeake Bay – would prohibit the use of funds in H.R. 1 from being used to develop, promulgate, evaluate, implement, provide oversight to, or backstop total maximum daily loads or watershed implementation plans for the Chesapeake Bay Watershed. If this provision were to become law, it would set aside the tremendous progress made on restoring the Chesapeake Bay over the last decade. In 2000, the federal government and the Chesapeake Bay states agreed to develop and implement a comprehensive plan for the recovery and restoration of water quality in the Chesapeake Bay. The EPA, six states, and the District of Columbia finally ushered in this new era of cooperation when they released detailed plans to reduce Chesapeake Bay pollution to restore water quality over the next 15 years. Meeting those science-based and legally required goals is going to require significant effort from citizens, towns, cities, and states along with support from federal agencies. This amendment is an attempt to undo this unprecedented effort to finally put a limit on nutrient and sediment pollution in the Bay, and would only undo the progress of the federal and state cooperation of the last decade and derail Bay restoration efforts. It would place the financial burden of implementing the Chesapeake Bay total maximum daily load (TMDL) squarely on the states. By preventing the dedication of federal funds to clean water projects and activities, any federal financial assistance to farmers, municipalities, and businesses working to reduce pollution and improve water quality in the Chesapeake Bay watershed would be eliminated. For example agricultural activity accounts for 42 percent of today’s nitrogen, 46 percent of today’s phosphorus and 72 percent of the sediment entering the Chesapeake Bay. If

this provision becomes law, the Bay will continue its polluted spiral that will ultimately result in the loss of thousands of Bay-related jobs. Fishing, crabbing, and tourism will all be devastated by a further polluted Bay.

STATUS: This provision was offered as an amendment (#467) on the floor by Rep. Bob Goodlatte (R-VA) and passed 230-195.

10) Section 4035: Allowing Toxic Slime in Our Waters From Manure, Fertilizer and Sewage

– one of the most egregious anti-environmental measures, with both local and national ramifications, is the Rooney amendment aimed at stopping EPA from using its funding to implement, administer or enforce new water quality standards for Florida's lakes and flowing waters, which were finalized in November. This amendment, supported by industry groups in Florida and nationwide, would even stop public education or enforcement of this rule to protect Florida's waters from excess nutrient pollution from sewage, manure and fertilizer. This pollution has caused huge toxic algae blooms of green slime in many of Florida's waters including the St. John's River and even waters in Rep. Rooney's own district. In 2008, testing by the Florida Department of Environmental Protection (FDEP) revealed that 1,000 miles of the state's rivers and streams, 350,000 acres of Florida's lakes and 900 square miles of its estuaries were contaminated by nutrient pollution from sewage discharges and fertilizer or manure runoff. This pollution is jeopardizing the health of aquatic ecosystems and fisheries, public health, the ability to swim and boat in lakes and rivers, and Florida's most important industry - tourism. Yet for more than a decade the state failed to finalize standards to reduce this pollution. Earthjustice, representing the Conservancy of Southwest Florida, Florida Wildlife Federation, Sierra Club, Environmental Confederation of Southwest Florida, and St. Johns Riverkeeper petitioned the EPA to compel such standards. In August 2009, the EPA entered into a consent decree with the environmental groups, committing to propose numeric nutrient criteria for lakes and flowing waters in Florida within a year, as well as criteria for estuarine waters a year thereafter. As a result, EPA finalized water quality standards for lakes and flowing waters in Florida in November 2010. Rep. Rooney's amendment would prohibit funding for EPA to continue to develop and enact these water quality standards, as well as to implement the public education outreach envisioned.

STATUS: This provision was offered as an amendment (#13) on the floor by Rep. Tom Rooney (R-FL) and passed 237-189.

11) Section 4038: Eliminating NOAA Climate Services – House Science, Space and Technology Committee Chairman Ralph Hall (R-TX) offered this amendment to block all funding to create a National Climate Service (NCS) under the wing of the National Oceanic and Atmospheric Administration (NOAA). Cutting this money would amount to reducing NOAA's budget by about 22% of its entire proposed budget for fiscal year 2012. NOAA already responds to millions of annual requests for climate information every year – but it does not have the capacity to meet the growing demands of our nation's businesses and communities for reliable and relevant information to manage the risk and make good decisions in the face of a warming climate. One-third of our GDP is concentrated in weather and climate-sensitive industries, including farming, energy, and the hydropower and navigation industries, among many others. Weather and climate stations across the country also need the most accurate information to alert Americans to coming storms, floods, and droughts. Cutting this funding will come at the costs of jobs and programs that keep Americans safer while giving businesses information they need to thrive.

