

Alaska Wilderness League * American Bird Conservancy * American Rivers * Center for Biological Diversity * Clean Water Action * Defenders of Wildlife * Detroiters Working for Environmental Justice * Earthjustice * Earthworks * Environmental Investigation Agency * Environment America * Friends of the Earth * League of Conservation Voters * National Audubon Society * Natural Resources Defense Council * Oceana * Ocean Conservancy * Sierra Club * Southern Environmental Law Center * The Trust for Public Land * The Wilderness Society

July 12, 2016

OPPOSE THE HOUSE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 5538) & OUR POSITION ON KEY ENVIRONMENTAL AMENDMENTS

Dear Representative:

On behalf of our millions of members and supporters across the country, we urge you to oppose the Interior, Environment and Related Agencies Appropriations Bill (H.R. 5538). This spending bill has once again become a target for dozens of anti-environmental and superfluous policy provisions, which have no place in the appropriations process. This bill also makes funding cuts to key environmental programs and agencies, which we strongly oppose. Congress should be investing in America's future—not moving us backward by undermining bedrock laws or cutting funding for programs that help our communities thrive.

We urge you to oppose H.R. 5538 and all anti-environment amendments and support those amendments that would protect our air, water, lands, wildlife, and climate.

Please review the list of amendments below. We intend to send an expanded version of this letter that will include our positions on amendments scheduled to be voted on later in the bill. All organizations listed above may not work on or have expertise in every amendment included.

We strongly encourage you to OPPOSE the following amendments:

14. Smith #120: This amendment would zero out funding for EPA's Air, Climate and Energy Research Program. This scientific research program seeks to better understand the harmful impacts of air pollutants and climate change as well as evaluate and improve approaches toward reducing those pollutants. Defunding this research program would hobble our understanding of the hazards and threats that we face, along with how best to improve Americans' health and reduce harmful impacts of climate change.

15. Chaffetz #62: This amendment increases funding to the EPA's Office of Inspector General at the expense of EPA's Environmental Programs and Management fund. While agency oversight is important, Congress should not raid other accounts that are critical to public health and the environment. Rather than forcing false choices, Congress should stop defunding EPA.

16. Gosar #1: The Forest Service Hazardous Fuels account should not be funded at the expense of an already depleted EPA budget. While the wildfire issue is important, Congress should not raid EPA accounts that support the defense of public health and the environment. This attempt to force a false choice and defund EPA should be opposed.

17. Westerman #25: This amendment would cut \$12 million from EPA's Environmental Programs and Management account and direct it to the Forest Service's Forest and Rangeland Research Account. This bill would already impose staggering cuts on the EPA, undermining their ability to keep our air clean, our water drinkable and our communities healthy.

20. Palmer #53: This amendment would defund the very successful Diesel Emission Reduction Act which protects human health by reducing harmful particulate and NOx emissions from diesel vehicles. The program has bipartisan support, has a record of pollution reductions, especially in areas of poor air quality, and should be continued.

42. Black #31: This provision would prevent EPA from applying vehicle efficiency and carbon pollution standards to heavy duty truck rebuilds. The amendment would unnecessarily perpetuate pollution and oil dependence by weakening heavy duty vehicle fuel economy standards.

43. Blackburn #18: This amendment would further slash funding for critical agencies and programs that protect our air, land, water, wildlife and public health. Funding for conservation comprises barely over 1 percent of the federal budget, and that meager percentage has been dropping for years; Congress should be investing in these programs which support communities and local economies across the country.

44. Boustany #4: This amendment would prohibit BOEM from putting into effect its proposed guidelines to determine a lessee's financial ability to carry out its obligations, primarily the decommissioning of OCS facilities, and the potential need for additional security. Prohibiting funds would undermine BOEM's Risk Management Program and its ability to make informed decisions to reduce the potential risk of financial loss faced by U.S. taxpayers.

