

Chairman James M. Inhofe

U.S. Senate Environment and Public Works Committee

114th Congress Accomplishments Report



Majority Staff
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U.S. Senate Environment and Public Works Committee

Chairman Jim Inhofe (R-Okla.)



114th Congress Accomplishments at a Glance

With the new Republican Majority, U.S. Sen. Jim Inhofe (R-Okla.) became Chairman of the Senate Environment and Public Works Committee for the 114th Congress. He promised an active and ambitious two years and he delivered on that promise. Chairman Inhofe prioritized enacting the first long term reauthorization of the federal highway program in ten years, passed the historic regulatory reform of the 1976 Toxic Substances Control Act, and sent a new water resources development act to the President as the very last vote of the 114th Congress. Inhofe's chairmanship focused on rebuilding our nation's crumbling infrastructure, stopping job-killing regulations like EPA's so-called Clean Power Plan and the Waters of the United States (WOTUS) rule, and promoting policies proven to create jobs and economic prosperity while building on environmental progress.

- Enacted first long-term highway bill in 10 years
- Enacted overhaul of federal chemical regulation and first major federal environmental statute in 20 years
- Enacted a new water resources development bill modernizing the nation's ports and waterways and providing relief for the nation's aging drinking water infrastructure
- Held 72 committee hearings and business meetings—including 12 field hearings
- Passed 63 new laws
- 3 CRAs passed through Congress
- 7 Presidential nominees confirmed
- Filed 3 Amicus briefs in support of parties challenging the Clean Power Plan and the Waters of the U.S. regulation, and preserving state water quality regulations in the Chesapeake Bay
- 122 General Services Administration resolutions approved to authorize changes and efficiencies in federal buildings across the nation saving taxpayers an estimated \$2 billion.
- Published 5 oversight reports:
 - [Obama's Carbon Mandate: An Account of Collusion, Cutting Corners, and Costing Americans Billions](#)
 - [Forecast for COP21: Senate Predicts Obama Climate Promises to Come Up Short Again](#)
 - [EPW Oversight of Hydraulic Fracturing](#)
 - [Lessons From Kyoto: Paris Agreement Will Fail National Economies and the Climate](#)
 - [From Preventing Pollution of Navigable and Interstate Waters to Regulating Farm Fields, Puddles and Dry Land -- A Senate Report on the Expansion of Jurisdiction Claimed by the Army Corps of Engineers and the U.S. Environmental Protection Agency under the Clean Water Act](#)

EPW Legislation Enacted into Law

S. 612/S. 2848/H.R. 5303, WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT (WIIN)

This bill restores Congress's priority to enact critical infrastructure legislation every two years, a trend that came to a halt between 2007 and 2014. WIIN authorizes 30 critical Army Corps projects, projects that have undergone Congressional scrutiny and have completed reports from the Chief of Engineers. It also prioritizes water infrastructure construction and maintenance, improves ports and waterways for increased global competitive advantage, and supports needed flood control projects that protect millions of people and billions of dollars' worth of infrastructure. WIIN includes relief for communities with drinking water emergencies as well as nationwide support for safe drinking water infrastructure. This bill was the result of four hearings before the EPW Committee, was introduced on April 26, 2016, and passed by a strong bipartisan vote, 19-1, in the EPW Committee two days later. In the lead up to its introduction, Inhofe held four committee hearings, two of which included witnesses from Oklahoma. This bill passed the Senate by a strong bi-partisan vote of 78-21.

WIIN Act includes the following provisions from or entire bipartisan legislation:

- S. 1024/H.R.223, *Great Lakes Restoration Initiative Act of 2016*
- S. 1642/H.R.1160, *the Savings Act*
- S. 1724/H.R.3692, *Lake Tahoe Restoration Act of 2015*
- S. 1979/H.R.4131, *Bring the Ancient One Home Act of 2015*
- S. 2466/H.R.4414/S.2579, *Improving Notification for Clean and Safe Drinking Water Act of 2016*
- S. 2588/H.R.4797, *Get the Lead Out Act of 2016*
- S. 2821/H.R.5070, *Lead Testing in School and Child Care Drinking Water Act of 2016*
- S. 1642/H.R.1160, *the Savings Act*
- S. 1394/H.R.2469, *Columbia River Basin Restoration Act*
- H.R. 5087, *To remove the Federal claim to navigational servitude for a tract of land developed due to dredging disposal from a harbor project in Valdez, Alaska*
- H.R. 1296, *To amend the San Luis Rey Indian Water Rights Settlement Act to clarify certain settlement terms*
- H.R. 176, *LOCAL Act*
- H.R. 4685, *Tule River Indian Reservation Land Trust, Health, and Economic Development Act*
- S. 1125/H.R. 5633, *Blackfeet Settlement Act*
- S. 2949/H.R. 5765, *Great Lakes Fish and Wildlife Restoration Act*
- S. 1983/H.R. 5984, *Pechanga Band of Luiseno Mission Indians Water Rights Settlement Act*
- S. 2717, *Dam Repairs and Improvements for Tribes Act of 2016*
- S.438, *IRRIGATE Act*
- S. 1822/H.R. 3079, *A bill to take certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians*
- Committee Substitute of S. 2446, *providing a new provision to amend the Resource Conservation and Recovery Act to authorize permitting programs for the management of coal combustion residuals*
- S. 921/H.R. 1772, *Delaware River Basin Conservation Act of 2015*
- S. 2856/H.R. 5225, *the COAST Act*
- S. 2993/H.R. 2993, *Farmers Undertake Environmental Land Stewardship Act*
- S. 3228, *Assessing Coastal Areas to Assist States Act*

