



washington dc update

September 30, 2011

What Ever Happened to All Those Proposed Regulations?

The Obama Administration recently announced that it will be revising, and in some cases even withdrawing, some of its more controversial rules which had been proposed by a number of Federal agencies. Part of this decision may be attributed to the intense opposition of stakeholders who would have been impacted and a growing awareness among the general public of how these rules would impact their daily lives.

The number of rules undergoing revision or withdrawal is around twenty. Of much greater concern to WESTCAS members are the 231 rules that are currently in a kind of limbo, neither being advanced or withdrawn. This would include Principals and Guidelines. WESTCAS members have been very active providing input from the perspective of the Arid West on this issue.

The word is that this rule was to be proposed through the use of an Executive Order last August. Then the date began to be repeatedly postponed. First until December of last year. Then supposedly for certain in late June. Then August. So far.....nothing. It's almost like trying to look through a window that has gotten fogged up from the cold and humidity. You can see shapes moving around inside but you can't tell what is going on. That describes the current situation with regard to P&G.

It would be an over-reach to claim that WESTCAS is the organization most responsible for challenging what we consider to be a flawed rule and a flawed process with regard to P&G. But WESTCAS, its Board, and a number of individual members have been very active with regard to this issue carry our message to the Congress, providing written comments at every opportunity, and attending meetings at CEQ and in other venues around Washington and also around the country. They have done so from the particular perspective of water resource agencies in the Arid West.

It is impossible to currently predict where the P&G issue is headed. However, it was interesting that the Senate FY12 Energy and Water Appropriations bill contains the following provision:

“Water Resources Principles and Guidelines. No funding is included for this new item first proposed in the fiscal year 2009 budget. This item has never been funded but was treated as a continuing item in the fiscal year 2012 budget.” Stay tuned.

Summary & Take-Away .

One day recently a major EPA air regulation was withdrawn, not by Administrator Jackson but by the White House. A number of controversial rules are being revised or withdrawn. Does this or will this include the 'Principles, Requirements & Guidelines' (P&G)? Very possibly: see the Take-Away.

Take-Away:

The Senate FY12 Energy and Water Appropriations Bill contains a prohibition on using funds for the 'Water Resources Principles and Guidelines.'

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