45. Boustany #5: This amendment would block implementation of the well control rule. Intended to strengthen safety in offshore oil and gas operations, the final rule was published on April 29, 2016 by the Bureau of Safety and Environmental Enforcement. Although it could be stronger, this rule is crucial to reduce the risk of offshore drilling accidents and oil spills and to provide greater safety protections for workers and to the oceans and the environment more broadly.

46. Brat #157: This amendment would void all contract enforcement authority for Land and Water Conservation Fund state and local park grants after 20 years – retroactive to the beginning of the program. Currently, state and local LWCF grants are awarded for permanent conservation. This amendment would prevent DOI from enforcing the reversionary clause, which currently requires repayment of the grant if the park is developed, and instead allow unimpeded development – commercial or otherwise – of any LWCF-funded park after 20 years. Instead of protecting these lands and expanding permanent access to the outdoors for future generations, this amendment would put a 20 year time limit on the grant and undercut the very heart of the LWCF Act.

47. Buck #51: Colorado's three existing National Heritage Areas, Cache la Poudre, South Park and Sangre de Cristo, protect a variety of cultural, historic, natural, scenic and recreational resources. They work in partnership with the National Park Service and other state and local partners to provide public access to those resources and an enhanced public awareness of their value. It is the purview of Congress, moved by the will of the public, to designate new National Heritage Areas. The Buck amendment would eliminate the authority to establish new NHAs anywhere in the State of Colorado based upon the whim of one member of Congress. Representative Buck's amendment is punitive not pragmatic and should thus be opposed.

48. Burgess #39: This amendment would block EPA from utilizing the Title 42 Special Pay Program – an important program that allows agencies to offer higher pay in certain specialized fields and provide

recruitment and retention bonuses. It is important for agencies to have pay flexibilities and other tools and incentives available so that they are able to compete in the labor market for top-notch talent. Taking this authority away from EPA is yet another attempt to weaken the effectiveness of our environmental laws by preventing EPA from meeting its staffing needs.

49. Byrne #43: This amendment would block the proposal in the President's budget to reallocate funding generated by revenue-sharing from offshore oil and gas drilling in the Gulf to other purposes.

50. Byrne #44: This amendment would undermine implementation of the National Ocean Policy – a common sense policy that improves the way we manage our oceans, supports the ocean economy, reduces duplicative efforts and conflicting government actions, and focuses attention on solving the most serious issues jeopardizing ocean health.

51. Cramer #93: This harmful amendment would block a vital new rule for managing non-federal oil and gas development on the National Wildlife Refuge System. The rule updates inadequate 50-year old regulations to facilitate responsible oil and gas operations on refuges, while conserving wildlife and ecosystems, enhancing public enjoyment of refuge resources and reducing the costs of oil-spill clean-up for American taxpayers. The misguided amendment would bar these common-sense measures intended to prevent avoidable damage to some of our nation's most sensitive wildlife habitat.

52. Crawford #70: This amendment would prevent EPA from enforcing or implementing oil spill prevention requirements on farms, irrespective of the amount of oil they store. This approach is nonsensical, in view of the fact that oil spills are no less dangerous to waterways when they come from agricultural operations. The amendment also ignores a study Congress directed EPA to undertake, which identified a "lack of evidence that farms are inherently safer than other types of facilities," and it ignores the fact that farms already are treated more leniently than other facilities under this program.

53. Crawford #135: This amendment is vaguely written and, for that reason, should be rejected. It would prohibit agency actions that "assist" the public in weighing in on pending regulatory matters, unless authorized by Congress. That restriction potentially could be understood to apply to efforts to streamline the mechanisms that business groups, state stakeholders, and concerned citizens use to express their views on proposed rules, environmental permits, and more.

