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Exposure of Underground Miners to Diesel Exhaust

Comment On: MSHA-2014-0031-0076

Exposure of Underground Miners to Diesel Exhaust: Request for Information; Reopening of Rulemaking Record; Extension of Comment Period

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General Comment

REPORTAugust 4, 2015 Majority Staff Report United States Senate Committee on Environment and Public Works 114th Congress OBAMA'S CARBON MANDATE: 73 PAGE report Introduction . on June 25, 2013, President Barack Obama announced a plan to have the U.S EPA or Agency) issue rules under section 111 of the Clean Air Act to cut greenhouse gas emissions . Report is based on the Committee's oversight into these rules and the role NRDC played in developing the proposed rules, which rebuts much of the Obama Administration's narrative about how these rules were developed. this Report documents previously unknown details about the relationship between EPA and environmental activist groups and the "sue-and-settle" process that led to these rules. The Committee's oversight initially focused on the role played by NRDC, but it has become increasingly clear during the course of this oversight that NRDC was not alone in having unprecedented access to agency decision-makers. On August 3, 2015, EPA released its final rules regulating carbon emissions from power plants. The Environmental Protection Agency (EPA) efforts to regulate carbon emissions from power plants were driven by Obama Administration officials and ENVIRONMENTAL ACTIVIST groups who worked to fulfill the President's climate commitments . pages 15-17, 29, 50, and 56 . EPA rushed into a "sue-and-settle" agreement with the Natural Resources Defense Council (NRDC), other environmental activists, and several state and local governments in 2010 to issue unprecedented carbon regulations with LITTLE REGARD to the technical, legal, and policy challenges that that these rules would present. pages 14-19, 21, 26, 30-39, 45-48, 56, and 61 -EPA played politics with the regulatory process by trying to manipulate rulemaking deadlines

to avoid a public backlash close to the 2012 Presidential and 2014 midterm elections, and to push implementation of the rules to the next Administration. - pages 16, 17, 31-34, 40-49, 55, and 64 The carbon rules were the product of the quintessential "sue-and-settle" scheme where EPA and environmental activists, such as NRDC, continued to negotiate BEHIND CLOSED DOORS, changing regulatory actions and deadlines without providing the public meaningful notice or opportunity to comment. - pages 17-19, 24, 26, 31, and 40-45 EPA officials repeatedly MISLED the American people, the news media, and Congress about their negotiations with environmental activists and the contribution made by these activists to the development of the carbon rules. - pages 4-6, 43, 47, 48, 54, 62-64, and 67 The White House, EPA, and environmental activists worked together to manage the public message on the carbon rules. - pages 28-29, 33-35, 39, 46, 47, 50-51, 54, and 68 The litigation settlement provided the environmental activists significant leverage to drive the timing of EPA's rulemaking and to influence the scope of its policies. - pages 30-32, 35, 40-46, and 67 EPA's process for developing the carbon rules appears to have DEVIATED FROM THE AGENCY STATUTORY AUTHORITY under the Clean Air Act and established policies and circumvented transparency laws and public participation requirements. - pages 22, 23, 28, 32, 43, 48-49, and 62-64 Attorneys with NRDC and other environmental activist groups have worked with EPA to shore up the shaky legal basis for the carbon rules, issuing public statements criticizing opponents of the rule and submitting detailed legal analyses for EPA to rely on and cite in its rulemaking documents. - pages 59-68 EPA and environmental activists had cozy relationships and egregiously used personal emails and held meetings away from EPA headquarters, thereby avoiding public transparency. - pages 20, 22, 25, 28, 39, 43, 48, and 54-56 In addition to detailing overt "sue-and-settle" tactics, this Report extensively reveals how environmental activist groups, including the Natural Resources Defense Council (NRDC), and EPA INAPPROPRIATELY coordinated a public message on climate. The Administration went out of its way to mislead the American public about the timing and scope of these rules - stating repeatedly that it had "no plans" to regulate existing power plants even though it had been working behind the scenes with its environmental allies to do just that. Only after his reelection did President Obama intervene to set in motion EPA action that would fulfill his original climate campaign promises before leaving office. All along the way, environmentalists proved to be not only big cheerleaders for President Obama and EPA, but groups such as NRDC were basically an extension of the Agency, providing policy advice, data and modeling, legal counsel, and even talking points. According to April 2010 Gallup poll, the environment and global warming RANKED LAST among major issues for voters. - See full report on Congress web.