May 18, 2015

Re: Availability as a Source of Expertise for Members of Congress and Staff

Dear Environmental Legislative Aide:

As the Chair of the American Bar Association Section of Environment, Energy, and Resources (SEER), I would like to introduce myself and the Section and open a dialogue with you and your staff about how SEER can serve as a nonpartisan resource.

The American Bar Association (ABA) is one of the world’s largest voluntary professional organizations, with over 350,000 members and more than 3,500 entities. Founded in 1878, the ABA is committed to supporting the legal profession with practical resources for legal professionals while improving the administration of justice and promoting informed dialogue on law and policy issues. SEER, in turn, has become the premier forum for lawyers working in areas related to the environment, natural resources, and energy.

SEER is professionally, politically, regionally, and culturally diverse, making our 10,000-member section a unique and deep source of knowledge on environment, energy, and resource issues. Reflecting the diversity of SEER and the legal and policy expertise of our members, we maintain over 30 distinct subject-matter committees, covering environmental, energy and resource, and cross-practice issues. A list of these Committees is enclosed.

Members of Congress are key contributors to the environmental, energy, and natural resource policy debates, and you and your colleagues have likely met with, or reviewed scholarly materials prepared by our members in the past. SEER recently formalized and reenergized our congressional outreach efforts by creating a special committee charged with working with SEER’s environment, energy, and resources subject matter committees to identify issues of interest and concern to lawmakers. Our goal is to make SEER-member subject matter experts, programs, and written resources available as “go-to” reference tools for Members of Congress.

During 2013 and 2014, we took important first steps towards developing communication networks involving our substantive committees and policymakers and staff. These efforts included conducting introductory meetings with interested staff in both chambers, developing an ABA SEER expert referral process, and conducting a successful pilot program with our Committee on Pesticides, Chemical Regulation, and Right-To Know on Toxic Substance Control Act (TSCA) reform.
For more information on these and other efforts, we encourage you and your staff to visit SEER’s Special Committee on Congressional Relations Webpage, located at:

http://www.americanbar.org/groups/environment_energy_resources/committees/congressional_resources.html

To lead this year’s effort, I have appointed Charles Franklin and Tracy Hester as the Co-Chairs of our Special Committee on Congressional Relations (SCCR), and I have asked them and their team of vice-chairs to reach out to you, your colleagues, and lead staffers to revisit how our SEER experts could serve as a resource as you address environment, energy, and resources issues.

Please feel free to contact Charles or Tracy if you would like to discuss this effort (roster enclosed). We welcome your ideas and look forward to getting to know you and your colleagues through a dialogue on these important issues.

Sincerely,

Steve Miano, Chair
Section of Environment, Energy, and Resources
American Bar Association

cc: Charles Franklin
    Tracy Hester
    Pamela Barker
    Seth Davis
    Peter Wright

Enclosures
Enclosure 1:

Subject Matter Committees in ABA’s Section of Environment, Energy and Resources

Environmental Committees
• Agricultural Management
• Air Quality
• Endangered Species
• Environmental Disclosure
• Environmental Enforcement and Crimes
• Environmental Litigation and Toxic Torts
• Environmental Transactions and Brownfields
• Pesticides, Chemical Regulation, and Right-to-Know
• Superfund and Natural Resource Damages Litigation
• Waste and Resource Recovery
• Water Quality and Wetlands

Energy and Resources Committees
• Energy and Environmental Markets and Finance
• Energy and Natural Resources Litigation
• Energy and Natural Resources Market Regulation
• Energy Infrastructure and Siting
• Forest Resources
• Hydro Power
• Marine Resources
• Mining and Mineral Extraction
• Native American Resources
• Nuclear Law
• Oil and Gas
• Petroleum Marketing
• Public Land and Resources
• Renewable, Alternative, and Distributed Energy Resources
• Water Resources

Cross Practice Committees
• Alternative Dispute Resolution
• Climate Change, Sustainable Dev., and Ecosystems
• Constitutional Law
• Government and Private Sector Innovation
• In-House Counsel
• International Environmental and Resources Law
• Science and Technology
• Smart Growth and Green Buildings
Enclosure 2

2014-2015 ABA SEER Special Committee on Congressional Relations

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Introduction

The Special Committee on Congressional Relations (SCCR) works with the Section of Environment, Energy, and Resources’ (SEER) various subject-matter committees to provide Members of Congress and their staff a vital non-partisan resource on environment, energy, and natural resource issues.