S. 697/H.R. 2576, FRANK R. LAUTENBERG CHEMICAL SAFETY FOR THE 21ST CENTURY ACT

In January 2015, Inhofe announced one of his top four committee priorities would be to enact into law historic environmental regulatory reform by updating the 1976 *Toxic Substances Control Act*. He first took interest in TSCA reform in 2012 when the late U.S. Sen. Frank Lautenberg approached him with the legislation, but under a Senate Democrat majority, the bill struggled and ultimately was set aside. With Inhofe at the helm of the EPW Committee again, he pledged his support for the work of U.S. Sens. Tom Udall (D-N.M.) and David Vitter (R-La.) to revive Lautenberg's legislation and improve upon it with conservative, pro-jobs provisions. The final legislation creates unified protections for American families and businesses while providing new safeguards and oversight requirements for chemicals in the marketplace. The legislation ultimately garnered near-unanimous support throughout Congress and a broad range of

support from stakeholders, from Environmental Defense Fund (EDF) to the National Association of Manufacturers and ExxonMobil. It was signed into law on June 22, 2016.

S. 1647/H.R. 22, *FIXING AMERICA'S SURFACE TRANSPORTATION "FAST" ACT*

For the first time since 2005, Congress enacted a long-term, five-year bill to improve the nation's surface transportation infrastructure, to include roads, bridges, transit systems, and rail transportation network. Inhofe faced an uphill climb to enact his top priority, with a near depleted Highway Trust Fund followed by a sudden shakeup in House leadership with the Speaker stepping down while the Senate's transportation bill waited at the doorsteps of the House. Three extra short-term funding patches later, Inhofe closed 2015 with his fully funded highway bill being signed into law. The FAST Act reforms and strengthens transportation programs, refocuses our national priorities, ensures long-term certainty, provides more flexibility for states and local governments, streamlines the project approval processes, and maintains a strong commitment to safety. Having also authored SAFETEA-LU in 2005 and MAP-21 in 2012, Inhofe was ready to once again ensure Oklahoma's priorities were addressed in the FAST Act, which include:

- Oklahoma is receiving \$693 million in the first year and a total of \$3.6 billion over the course of five years for modernizing and launching new surface transportation projects.
- Oklahoma is receiving \$18.5 million in the first year and a total of \$101.6 million over the course of five years under the new National Freight Program, which provides funds for projects that improve freight corridors and associated assets that will allow for local businesses and farmers to transport products and material more efficiently.
- On July 6, 2016, Inhofe announced Oklahoma was one of 15 states to be awarded in the first round of FASTLANE grants, a program created by the FAST Act and in addition to the National Freight Program. The grant will provide Bryan County \$62 million to improve safety and efficiency of high volume freight traffic along the US 69/75 corridor.
- The legislation also included provisions supporting the expansion of natural gas infrastructure, increased support for the tribal transportation program, exemption from the *Migratory Bird Treaty Act* for important ODOT projects and more.

In the lead up to the enactment of FAST Act, Inhofe held two EPW hearings, and one business meeting, to explore the nation's surface transportation needs. When the Senate version of the legislation passed with unanimous support out of the EPW Committee on June 24, 2015, Inhofe held a press conference in Oklahoma two days later with 20 participants speaking in support of the legislation that included leaders from Oklahoma's local governments, tribes, industry, and small businesses.

FAST ACT included the following provisions from or bipartisan legislation:

- S. 280, *Federal Permitting Improvement Act*
- S. 842/H.R. 1612, *Intermountain West Corridor Development Act*
- S. 848/H.R. 1558, *Resolving Environmental & Grid Reliability Conflicts Act*
- S. 863, *Appalachian Regional Development Amendments*
- S. 880, *Transit-Oriented Development Infrastructure Financing Act*
- S. 983/H.R. 1844, *Military Corridor Transportation Improvement Act*
- S. 1348/H.R. 2211, *ROAD Act*
- S. 1499/H.R. 910, *Vehicle-to-Infrastructure Safety Technology Investment Flexibility Act*
- S. 1649/H.R. 2859, *Sonoran Corridor Interstate Development Act*
- S. 1781, *Legislation allowing state flexibility with excess obligated transportation funding*
- S. 1782, *Legislation allowing state flexibility for interstate planning*

Additional EPW Legislation Enacted into Law

- S. 124, *A bill to amend the Water Resources Development Act of 1996*, to deauthorize the Ten Mile Creek Water Preserve Area Critical Restoration Project deauthorizes a Corps of Engineers project and allows the State of Florida to assume responsibility for meeting water storage and water treatment obligations.
- S. 538, *Idaho Safe and Efficient Vehicle Act*, addresses specific commercial truck operations opening commerce in the northwest.