54. Davis #160: This amendment effectively stops work by EPA's Office of Congressional and Intergovernmental Relations and reduces EPA's core air and water program budgets by \$4.2 million. Members of Congress are commonly critical of EPA for being slow in responding to their requests and being insufficiently engaged with state governments on policy development. This amendment would only worsen those relationships. Because OCIR acts as the liaison to the rest of EPA for Congress, the amendment would also undermine Congressional offices' ability to get technical assistance on legislative proposals and likely to get information regarding constituent questions or concerns about EPA programs.

55. Duffy #9: This amendment attempts to undercut statutes that the Congress enacted by looking at only the cost of rules implementing those laws, without concern with their benefits. If a rule would have \$10 billion worth of benefits for the American people, this amendment would make it impossible for it to be implemented if it costs some sectors more than \$100 million. It is the perfect example of pennywise, pound foolish.

56. Duffy #10: This amendment would deny EPA to quickly respond to pressing threats to the public health, safety, and the environment. This kind of micromanagement of agency rulemaking is best accomplished through executive orders, where it can be undertaken flexibly and in a way that best serves the public.

57. Goodlatte, Thompson, Glenn #20: This amendment limits EPA's key authority to protect clean water in the 64,000 square mile Chesapeake Bay watershed which spans 6 states and the District of Columbia. This authority is critical to ensure full Clean Water Act protections for over 18 million residents and to the success of the historic federal-state collaboration to restore the Chesapeake Bay.

58. Gosar #7: This amendment would block finalization of the draft EPA-USGS Technical Report entitled "Protecting Aquatic Life from Effects of Hydrologic Alteration," which explains and documents the effects of water flow alteration on physical, chemical and biological integrity and providing examples of how states are already addressing flow alteration under existing authorities and programs. This report is a scientifically sound and much-needed compendium on opportunities to better protect aquatic life for our nation's rivers and streams and should be finalized.

59. Hartzler #171: This amendment would prevent the installation of any new air pollution monitors to tell Americans whether they are suffering unsafe levels of smog pollution under a more protective ozone health standard. This 'see no evil' approach to air pollution monitoring only serves to deny Americans' access to clean air, while obstructing steps needed to reduce unsafe levels of smog pollution.

60. Hudson #130: This is a snarky amendment that demonstrates the silliness of this process and the extent of the anti-environmental beliefs of its sponsors. Among other responsibilities, EPA responds to chemical, oil, biological, and radiological releases and large-scale national emergencies, including homeland security incidents. This amendment barring EPA employees from air travel would block this response capability.

61. Huizenga #52: This amendment would limit a prevailing citizen's request for reimbursement under the Endangered Species Act to the restrictions of the Equal Access to Justice Act (EAJA). While EAJA affords a vital means of court access for citizens, EAJA's hourly fee cap is outdated and inadequate. In subjecting ESA citizen enforcement cases to EAJA's below-market cap on attorneys' fees, this amendment would make it more difficult for citizens from across the political spectrum to challenge illegal government actions.

We strongly encourage you to SUPPORT the following amendments:

1. Castor #106: This amendment would match the FY17 budget request for the Refuge Law Enforcement Program. According to the 2015 International Association of Chiefs of Police report, 1,149 Federal Wildlife Officers are needed to adequately ensure safety for refuge visitors, staff, and wildlife across the Refuge System, yet the U.S. Fish and Wildlife Service has an effective force of only 255. Matching the budget request would allow FWS to hire additional Federal Wildlife Officers to increase its capacity to protect wildlife and the 48 million annual visitors to our national wildlife refuges.

2. Cicilline #162 This amendment would increase NPS Operations by \$2.5 million for additional rangers, maintenance, and/or other operating needs, offset by the Office of the Secretary of Interior, Departmental Operations.

10. Beyer #122: This amendment would strike Sec. 120, which would block the Department of Interior's sorely needed update of the Stream Protection Rule. The rule is vital for protecting the health and environment of communities living near coal mining operations by ensuring that the land and water used by coal mining operations is protected from pollution and degradation.