STATUS: This provision was offered as an amendment (#495) by Rep. Ralph Hall (R-TX) on the floor and passed 233-187.

12) Section 4039: Blocking EPA Oversight of Mountaintop Removal Mining - shields mountaintop removal coal mining operations from EPA review by stopping EPA and the Corps of Engineers from continuing a process they put in place in April 2010, to scrutinize proposed mining permits. In addition, it suspends the use of an internal EPA memo that explains to agency personnel how the scientific evidence of the harms associated with mountaintop removal projects should be taken into account as EPA reviews permits issued to mine operators by the Corps of Engineers and states. The EPA's policies are based on peer-reviewed scientific literature demonstrating that waters downstream of mountaintop removal mining operations in Appalachia have such high levels of pollutants that they cannot sustain aquatic life. Preventing the EPA from relying on the best science and conducting more rigorous permit reviews will accelerate the destruction of Appalachia's lands and waters. The EPA estimates that mountaintop removal mining has already destroyed some 2,000 miles of Appalachian streams.

STATUS: This provision was offered as an amendment (#109) on the floor by Rep. Morgan Griffith (R-VA) and passed 235-185.

13) Section 4040: Prohibiting Fishery Catch-Share Programs – would prohibit NOAA from using funds to develop or approve new limited access privilege programs, or catch shares, along the east coast and in the Gulf of Mexico. Without saving a dime, this section deprives regional fishery management councils of the ability to consider using a tool that has been proven to prevent overfishing and enhance rebuilding of depleted species while allowing fishermen more control of their businesses and improving the economics and safety of fishing. The amendment would thus use the appropriations process in Washington, D.C. to control what fishery managers and stakeholders along the east coast and in the Gulf of Mexico can pursue.

STATUS: This provision was offered as an amendment (#548) on the floor by Rep. Walter Jones (R-NC) and passed 259-159.

14) Section 4041: Halting Funding for the Missouri River Authorized Purposes Study – This ongoing Corps of Engineers study is reviewing the system of dams and reservoirs on the Missouri River and the authorized purposes they are managed for. The current authorized purposes include flood control, navigation, irrigation, hydropower, water quality, water supply, recreation, and fish and wildlife. Many of the structures on the Missouri River were first authorized in the Flood Control Act of 1944 but the Missouri River Basin, as well as our understanding of river management have changed since the construction of these structures. The study will look at the authorized purposes from the perspective of current Missouri River Basin values and priorities. The study will review the changes that have occurred in the basin and will guide Congress in considering whether potential modifications are needed to modernize management of the Missouri River.

STATUS: This provision was offered as an amendment (#47) on the floor by Rep. Blaine Luetkemeyer (R-MO) and passed 245-176.

15) Section 4042: Defunding International Climate Research – blocks all U.S. contributions to the Nobel-Prize winning International Panel on Climate Change (IPCC). The IPCC is a

collaboration of thousands of volunteer scientists from 194 nations – including hundreds from the U.S. – who assess the state of climate science. This is not new research, but the best understanding from some of the world’s best climate scientists about what we do and don’t know about climate change. Scientists and policymakers around the world rely on this information to assess the impacts of climate change – impacts that are expected to harm national security and grow to hundreds of billions of dollars annually in the U.S. alone by mid-century. While Rep. Luetkemeyer said the government spends \$13 million a year for the IPCC, the real figure is less than \$3 million, about half of which is used to support the travel for the U.S. scientist volunteers. Cutting this funding would not only impair our ability to understand the threats and vulnerabilities we face from a warming world, but also break an international commitment to contribute to the IPCC – a promise first made by President George H.W. Bush and ratified by Congress. Breaking America’s promise will harm our standing in the world and stand in the way of U.S. foreign policy goals.

STATUS: This provision was offered as an amendment (#149) on the floor by Rep. Blaine Luetkemeyer (R-MO) and passed 244-179.

16) Section 4044: Thwarting Clean Water Act Protection Against Unacceptable

Environmental Impacts – strips EPA of its authority under the Clean Water Act to prohibit or restrict certain discharges that would have an “unacceptable adverse effect” on our water, fish or wildlife. EPA has used this authority sparingly – only 13 times since the law was enacted in 1972. In other words, it is reserved for truly bad projects where the discharger cannot or will not curtail the impacts to water resources. This attack would force EPA to ignore the scientific evidence of the harms caused by destructive dumping proposals. The EPA’s 2011 veto of the Spruce mine permit, one of the largest mountaintop mines in Appalachia, provided the impetus for this amendment, but it would prevent the agency from blocking any project, not limited to mining, which would have unacceptable environmental impacts.