- S. 611, *Grassroots Rural and Small Community Water Systems Assistance Act*, reauthorizes funding for third party technical assistance to small public water systems to carry out on-site training to comply with the Safe Drinking Water Act.
- S. 722, *A bill to extend the date after which interest earned on obligations held in the wildlife restoration fund may be available for apportionment*, authorizes use of interest earned on funds collected under the Pittman Robertson Wildlife Restoration Act for North American Wildlife Conservation Act funding through 2026.
- S. 1024, *Great Lakes Restoration Initiative*, amends the federal Clean Water Act to direct the EPA to implement a new Great Lakes Restoration Plan addressing remediating toxic substances, invasive species, wildlife protection, and pollution from run-off.
- S. 1523, *A bill to amend the Federal Water Pollution Control Act*, to reauthorize the National Estuary Program, reauthorizes federal grants to states for habitat conservation, flood protection, and combating invasive species and algae blooms.
- S. 1586, *Great Lakes Water Protection Act*, requires the EPA to work with States surrounding the Great Lakes to establish public notice requirements for publicly owned treatment works with combined sewer overflow (CSO) discharges.
- S. 2143, *A bill to provide for the authority for the successors and assigns of the Starr-Camargo Bridge Company*, to maintain and operate a toll bridge across the Rio Grande near Rio Grande City, Texas, reauthorizes long term private contracting to maintain an international bridge.
- S. 460/H.R. 212, *Drinking Water Protection Act*, amends the *Safe Drinking Water Act* to direct the EPA to develop a strategic plan for assessing and managing risks associated from algal toxins particularly blue-green algae in drinking water provided by public water systems.
- H.R. 890, *To revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Florida*, protects the Florida Everglades and ecosystem, aquatic plants and animals, other wildlife, and private properties from flood and storm damage while also protecting private property rights of 1,600 property owners included in the Coastal Barrier Resources System by error.
- H.R. 3114, *To provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes*, authorizes the U.S. Army Corps of Engineers to employ veterans for curation work the Corps conducts.
- H.R. 5147, *the Bathrooms Accessible in Every Situation (BABIES) Act*, requires sanitary and appropriate infant changing stations in federal buildings.
- S. 3493/H.R. 6400, *To revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in New Jersey*, authorizes the U.S. Fish and Wildlife Services to revise boundaries of the Chafee Coastal Barrier Resources System in response to local requests.

Legislation naming public buildings after veterans, public officials, judges, civil rights leaders, and local leaders

- H.R. 1075, *designating the U.S. Customs and Border Protection Port of Entry in Douglas, Arizona, as the "Raul Hector Castro Port of Entry."*
- H.R. 1690, *designating the U.S. courthouse in Pittsburgh, Pennsylvania, as the "Joseph F. Weis Jr. United States Courthouse."*
- S. 1147/H.R. 2131, *designating the Federal building and U.S. courthouse in Charleston, South Carolina, as the "J. Waties Waring Judicial Center."*
- S. 2326/H.R. 2270, *designating the Nisqually National Wildlife Refuge in the State of Washington as the "Billy Frank Jr. Nisqually National Wildlife Refuge".*
- H.R. 2559, *designating the "PFC Milton A. Lee Medal of Honor Memorial Highway" in Texas.*
- S. 261, *A bill to designate the U.S. courthouse in Oklahoma City, Oklahoma, as the "William J. Holloway, Jr. United States Courthouse."*
- S. 1707, *A bill to designate the Federal building in Helena, Arkansas, as the "Jacob Trieber Federal Building, United States Post Office, and United States Court House."*
- S. 2824/H.R. 4957, *Ariel Rios Federal Building Designation Act*

- H.R. 3937, *designating the building utilized as a United States courthouse located at 150 Reade Circle in Greenville, North Carolina, as the "Randy D. Doub United States Courthouse."*
- S. 2754/H.R. 5011, *A bill to designate the Federal building and United States courthouse located at 300 Fannin Street in Shreveport, Louisiana, as the "Tom Stagg Federal Building and United States Courthouse."*
- S. 2396/H.R. 4618, *designating the Federal building and United States courthouse located at 121 Spring Street SE in Gainesville, Georgia, as the "Sidney Oslin Smith, Jr. Federal Building and United States Courthouse."*
- H.R. 5252, *designating the United States Customs and Border Protection Port of Entry located at 1400 Lower Island Road in Tornillo, Texas, as the "Marcelino Serna Port of Entry."*
- H.R. 5873, *designating the Federal building and United States courthouse located at 511 East San Antonio Avenue in El Paso, Texas, as the "R.E. Thomason Federal Building and United States Courthouse."*

Saving Taxpayers Money in Administration of Government Buildings

- The Senate EPW Committee approved 122 General Services Administration (GSA) resolutions to authorize changes and efficiencies in federal buildings across the nation resulting in saving taxpayers \$2 billion.

Additional Legislation Reported from EPW Committee

- S. 653, *Water Resources Research Amendments Act* (Passed the Senate June 9, 2015)
- S. 1479, *Brownfields Utilization, Investment, and Local Development Act of 2015* (Passed the Senate June 27, 2016)
 - This Brownfields reauthorization makes several enhancements to the environmental cleanup program, to include (1) prioritizing technical assistance grants for Brownfields projects in small communities, Indian tribes, rural areas, and disadvantaged areas, (2) authorizing multiple-purpose grants and increasing the dollar amounts for individual grants to help clean up larger, more complex Brownfield sites, and (3) expanding funding eligibility for governmental entities that did not cause or contribute to the contamination.
 - Oklahoma has greatly benefited from the Brownfields program, to include the BOK Center, ONEOK Field, and Mayo Hotel in Tulsa as well as the Skirvin Hotel in Oklahoma City.
- S. 2306, *A bill to require the Secretary of the Army, acting through the Chief of Engineers, to undertake remediation oversight of the West Lake Landfill located in Bridgeton, Missouri.* (Passed the Senate February 2, 2016)
- S. 2446, *A new committee substitute to amend the Resource Conservation and Recovery Act, to authorize permitting programs for the management of coal combustion residuals.*
- S. 2808, *John F. Kennedy Center Reauthorization Act of 2016* (Passed the Senate June 16, 2016)
- S. 659, *the Bipartisan Sportsmen's Act of 2016*
- S. 544, *Secret Science Reform Act of 2015*
- S. 1140, *Federal Water Quality Protection Act*
- S. 1324, *Affordable Reliable Electricity Now Act*
- S. 1500, *Sensible Environmental Protection Act*
- S. 1674, *Long Island Sound Restoration and Stewardship Act*
- S. 2816, *Diesel Emissions Reduction Act of 2016*
- S. 2795, *Nuclear Energy Innovation and Modernization Act*

