

## MORNING TAKE

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June 12, 2013

## 'Reg Czar' Makes Senate Debut; Bloomberg Thinks Big on Climate Planning

by [Geof Koss](#), CQ Roll Call

Consumer advocates are looking to turn today's Senate Homeland Security and Governmental Affairs Committee hearing on President Barack Obama's nominee to head the Office of Information and Regulatory Affairs, Howard A. Shelanski, into a forum on the pace and effectiveness of regulation under the current administration.

Since Obama tapped Shelanski to be the nation's "regulatory czar" in April, liberal supporters of regulation have used the nomination to highlight what they call the slow-walking of important health and safety rules through the obscure, but influential office.

"There's been a regulatory drought for years and the public pays the price when delays occur," said Katherine McFate, co-chair of the Coalition for Sensible Safeguards, in a statement yesterday. The group released a [report](#) (PDF) outlining what they say are excessive delays in finalizing eight regulations, including Department of Energy appliance, lighting and equipment efficiency standards, EPA rules for coal ash disposal, and the Commodity Futures Trading Commission's "position limits" on energy traders.

The liberal Center for Progressive Regulation yesterday [urged senators](#) to probe whether Shelanski would finish pending regulations or continue the "tortoise-like review process that has characterized the president's first term."

**The focus on the office rather than the nominee** stems in part from the fact that advocates are unsure quite what to make of Shelanski, a top Federal Trade Commission economist. His two-decade professional career includes stints in the Clinton administration, academic jobs at the University of California at Berkeley and Georgetown Law, as well as a clerkship for the conservative Supreme Court Justice Antonin Scalia. Shelanski also has ties to the pro-market Mercatus Institute at George Mason University.

The advocates' campaign has caught the attention of House and Senate lawmakers, who earlier this month [urged](#) the Office of Management and Budget

to finalize a host of regulations. However, members of the Homeland Security and Governmental Affairs panel that will interview Shelanski this morning include moderates from both parties who support a sweeping regulatory overhaul ([S 1029](#)) sponsored by Rob Portman, R-Ohio. The bill is strongly opposed by the pro-consumer camp.

**House Panel to Wade Into Ozone Fight.** On the other side of the Capitol, the House Science, Space and Technology Subcommittee on Environment this morning will step into what is shaping up to be the next big regulatory fight: an update to EPA's ozone standards. The panel will weigh the "achievability" of — and the underlying science behind — new ozone standards that EPA may propose later this year.

As we reported [last month](#), industry is already sounding alarm about a possible tightening of the smog standards. The Obama administration had proposed a more stringent standard in 2010, before ultimately dropping the plan the following year in the face of massive industry and congressional pressure. More on the hearing, including a charter and witness list, can be found [here](#). This recent Congressional Research Service [report](#) (PDF) includes more background on the ozone controversy.

**Bloomberg Unveils Ambitious Climate Plan.** New York City Mayor Michael Bloomberg yesterday unveiled a \$20 billion long-term plan to protect the city from future sea-level rise and extreme weather events. The proposal, [reports](#) the New York Times, envisions "an extensive network of flood walls, levees and bulkheads to guard much of the city's 520 miles of coastline." Notably, nearly \$5 billion of the project would be funded by appropriations approved by Congress in the wake of Hurricane Sandy, which caused \$19 billion in damage to the city, according to the Times piece. "This is urgent work, and it must begin now," said Bloomberg.

The plan comes ahead of next week's launch of a new campaign by 30 mayors to boost the resiliency of cities to worsening climate change. More information on the campaign, which will be showcased at a National Press Club event next Monday, can be found [here](#) (PDF) and [here](#) (PDF).

**Bloomberg's proposal coincided with former Vice President Al Gore's** Tuesday appearance on Capitol Hill, where he spoke about the dangers from extreme weather events caused by climate change. Gore said recent storms should be a catalyst for lawmakers to put a price on carbon emissions. "We are paying the cost of carbon pollution," Gore said during an annual meeting of Rhode Island energy and environment leaders, CQ Roll Call's

Lauren Gardner [reports](#). “It is well past time that we put a price on carbon pollution and not just accept the price it extracts from us.”

**Here Come the Keystone Lawsuits.** In a sign of what's to come, the Sierra Club filed a [lawsuit](#) (PDF) Monday under the Freedom of Information Act against the State Department, asserting that federal officials are concealing documents related to the latest Keystone XL pipeline environmental review that could expose conflicts of interest with the contractor working on the report.

The group is seeking documents regarding the department's hiring of Environmental Resources Management to draft its latest environmental review of the proposed reroute of the Canada-Texas pipeline. ERM is a member company of the American Petroleum Institute, the U.S. oil industry's largest lobbying arm. “This conflict of interest invalidates the EIS,” Robin Mann, past president and current board member of the Sierra Club, said Tuesday.

Environmental groups called on Secretary of State John Kerry to stop work on the supplemental environmental impact statement, which is expected to be finalized later this year, until the department's inspector general examines the study process undertaken for the project for potential conflicts.

*Thanks to Lauren Gardner for her contributions.*