11. Lujan Grisham et al. #113: This amendment would strike a nefarious provision that would prohibit any funds from this act being used to finalize, implement or enforce the BLM Wasted Gas rule. This rule will limit venting, flaring, leaks and waste of gas from oil and gas sources on public lands.

12. Castor #143: This amendment would strike the rider intended to block the “drilling margins” provisions in the Well Control Rule. This rule, which will strengthen safety in offshore oil and gas operations, was published on April 29, 2016 by the Bureau of Safety and Environmental Enforcement. The “drilling margins” requirements are more detailed, technical regulations than existing regulations on this topic. These new requirements are necessary to prevent blowouts that would occur if the downhole pressure is less than the fluid pressure into a well. It is standard engineering practice to ensure there is a clear “safety margin” to address unknowns such as variable oil reservoir pressures. The new regulations also require that if a safe drilling margin cannot be maintained, then drilling must be suspended until the situation is remedied. These regulations follow the recommendations of the National Academy of Sciences.

13. Huffman #22: This amendment seeks to strike a provision that would delay implementation of BOEM's recently proposed rule to reduce air emissions from offshore drilling sources. This rule is the first update to air quality standards for offshore drilling in more than 30 years.

18. Johnson #54: Seventy five percent of coal ash dams, the largest universe of coal ash dumps, are located in low-income and minority communities. This amendment would promote the protection of some of the nation’s most vulnerable communities, requiring that the implementation of the EPA’s Final Rule on the disposal of coal ash is consistent with the Executive Order on Environmental Justice (12898). Executive Order 12898 requires the agency to identify and address, as appropriate, disproportionately high adverse human health or environmental effects of its activities on minority and low-income populations.

21. Lujan #48: The Gold King Mine disaster vividly illustrated the need for water treatment and monitoring funding solutions to acid mine pollution that can last forever. This amendment directs sorely needed resources toward that effort.

22. Dingell #76: This amendment strikes the harmful language that wholly exempts a broad range of potentially damaging logging activities on our National Forest System from public participation and National Environmental Policy Act requirements. Damaging our national forest resources harms both the public and economic benefits our federal forest land provides for all Americans, including clean drinking water, outstanding recreational opportunities, and fish and wildlife habitat, which supports more jobs and economic output than other activities on the National Forest System.

24. Blumenauer #124: This amendment would strike a rider that would prevent the EPA from controlling greenhouse gases from the largest sources of livestock waste – manure management systems. There is no justification for giving a hall pass to an industry responsible for very large quantities of dangerous pollutants, including methane, nitrous oxide, hydrogen sulfide, and ammonia.

25. Cartwright #96: This amendment seeks to strike section 425, which prohibits the EPA from updating the definition of “fill material” under the Clean Water Act, perpetuating a dangerous industry loophole that bars the use of the latest scientific and health research to reduce toxic mining waste that poses serious risks to humans and aquatic life. It also strikes a provision changing the definition the "discharge of fill material," which would allow pollutant discharges that would damage or destroy streams and wetlands without adequate environmental review required under the Clean Water Act.

26. Lawrence, Beyer, Cartwright #40: This amendment seeks to strike Section 427, which blocks funding for EPA and Army Corps of Engineers' Clean Water Rule. The Clean Water Rule restores vital pollution safeguards to a variety of our nation's waterways, including the small streams that feed the drinking water of one in three Americans, and provides clarity and certainty to the jurisdiction of the Clean Water Act.

28. Becerra (CA), Pallone (NJ), Lowenthal (CA), Roybal-Allard (CA) #137: This amendment would strike Section 430, which seeks to block EPA from requiring industries with a high probability of causing catastrophic damage by releasing toxics into the environment from carrying insurance to cover environmental damages they cause. Section 430 would allow polluters to evade their financial obligations and skip town on their toxic messes, leaving taxpayers stuck with hefty cleanup bills.