Holding the Administration Accountable

Urging Candidness in U.S. Climate Change Commitments Made to the International Community

Obama Administration officials made commitments pursuant to the United Nations Framework Convention on Climate Change community suggesting that the U.S. would reduce its emissions 26 to 28 percent by 2030. Sen. Inhofe held two hearings assessing these commitments and based on numerous reports concluded such commitments would fall short by a range of 45 to 60 percent. Many of the U.S. commitments were predicated on a successful outcome of the Clean Power Plan, other legally vulnerable administrative actions that the majority of Congress opposed, and future regulations yet to be promulgated. Prior to the election, Sen. Inhofe and 13 of his colleagues urged U.S. officials to be candid about the legal

limitations of the president's climate commitments, in an effort to preserve the diplomatic credibility of the U.S., and warned of limited durability to their actions given their efforts to bypass Congress.

Chemical Safety Board Reform

In addition to conducting nomination hearings and confirming a new member and chairman of the U.S. Chemical Safety Board (CSB), Sen. Inhofe and Regulatory Oversight Subcommittee Chairman Mike Rounds (R-S.D.) requested the President remove CSB former Chairman Rafael Moure-Eraso for violations of law identified by House of Representatives investigators and the EPA Inspector General. When the former chairman was removed, the Senate EPW Committee confirmed a new chairman, and Sen. Inhofe requested they initiate an investigation of CSB senior staff that aided and abetted the former chairman in his severe mismanagement of the CSB. To date, that investigation has led to the removal of the top staff member, CSB Managing Director and the resignation of the CSB general counsel.

President's Council on Environmental Quality Oversight

In 2015, the EPW Committee launched an oversight investigation into the activities, operation, and legal authorities for the White House Council on Environmental Quality (CEQ). The investigation to date has raised important questions about CEQ's legal authority to continue to operate indefinitely without a Senate-confirmed Chairman. Sen. Inhofe requested the Obama Administration withdraw the revised draft National Environmental Policy Act (NEPA) guidance document and other actions given these concerns. Sen. Inhofe also submitted comments questioning CEQ's authority under NEPA to issue guidance regarding the consideration of greenhouse gases in NEPA reviews.

EPA Enforcement

In June 2016, the Regulatory Oversight Subcommittee heard from EPA's Office of Enforcement and Compliance Assurance about the impacts of EPA enforcement actions on small businesses and the role played by states in implementing and enforcing environmental laws. The Senate EPW Committee continued its oversight by examining the tactics the EPA uses to obtain information from and to extract fines and other penalties.

Gold King Mine Spill

In 2015, the EPW Committee held an oversight hearing with EPA Administrator Gina McCarthy to examine the causes, response, and effects of the blowout at the Gold King Mine in Colorado. The spill released more than three million gallons of contaminated mine water into nearby rivers. The EPW Committee continued to conduct oversight on the Agency's response, including the processing of claims by states, local governments, tribes, and small businesses who suffered harm because of EPA's spill; the committee is monitoring the EPA Office of Inspector General's ongoing investigation. The WIIN Act contained a section by Sens. Cory Gardner (R-Colo.) and Tom Udall (D-N.M.) ensuring that EPA is financially responsible for claims due to the spill. The blowout has also renewed interest in legislation to promote cleanup of abandoned mine sites by Good Samaritans, which would be under the jurisdiction of the EPW Committee.

Superfund Clean Ups

At the request of the EPW Committee, the Government Accountability Office (GAO) issued a report recommending EPA improvements for how it cleans up waterbodies with contaminated sediments under EPA's Superfund program. The GAO review found EPA headquarters is not conducting adequate oversight of decisions made by the various regional Superfund programs nor are they conducting adequate oversight as to whether the EPA is following policies intended to improve consistency and transparency of cleaned up sediment sites. Sen. Inhofe joined Sen. Toomey (R-Pa.) in a letter seeking review of a proposed remedy at a Pennsylvania Superfund site.

Oversight of Climate Creep in Federal Agencies

When the Federal Emergency Management Agency (FEMA) announced in March 2015 a new requirement for states to address climate change in their mitigation strategies, Sen. Inhofe requested an explanation from the agency as to how it planned to apply this requirement to the recipient of certain disaster mitigation grants. As a result, FEMA clarified its previous announcement, removing the requirement. Congress included language in the *Homeland Security Appropriations Act for fiscal year 2016* directing FEMA to focus mitigation grants on strengthening and protecting local communities from inevitable weather instead of adding new bureaucratic red tape requiring states to address causation of the disaster.

Agency Budget Oversight

Between 2015 and 2016, the EPW Committee held oversight hearings on the budgets of the EPA, Nuclear Regulatory Commission (NRC), the Fish and Wildlife Service (FWS), the Federal Highway Administration (FHA), and the U.S. Army Corps of Engineers.

