

Category	Regulation	Rule change	Example/Further Explanation	Status
Wildlife	Endangered Species Act	The new rule would eliminate expert scientific review, allowing federal agencies to approve development projects that might harm endangered species without obtaining the input of U.S. Fish and Wildlife Service or National Marine Fisheries Service (NMFS) biologists.	If the Minerals and Management Service (MMS) wants to lease Alaska's Bristol Bay to oil and gas companies, under the new rules, one of two things could happen: If the MMS foresees possible harm, it could consult the NMFS as usual. However, if MMS officials conclude that the project won't negatively affect, say, the imperiled North Pacific right whale, they could skip the formal review and simply inform the NMFS of their decision. In this case, the NMFS would have 60 days to concur, disagree, or ask for more time. If it failed to meet that deadline, the project could move forward.	Final rule published on December 11. Obama has promised to reverse the new rule.
Wildlife	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA)	The new rule would allow fishery management councils, which represent regional fishing interests, to take more responsibility in assessing environmental impacts of federal ocean management decisions, now the role of federal employees. The rule also adds ambiguity to the requirements for an environmental impact statement and shortens the public comment period. Additionally, new loopholes would allow councils to take action without documentation usually required under the National Environmental Policy Act (NEPA).	A fishery management council in New England could change the rules about the right to fish for Atlantic cod or scallops, for example, allowing fishing in an area that might have been off limits under the original regulation. The lack of thorough review could be trouble for already overfished populations.	Final rule sent to the Office of Management and Budget on November 4. Obama can freeze this regulation, since it's still in the approval process.
Mining	Surface Mining Control and Reclamation Act	The change proposed by the Office of Surface Mining (OSM) would ease limits on mountaintop removal coal mining by allowing companies to disregard the 100-foot buffer zone around streams and other bodies of water if they can explain why avoiding the water is not "reasonably possible."	If a mining company is working near a stream in the Appalachian Mountains, it could argue to the OSM that the cost of moving its excess spoil beyond the stream buffer zone is "substantially greater" than dumping it within the area. While the OSM says a cost increase isn't automatically a valid reason for an exemption, a substantial cost increase can be used to receive that exemption.	Final rule approved December 1. The EPA decided to review projects on a case-by-case basis, instead of determining that the new rule doesn't violate the Clean Water Act.
Mining	Oil Shale Management	Regulations would allow commercial oil shale development on more than two million acres of public lands in the West.	The new regulations will allow companies to extract oil shale in Utah, Colorado, and Wyoming in tracts of land up to 25,000 acres. The Bureau of Land Management (BLM) maintains that "the regulations do not cause any change to the environment but establish processes for review of proposals to lease and develop oil shale." However, oil shale	Final rule published November 18. The Wilderness Society and other environmental groups are considering legal action against the government for not providing the public an opportunity to "protest"

			development poses serious risks to wildlife and waterways, requires large amounts of water, and its extraction, processing, and the combustion of oil shale-derived fuel generate considerably higher greenhouse gas emissions than more readily available petroleum sources.	the decision.
Mining	Federal Lands Policy Management Act	The BLM has proposed doing away with a regulation that allows the House and Senate natural resource committees to withdraw public land from energy production. In response to an increase in uranium leases within a few miles of Grand Canyon National Park this past summer, the House withdrew more than one million acres under this regulation.	If the regulation change is adopted and Congress isn't allowed to withdraw the land from leasing, the owners of thousands of mining leases will be allowed to file environmental impact statements to move forward with mining within three miles of the Grand Canyon.	Final rule published December 5. The Sierra Club, the Grand Canyon Trust, and the Center for Biological Diversity sued Interior Secretary Dirk Kempthorne for authorizing exploration near the park, defying the congressional resolution. The lawsuit is pending.
Water	Clean Water Act	The finalized rule removes the requirement that concentrated animal feeding operations, or factory farms, obtain permits for wastewater discharge. The EPA argues that only farms that plan to discharge pollution need to apply for a permit, creating a loophole that allows large farms to ignore the permit process and makes enforcement harder.	If a large industrial pork farm certifies that it will not discharge waste into waterways, then environmental authorities will not look to regulate its discharge, even if that farm does discharge animal waste containing harmful bacteria and other pathogens into waterways.	Final rule published November 20, effective December 22. Obama has pledged to strictly regulate pollution from large factory livestock farms.
Water	Safe Drinking Water Act	The EPA's preliminary ruling on perchlorate is to not regulate it. The chemical, found in rocket fuel, has been detected in drinking water in 35 states. Perchlorate has been linked to thyroid problems in pregnant women and infants.	If no perchlorate levels are set, then the Department of Defense does not have to spend the billions of dollars it would take to clean it up at test sites, and millions of Americans will continue to be exposed to levels that many experts deem unsafe.	Comment period closed November 28; this rule has not been finalized.
Air	New Source Review (NSR), a component of the Clean Air Act	Regulations intended to improve pollution performance when power plants update facilities would have been tweaked in a way that allowed plants' annual pollution to increase.	When plants modify facilities under current NSR guidelines, the EPA looks at whether the update increases <i>annual</i> emissions. Under the proposed rule, if a plant wanted to install a new smokestack, the EPA would have considered its <i>hourly</i> emission rate instead. Because a plant's annual emissions can increase even if hourly emission rates don't change, this plant could thus have received permission to install a stack that actually increased overall emissions.	The EPA dropped this rule in December. The agency did so to avoid making hasty rules, says EPA spokesperson Jonathan Schrader. But Eric Schaeffer, director of Environmental Integrity, says, "There was so much opposition inside the agency, it was just getting to be complicated, and they decided they weren't going to deal."