STATUS: This provision was offered as an amendment (#216) on the floor by Rep. David McKinley (R-WV) and passed 240-182.

17) Section 4045: Interrupting Agency Review of Coal Ash Standards – Toxic coal ash, or coal combustion waste is the second largest industrial waste stream and has no minimum federal disposal standards. Coal ash is a well-documented threat to human health and the environment, and contains hazardous chemicals including: arsenic, cadmium, hexavalent chromium, lead, and mercury. Due to largely unregulated dumping, coal ash poses a threat to our waterways and drinking water. For these reasons, EPA has undertaken a rulemaking to establish minimum standards for the disposal and handling of coal ash. Interest from industry, experts, and affected communities yielded over 450,000 public comments, and the EPA is presently evaluating this feedback on their proposed standards. This amendment seeks to defund any rulemaking that would regulate coal ash as a hazardous waste, thus foreclosing any regulatory scheme that provides for federally enforceable regulations. EPA should complete the ongoing rulemaking, evaluate stakeholder feedback, and apply the best available science to ensure robust and effective standards that protect public health.

STATUS: This provision was offered as an amendment (#217) on the floor by Rep. David McKinley (R-WV) and passed 239-183.

18) Section 4048: Keeping Coarse Particulate Matter Pollution in the Air – would prevent EPA from adopting a more protective standard for coarse particulate matter pollution. Particle pollution, called particulate matter or PM, is a combination of tiny specks of soot, dust, and aerosols that are

suspended in the air we breathe. The EPA describes particles as “a mixture of mixtures” meaning that PM can be solids, like dust, ash or soot. Currently, EPA is evaluating proposals for a more protective standard for “inhalable coarse particles” (PM10-2.5), which are smaller than 10 but larger than 2.5 micrometers in diameter. These coarse particles, commonly referred to as PM 10, are connected with adverse health impacts such as: weakened breathing and respiratory systems, damage to lung tissue, cancer, and even premature death. The elderly, children, and people with chronic lung disease, influenza, or asthma, are especially sensitive to the effects of particulate matter. EPA should continue evaluating science and industry data to develop a proposal to protect public health. Interrupting the EPA’s obligation to seek protective standards for air quality without proper data and science puts the health of Americans unnecessarily at risk.

STATUS: This provision was offered as an amendment (#563) on the floor by Rep. Kristi Noem (R-SD) and passed 255-168.

RIDERS THAT FAILED TO PASS

1) Amendment #482: Limiting the President’s Ability to Use the Antiquities Act – attempted to limit the President’s authority to designate National Monuments under the Antiquities Act. The Antiquities Act, passed by Congress in 1906, has been used by 15 of the last 18 Presidents, most recently George W. Bush, to designate National Monuments. The resolutely bipartisan tool has helped Presidents protect our country’s most beloved places – from the Grand Canyon to the Statue of Liberty to Acadia National Park. Congress defeated this amendment 213-209 in yet another show of bipartisan support for this important legislation that has helped protect our country’s most beloved natural, cultural, and historic places. This amendment was offered in part in response to a leaked Department of the Interior memo that discussed the potential future use of the Antiquities Act to designate new monuments. This memo, the Department of the Interior, and most recently, the America’s Great Outdoors Initiative report, have stated that any discussions on new monument designations will include an open process in which the public will have an opportunity to have their opinions heard.

STATUS: This provision was offered as an amendment (#482) by Rep. Dean Heller (R-NV) and failed 209-213.

Alaska Wilderness League • American Rivers • Audubon • Center for Biological Diversity • Center for Native Ecosystems • Chesapeake Bay Foundation • Conservation Law Foundation • Conservation Northwest • Defenders of Wildlife • Earthjustice • Endangered Species Coalition • Environment America • Environmental Defense Fund • International Fund for Animal Welfare • Klamath-Siskiyou Wildlands Center • League of Conservation Voters • Marine Conservation Biology Institute • National Parks Conservation Association • National Wildlife Refuge Association • Natural Resources Defense Council • Oregon Wild • Population Action International • Republicans for Environmental Protection • Sierra Club • Soda Mountain Wilderness Council • Southern Environmental Law Center • The Wilderness Society • Umpqua Watersheds, Inc. • Union of Concerned Scientists • Water Watch of Oregon

The organizations listed above do not necessarily work on or have expertise on every provision in this list.