Oversight of Cooperative Federalism between the EPA and States

Environmental laws such as the *Clean Air Act* and *Clean Water Act* require the EPA to work with states as co-regulators in carrying out these laws; a system referred to as “cooperative federalism.” Under the Obama administration, EPA has shut out states from the rulemaking process, choosing to collude with environmentalists instead of long-standing state experts. This system of “**un**cooperative federalism” has led to a flood of new, overlapping, and burdensome mandates on states with diminished funds to help them comply. The EPW Committee has taken the following steps to hold the administration accountable for “uncooperative federalism”:

- The EPW Committee held three oversight hearings in 2015 and 2016 examining the EPA’s system of “uncooperative federalism”:
 - a full committee hearing with five EPW Committee member-state environmental regulators as witnesses;
 - a subcommittee hearing examining the EPA unfunded mandates with state, local, and tribal government witnesses;
 - a subcommittee hearing examining the EPA settlement agreements with environmentalists that exclude state participation.
- In January 2016, Sen. Inhofe wanted to hear directly from all EPW Committee-member state regulators on whether the EPA is upholding the principle of cooperative federalism, so he sent letters seeking their feedback. Seventeen out of the 20 states responded with most reporting that the EPA is not adequately working with their state. In March 2016, the EPW Committee posted the responses on its website to better inform the public of states’ concerns. On August 17, 2016, the U.S. Chamber of Commerce issued a report, *The Growing Burden of Unfunded EPA Mandates on the States*, which echoed these concerns and heavily referenced the states’ responses to Sen. Inhofe’s letters.
- In June 2016, John Berry of the Quapaw Tribe in Oklahoma appeared before the EPW Committee as a witness in a subcommittee hearing concerning cooperative federalism. Berry explained “for tribes that rely on revenues from timber, oil, gas, coal and other natural resources, federal rules and regulations have a stifling effect on tribal businesses, with severe impacts on the government programs and services tribes provide.”
- Sen. Inhofe sent three letters in 2016 requesting information on EPA’s selection process for its advisory panels and calling for greater state and local representation on the panels. In May 2015, the EPW Committee held an oversight hearing on EPA advisory panels, which highlighted EPA’s tactics for cherry-picking the same people to serve instead of well-qualified state experts. As part of the appropriations bill for fiscal year 2016 enacted in December 2015, EPA is now required to develop a new policy for its advisory panels that will increase state and local representation on panels.

Nominees Confirmed

- Gregory Guy Nadeau, of Maine, to be Administrator of the Federal Highway Administration
- Vanessa Lorraine Allen Sutherland, of Virginia, to be Chairperson of the Chemical Safety and Hazard Investigation Board
- Kristen Marie Kulinowski, of New York, to be a Member of the Chemical Safety and Hazard Investigation Board
- Eric Martin Satz, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority
- Richard Capel Howorth, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority
- Mark Scarano, of New Hampshire, to be Federal Co-chairperson of the Northern Border Regional Commission
- Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Udall Foundation

Regulatory Oversight

Oil and Gas Regulation Oversight

In 2015 and 2016, the EPW Committee worked to evaluate new federal mandates regulating methane emissions from the oil and natural gas industries, including eight oversight letters related to the EPA and Bureau of Land Management's (BLM) regulation of methane from the oil and gas sector. Sen. Inhofe repeatedly set the record straight on the benefits of oil and gas development through innovative technology such as hydraulic fracturing at EPW Committee hearings with EPA witnesses such as the agency's inspector general and head enforcement officer. In June 2015, EPA's own science advisor testified before the EPW Committee that the EPA determined hydraulic fracturing "has not led to widespread systemic impacts on drinking water." Sen. Inhofe consistently introduced legislation to keep oil and gas regulation in the hands of the states.

Climate Change and Clean Power Plan Oversight

The EPW Committee aggressively addressed the issue of climate change mandates:

- Held eight committee hearings including field hearings on the EPA's carbon regulations on new and existing power plants and two hearings on the administration's commitments to the international community at COP-21 in Paris
- Reported for full Senate consideration U.S. Sen. Shelley Moore-Capito's (R-W.Va.) bipartisan *ARENA Act*
- Passed Senate Joint Resolutions 23 and 24 (Congressional Review Acts) disapproving of the president's carbon regulations on new and existing power plants that passed the U.S. Congress with bipartisan support
- Issued three oversight reports on the EPA and collusion in the development of EPA's carbon regulations, the legal effect of any U.S. commitment from the COP-21 in Paris, and the lessons from past international climate agreements.
- The U.S. Supreme Court has stayed the implementation of the Clean Power Plan through at least 2017. Oral arguments on the states' case against the Clean Power Plan were held at the D.C. Circuit Court of Appeals in September 2016. Sen. Inhofe and many other EPW Committee Members held a press conference with lead Attorneys General, including Attorney General Scott Pruitt.