29. Pallone #88: This amendment would strike Sec. 431, a rider that would block implementation of the first-ever carbon pollution standards for new and existing fossil fuel power plants, including any assistance to states that have asked for help developing sensible state policies.

30. Peters #109: This amendment would strike section 434, which seeks to block EPA's ability to limit the use of super-polluting hydrofluorocarbons (HFCs) as refrigerants in other uses. HFCs are potent greenhouse gases that have thousands of times more impact on climate change, pound for pound, than carbon dioxide. Companies are making safer alternatives, but the rider would allow unlimited growth in these outmoded and dangerous pollutants. The rider would also damage the United States' international credibility and frustrate efforts – supported by industry – to negotiate a global HFC phase-out under the Montreal Protocol.

31. Peters, Lowenthal, Beyer, Polis, Esty #110: This amendment would strike a provision that would recklessly eliminate any consideration of the Social Cost of Carbon (SCC) which is an analysis of the real economic impacts, positive or negative, of the carbon emissions of a project or proposed rule. The Social Cost of Carbon is a critical tool for the public and decision makers to understand the true benefits and costs of a project and the possible ways to mitigate negative impacts. Requiring an environmental review that prohibits the consideration of climate impacts institutionalizes climate denial into all federal permitting and forces ill-informed decisions that put critical infrastructure, taxpayer dollars, and local communities' health at risk.

32. Grijalva #80: This amendment seeks to protect fundamental protections for farmworkers from pesticide poisoning, specifically, their basic right to a designated representative who can request information on their behalf if language barriers, illness, incapacitation or fear prevents them from accessing the information themselves

33. Polis et al. # 81: This amendment seeks to strike a provision that would block EPA from implementing its Methane Pollution Standard, the first-ever limits on methane pollution from the oil and gas sector (the largest emitter of methane) and would block future efforts to regulate existing sources of methane. EPA's standards require proven, low-cost safeguards that will yield net climate benefits of \$170 million in 2025 and will generate significant public health benefits as well by curbing smog- and soot-forming Volatile Organic Compound (VOC) emissions and hazardous air pollutants.

34. Lowenthal #16: This amendment would strike a dangerous provision blocking the Department of the Interior from raising royalty rates for federal coal, oil and gas on public lands and waters, despite the fact that royalty rates in the U.S. remain among the lowest in the world. It would also allow a recently finalized rule from the Office of Natural Resources Revenue to proceed, stopping practices that allow the predatory undervaluing of coal, oil and gas extracted from public lands and the resulting loss of royalties.

35-40. McNerney #173, 174, 175, 176, 177 & 178: These amendments would strike damaging provisions in the underlying bill that permanently override protections for salmon and other native fisheries under the Endangered Species Act (ESA) in California's Bay-Delta estuary and threaten the thousands of West Coast fishing jobs that depend on the health of these species. California's ongoing drought – not federal environmental laws protecting salmon and other native fish and wildlife – is the primary reason for low water supplies across the state.

41. Grijalva #75: This amendment would strike Section 453, the “blocking new parks and monuments provision” of the bill. This damaging provision would undermine our nation's most important conservation tool, the Antiquities Act, which originally protected nearly half of our national parks. Section 453 is neither in line with public input or narrowly tailored. It would prohibit monument designation in 48 counties covering over 160 million acres, and since the Antiquities Act applies only to federal lands and waters, it would block new monuments on over 26% of all federal lands in the continental US. This amendment rectifies this problem and ensures new parks and monuments can continue to be protected into the second century of our national parks.

63. Jolly, Clawson, Graham #17: This amendment would prevent any preparations by the Bureau of Ocean Energy Management for lease sales in the Eastern Gulf of Mexico in the areas that are currently under a moratorium on oil and gas leasing and any related activity. The moratorium was established in the Gulf of Mexico Energy Security Act (signed into law in December 2006) and expires on June 30, 2022.