Air	New Source Review	Regulations aimed at keeping power plants away from national parks and wilderness areas would have been weakened.	Power plants are rare near parks because their daily emission averages exceed limits used to regulate pollution in these areas. The proposal would have allowed annual pollution averages to be used in regulating, so a plant with significant day-to-day variations that masked high annual pollution levels could've been built.	The EPA also dropped this regulation in December, citing insufficient time to polish it by deadline. Ben Dunham, Associate Legislative Council at Earthjustice's Policy and Legislative Program, says opposition among regional EPA heads, editorial boards, and Congress helped sink it.
Air	Resource Conservation and Recovery Act (RCRA)	Reclassifying hazardous waste as fuel would allow unaccredited facilities (some with atrocious environmental records) to burn the waste in their boilers rather than confine it to accredited burning facilities with strict oversight.	Currently under RCRA, chemical, manufacturing and pharmaceutical industries must ship their hazardous waste—like heavy metals, solvents, and carcinogenic toxins—to RCRA-certified facilities, where it is burned in furnaces operated by certified staff, which is costly. The new rule would allow a chemical plant producing waste to ship it to another plant where someone without proper training could burn it in a boiler, just like fossil fuels.	Final rule published December 12. Earthjustice and other environmental groups have prioritized overturning this rule. "This takes the burning of hazardous waste out of the hands of well trained professionals and puts it into the hands of a janitor," says Earthjustice's Ben Dunham.
Air	Resource Conservation and Recovery Act	Reclassifying solid waste would allow it to be recycled at non-accredited facilities where oversight is lax.	Prior to this regulation trained personnel at accredited facilities handled the storage, transportation, and processing of hazardous solid waste. Under the new rule, more than 5,000 facilities, including chemical manufacturers, can send their waste to unlicensed companies.	Rule finalized October 29. While Congress has taken an interest in this rule, no elected officials have pledged to overturn it.
Fuel	Energy Independence and Security Act of 2007 (EISA)	The rule would weaken efforts to increase fuel economy.	EISA charged the National Highway Traffic Safety Administration (NHTSA) with examining what new technologies are appropriate and mandating automakers to apply them in order to ensure cars and light trucks get at least 35 miles per gallon (mpg) by 2020. Designing new vehicle models that meet these standards requires projecting gasoline prices. In April, NHTSA issued a notice of its proposed rule, which indicated it had used projected fuel prices well below what other agencies like the Energy Information Association deemed realistic—meaning the fuel economies it attained would be about four mpg lower, according to Jim Kliesch, of the Union of Concerned Scientists	The public comment period ended in July and the NHTSA aims to release its final ruling before the end of the year. It has not been released yet. The Obama administration could rework the ruling, but likely won't have time to do so to cover vehicles made for 2011. "The Obama administration has made it clear that fuel economy is very important to them," says Kliesch. "But there are a number of things that

			(UCS).	need to be addressed in the meantime (i.e., the auto bailout!).”
Energy	Nuclear Regulatory Commission’s (NRC) waste confidence findings on spent nuclear fuel	NRC wants to increase the amount of time spent nuclear fuel can be stored on site at the facilities that produce it from 30 years beyond the licensed operation date of the reactor to 60 years.	The delay in building a long-term storage site at Yucca Mountain, located in Nevada, means spent fuel will continue to be stored at the facilities that generate it, something operators don’t prefer, says Edwin Lyman, senior scientist for global security at the Union of Concerned Scientists (UCS)—it’s costly to store and monitor. The NRC says it’s confident the spent fuel can be safely stored on-site for an extended period. The UCS doesn’t question this finding but <i>does</i> question how vigilant utilities will be about safeguarding this waste if the NRC regulation is approved and nuclear facilities are required to hold on to their waste far into the future.	Public comment period ended on December 8. Groups like the UCS and the Nuclear Information and Resource Service will closely monitor the rule as the NRC works to finalize it. The Obama administration has expressed interest in pursuing safe ways to develop nuclear power, which could mean more waste is produced in the future.