Waters of the United States (WOTUS) Oversight

In the 114th Congress, the EPW Committee took the following steps to conduct oversight of EPA's WOTUS rule:

- Held eight committee hearings on EPA's and the Army Corps of Engineers' WOTUS regulation, including two hearings with Oklahoma witnesses. On Feb. 4, 2015, Oklahoma Attorney General Scott Pruitt appeared before a bicameral committee hearing on WOTUS; and on April 12, 2016, Oklahoma Farm Bureau President Tom Buchanan appeared before the EPW Committee to speak about small businesses' perspectives of EPA regulations such as WOTUS.
- Reported Sen. John Barrasso's (R-Wy.) *Federal Water Quality Protection Act*, and discharged Sen. Joni Ernst's (R-Iowa) S.J.Res.22 disapproving of EPA and Corps' WOTUS rule, which passed Congress with bipartisan support despite the president's veto.
- In April 2015, Sen. Inhofe also requested a GAO investigation into the EPA's campaign to seek support of the WOTUS rule while both the proposed rule and related legislation were pending.
 - GAO concluded that the EPA engaged in illegal covert propaganda and violated anti-lobbying statutes. Sen. Inhofe, along with members of the EPW Committee, sent multiple oversight letters to the EPA and the Corps regarding this rule, including letters seeking the legal support for the rule, the record support for the rule, an explanation of the treatment of storm sewers, and a request for the information relied on by Army Corps of Engineers.
- On Oct. 6, 2015, the 6th Circuit Court of Appeals stayed nationwide the implementation of WOTUS. Litigation is ongoing.

Oversight of Midnight Regulations

Following the 2016 election in November, Obama Administration political appointees rushed to issue numerous last-minute regulations in an attempt to tie the hands of the incoming Trump Administration. On Nov. 30, 2016, EPA proposed an interim evaluation of their greenhouse gas standards for light duty vehicles for model years 2022–2025. Not only does the announcement have the potential to undermine global competitiveness, but it also undermines long-standing coordination between the National Highway Traffic Safety Administration (NHTSA) and the auto-manufacturing industry

established process for setting CAFÉ standards. Sen. Inhofe hosted a congressional briefing with EPA officials to gather details and evaluate these actions in the new Congress.

Renewable Fuel Standard

In February 2016, the EPW Committee heard from the EPA's Assistant Administrator for Air and Radiation, Janet McCabe, and the regulated community concerning EPA's missed deadlines for establishing the amounts of renewable fuels in gasoline for years at a time. The hearing discussed the effect on the regulated community, and the future of the program when the congressionally mandated amounts of renewable fuel no longer continue in the *Clean Air Act* after 2022.

Stream Buffer Rule

The EPW Committee held a hearing in February 2016 on the Department of Interior's (DOI) Stream Buffer Zone Rule. The hearing focused on the rule's impacts on the *Clean Water Act* and *Endangered Species Act* and on coal and fossil fuel energy production. In December 2015, the Obama Administration issued the final rule, which is expected to be challenged in court and under the Congressional Review Act by a resolution to be introduced in the new Congress by Sen. Mitch McConnell (R-Ky.), Sen. Shelley Moore Capito (R-W.Va.), and Sen. Inhofe among others.

Endangered Species Act (ESA) Oversight & Reform

In 2015, the EPW Committee held a comprehensive legislative hearing on every bill referred to the EPW Committee addressing the ESA. Witnesses included Fish and Wildlife Director Dan Ashe twice on matters concerning the FWS budget, and legislative improvements to the ESA, along with testimony from Montana and Wyoming governors representing the Western Governors Association concerning the problems with ESA implementation. In 2016, the Fisheries, Water and Wildlife Subcommittee continued the committee's oversight of the cooperation between the U.S. Fish and Wildlife Service and state fish, wildlife, and conservation departments and implementation of the ESA throughout the country.

Nuclear Regulatory Commission Oversight

Between 2015 and 2016, the EPW Committee held full and subcommittee hearings continuing long-standing EPW oversight of the Nuclear Regulatory Commission's (NRC) fiscal responsibility, timely licensing reviews, and regulatory barriers to U.S. nuclear energy development. This led to the bipartisan introduction and committee passage by a vote of 17-3 of S. 2795, the Nuclear Energy Innovation and Modernization Act, which establishes a more efficient regulatory framework for licensing advanced nuclear reactors and to reform the NRC's fee recovery from licensees to improve transparency and accountability.

Ozone Regulation Oversight

The EPW Committee held three oversight hearings on the effects and costs of EPA's proposed ozone regulation with stakeholders and EPA Assistant Administrator for Air and Radiation, Janet McCabe. The EPA originally proposed reducing the ozone standards to 65ppb, soliciting comments on going as far as 60ppb. Despite half the country's failure to comply with the former standard of 75ppb, EPA took this step. (In 2011 EPA had withdrawn a proposed rule of 65ppb.) Ultimately, EPA finalized a 70ppb standard, which maintained Oklahoma's status of being fully compliant but increased the risk that just one heat wave could push a county over the edge of nonattainment. In response, EPW's Air and Nuclear Safety Subcommittee held a legislative hearing on June 22, 2016, to consider legislation to address the EPA's handling of the ozone regulation.

Coal Ash Regulation Oversight

The EPW Committee held a hearing in June 2015 on EPA's coal ash regulation. EPA determined that it would not regulate coal ash as a hazardous waste, as environmentalists had requested, and instead promulgated regulations only enforceable through citizen lawsuits. The EPW Committee heard testimony from state environmental regulators, the utility industry, and coal ash recyclers, calling on Congress to amend the law to authorize state permitting programs for coal ash. In March 2016, the committee held a legislative hearing on S. 2446, *the Improving Coal Combustion Residuals Regulation Act of 2016*, which prompted the development of compromise legislation to authorize state coal ash permit programs. This language was agreed to with the House of Representatives and was included in the final *Water Infrastructure Improvements for the Nation Act* that was enacted into law at the end of the 114th Congress.

Regulatory Reform and Oversight

Between 2015 and 2016, the Oversight Subcommittee held seven hearings receiving testimony on EPA and Department of Interior Inspectors General and the GAO investigations into agency waste, fraud, and abuse. Additional hearings examined the rulemaking process including the science and advisory process behind EPA regulations, environmental litigation otherwise known as “sue-and-settle” tactics used to manipulate the timing and substance of regulations, EPA’s cost-benefit calculations underpinning regulations, unfunded mandates, impacts on small businesses, and EPA enforcement of environmental regulations.

Additional Oversight of EPA and Obama Administration Actions Affecting Small Business and the Energy Industry

Brick MACT

The EPW Committee continues to conduct oversight of EPA’s Brick MACT rule. Should the EPA continue to ignore alternative methods and rely on their proposal with minimal data, roughly one-third of small businesses that comprise the brick industry could go bankrupt or be forced to consolidate operations, ultimately costing jobs.

NESHAP for major sources in ceramic tile industry

In its draft rule, EPA proposed to regulate “major sources” of air emissions in the ceramic tile industry, even though EPA admitted in the preamble that there are no major sources in this industry to regulate. EPA even admitted that, because these regulations will regulate no one, they have no environmental benefits—an admission that acknowledges the needlessness of the proposed regulation.

Non-hazardous Secondary Materials Oversight

Sen. Inhofe led a letter to EPA seeking clarification of the regulation of recycling railroad ties for use as fuel.

Federal Flood Risk Management Standard Oversight

Sen. Inhofe submitted comments questioning the legality, lack of transparency, and costs and benefits of the Administration’s new federal flood risk management standard.

Oil and Gas Regulation Oversight

In 2015, the EPW Committee worked with the Senate Energy and Natural Resources Committee to oppose new federal mandates regulating methane emissions from the oil and natural gas industries. They sent a letter to President Obama in June 2015 and continued oversight in 2016. Additionally, in December 2015, Sen. Inhofe sent a letter to the EPA raising concerns over their application of the “social cost of methane,” used to inflate regulatory benefits to justify costly and unnecessary new federal mandates on the oil and natural gas sector.

Examining Costs and Benefits of Federal Regulations

In addition to an October 2015 EPW Regulatory Oversight subcommittee examining how the EPA estimates the cost and benefit of regulations, Sen. Inhofe has sent seven letters to the administration questioning the costs and benefits of EPA regulation, including letters related to:

Social Cost of Carbon

The social cost of carbon (SCC) metric, created behind closed doors by Obama Administration, has been used to inflate the alleged benefits of onerous climate regulations. While the administration previously shielded its work on the SCC from the public, EPW Committee oversight requests have brought transparency to the SCC. In March 2015, the EPW Committee’s oversight request to the Office of Information and Regulatory Affairs led the administration to the release of responses to public comments on the SCC in July 2015. A subsequent EPW Committee document request to EPA produced hundreds of pages of documents, shedding much needed light on how the SCC was developed. Concerns raised by the EPW Committee and the public over improper peer review of the SCC also led the administration to request a National Academy of Sciences evaluation of the SCC.

Social Cost of Methane

Similar to the SCC, the EPA in August 2015 used a social cost of methane metric in a proposed rule on the oil and gas industry without public notice or input. This prompted a December 2015 EPW oversight letter to EPA, exposing shortcomings of the metric and requesting pointed answers to outstanding questions. Sen. Inhofe has sent three additional letters to the EPA related to the social cost of methane.

Report on Cost and Benefit of Federal Regulations

The Office of Management and Budget (OMB) is required to report annually to Congress on the costs and benefits of all major federal regulations. After more than a six month delay in producing the report, the Senate EPW Committee wrote OMB requesting the report, which was made public a week later.

Ensuring EPA Grant Transparency and Accountability

In 2015, Sen. Inhofe continued his 12 year oversight of EPA grants management, spanning from his chairmanship in 2003. Half of EPA's annual \$8 billion budget is released as grants each year. At the outset, EPA's online grants database created at Sen. Inhofe's request in 2005 is now outdated and lacks key information about EPA grants. At a June 2015 hearing, Sen. Inhofe received a commitment from the EPA Office of Environmental Information nominee, Ann Dunkin, to update the database. Subsequently, Sen. Inhofe sent a letter to EPA seeking details on its plan to update the database and officials have been working with EPW Committee staff to make the database more efficient and user-friendly. In June 2015, Sen. Inhofe also requested a Government Accountability Office (GAO) review of EPA discretionary grants. While a final GAO report is expected soon, the EPA has already taken steps to improve the transparency surrounding its discretionary grants, including the first-ever public webpage listing EPA discretionary grant programs.

Improving Scientific Integrity at EPA

In addition to reporting for full Senate consideration Sen. John Barrasso's (R-Wy.) *Secret Science Reform Act*, which would ensure EPA regulatory decisions are based on the best available science, and a May 2015 subcommittee hearing thoroughly examining EPA's science and peer review, the EPW Committee has worked towards improving scientific integrity at the EPA with the following actions:

- In April 2015, Sen. Inhofe joined several EPW Committee members in a letter requesting detailed information from the EPA on its scientific analysis of the impacts of climate change. The agency's written response failed to provide data to justify its claims, but EPA's Science Advisor Dr. Thomas Burke testified at a June 2015 EPW Committee hearing that the science on climate change is not settled. Sen. Inhofe subsequently sent Dr. Burke three letters with additional questions related to EPA science and risk assessments.
- In April 2015, Sen. Inhofe joined House Committee on Science, Space, and Technology Chairman Lamar Smith (R-Texas), in requesting a study by the independent Government Accountability Office (GAO) on EPA's Science Advisory Board (SAB) and Clean Air Scientific Advisory Committee (CASAC). GAO issued its final report in June 2015, which revealed the SAB and CASAC has not fully carried out its obligations under the law and recommended several steps for EPA to improve its management of the SAB. At a June 2016 EPW subcommittee hearing a GAO witness testified saying EPA had not fulfilled the recommendations, but the agency was taking steps towards fulfilling them.
- In 2016, Sen. Inhofe continued his long-standing oversight of conflicts of interest on EPA advisory panels such as the SAB and CASAC, sending three letters to the EPA questioning the agency's process for selecting members to serve on advisory panels and providing recommendations to improve the integrity and balance of the panels.
- As part of the fiscal year 2016 appropriations bill enacted in December 2015, EPA is now required to develop a new policy on science quality and integrity for the SAB that increases state and local representation on the SAB and safeguards against potential conflicts-of-interest or bias. In October 2016, EPA submitted a draft of the policy to GAO for review, and a final policy is forthcoming.

Media

Opposite the Editorials

- Fox News Opinion: [The dirty business of Obama's so-called Clean Power Plan](#)
- Fox News Opinion: [Why every property owner should fear EPA's "WOTUS" rule](#)
- Municipal Water Leader: [Your sewers and streets could be WOTUS](#)
- CNN Opinion: [Beware of empty climate promises](#)
- Tulsa World: [Global warming is not settled](#)
- Lawton Constitution: [Six year highway bill may pass by Thanksgiving](#)
- USA Today: [Obama's ozone overreach](#)
- Human Events: [The Obama Administration's war on fossil fuels](#)
- Tulsa World: [America must rebuild its transportation system](#)
- U.S. News and World Report: [Clean up the clean water rule](#)
- CNN Opinion: [Obama should embrace nuclear energy](#)
- Fox News: [Obama exploits the environment for his new global carbon goals](#)
- CNBC: [Proposed ozone rules are 'irresponsible'](#)
- Daily Caller: [Setting the Terms of the Debate](#)
- USA Today: [The real climate embarrassment](#)
- The Hill: [Planning for long term key to economic growth](#)
- Tulsa World: [S.B. 676 protects OK businesses, families from EPA's overreach](#)
- Washington Examiner: [Why the Paris agreement will fail](#)
- Seaports Magazine: [Surface transportation system enables economic prosperity](#)
- New York Post: [Earth Day marks the composting of the global climate deal](#)
- Daily Signal: [Obama's wrong – climate change is not our biggest threat](#)
- Cities Speak: [Infrastructure is the economic foundation of our communities and country](#)
- U.S. News & World Report: [The new nuclear renaissance](#)
- Eno Transportation Weekly: [Congress did not intend for GHGs to be measured for highway performance](#)
- Miami Herald: [Why I support the restoration of the Florida Everglades](#)
- Huffington Post: [My commitment to Flint and all communities facing a water infrastructure crisis](#)
- Washington Examiner: [Prioritizing the environment and jobs with Pruitt at the helm of EPA](#)

Editorial Board Endorsements

- Washington Post: [Time for oversight of dangerous chemicals](#)
- Wall Street Journal: [Mad tax fury road](#)
- Bloomberg View: [Dear Congress: please fix our roads, already](#)
- Bloomberg View: [Is your sofa toxic? Ask the EPA](#)
- Tulsa World: [Inhofe needs support for much-needed transportation act](#)
- Tulsa World: [Inhofe leads battle against EPA's WOTUS Rules](#)
- Tulsa World: [Good chemistry key to Senate progress on important bill](#)
- Tulsa World: [Senate needs to pass highway funding bill](#)
- Tulsa World: [Time to reform federal toxic substances law](#)
- Oklahoman: [GOP accomplishments in Congress are worth noting](#)
- Oklahoman: [Prospect of long-term road bill from D.C. is encouraging](#)
- Roll Call: [Bipartisan efforts at just the right time](#)
- Bloomberg View: [A fix for Flint, and other cities too](#)
- Wall Street Journal: [The Senate's water blockage](#)
- Christian Post: [Christians and climate change: don't shut down the debate](#)
- Tulsa World: [Inhofe takes care of local infrastructure issues in water bill](#)
- Washington Post: [The government isn't protecting you from dangerous chemicals. Congress must fix that](#)
- Wall Street Journal: [The 'clean power' putsch](#)
- Wall Street Journal: [The Barbara Boxer water rebellion](#)

Social Media

- Live tweeted all EPW Committee hearings, mark-ups, and press conferences
- Live streamed a number EPW Committee events on Periscope and Facebook Live
- Hundreds of television appearances, radio interviews and floor speeches delivered in the 114th Congress

TWITTER

New Followers: 1,000+
Tweets: 3,000+
Unique Impressions: 314.1 K

YOUTUBE

EPW Upload: 107
New Subscribers: 169
Total Channel Views: 1,485,847

FACEBOOK

New Followers: 16.5 K
Total Followers: 45 K
Live Streams: 4 Hearings

INSTAGRAM

Joined Instagram!
Photos: 73
Followers: 93