Members of the 114th Congress have signaled interest in a number of issues pertaining to energy and the environment. SEER’s 34 environment, energy, and natural resources subject-matter committees bring together practitioners with extensive expertise in the topics most likely to garner Congress’s attention. Here is a small sampling of recent scholarship from SEER members and Committees on current legislative issues.

Keystone XL: Work has already begun on proposals to expedite permitting for the controversial Keystone XL Pipeline. SEER practitioners offer perspectives on the scope and limits of presidential permit authority and the intersection of energy policy, transportation infrastructure, and public safety:

- Trends, March/April 2015: The Keystone XL Pipeline: Fueling the debate over presidential permit authority by Robin M. Rotman and Frances T. Bishop
- In-House Counsel Committee Newsletter, February 2015: Crude-by-Rail Keeps Rolling, by Joseph Russell

Toxic Substances Control Act (TSCA) Reform: Some observers are optimistic about the potential for a bipartisan TSCA reform bill.

- ABA SEER recently developed a series of White Papers on key legal issues raised by TSCA reform, including state and tort law preemption, management of confidential business information, and safety standard development. [http://www.americanbar.org/groups/environment_energy_resources/resources/tsca_reform.html](http://www.americanbar.org/groups/environment_energy_resources/resources/tsca_reform.html)
- Pesticides, Chemical, Regulation, and Right-to-Know Committee Newsletter, March 2015: 2015 OCSPP Outlook, by Jim Jones. With or without TSCA reform, EPA is moving full steam ahead with its TSCA regulatory Agenda, as described here by Jim Jones, EPA’s Assistant Administrator for the Office of Chemical Safety, Pesticides, and Pollution Prevention.

Oil and Gas Export Policy: Various members of Congress have expressed interest in reviewing federal natural gas and crude oil export restrictions.

- Public Lands and Resources Committee Newsletter, August 2014: Hydraulic Fracturing on Public Land: States Regulate while Feds Contemplate, by James P. Allen and Denise A. Dragoo

Regulatory Policy, Budgeting, and Reform: Observers anticipate Congress will consider legislation designed to modify or block specific regulatory actions, either through targeted legislation or appropriations bills. Several regulations that are possible targets of this sort of action include EPA’s rule on Federal Clean Water Act jurisdiction, defining “waters of the United States”, EPA’s Clean Power Plan, and EPA’s Coal ash Rule:

- Trends, March/April 2015: EPA’s Coal Ash Rule Relies on Unique Enforcement Framework, by Steven A. Burns and David W. Mitchell
- In-House Counsel Committee Newsletter, February 2015: Federal Environmental Enforcement – Can EPA Do More with Less?, by Jeffrey D. Talbert
- Forest Resources Committee Newsletter, November 2014: The Wildfire Suppression Funding Challenge and the Wildfire Disaster Funding Act of 2014, by Cecilia M. Clavet and Ryan LeMier
- Trends, January/February 2015: The Six-Percent Solution: EPA’s Clean Power Plan Doesn't Do the Math, by Tamar Cerafici

TO REQUEST BRIEFING MATERIALS FROM ONE OR MORE OF SEER's 34 SUBJECT MATTER COMMITTEES ON THESE OR OTHER TOPICS: [http://www.americanbar.org/groups/environment_energy_resources/committees/congressional_resources.html](http://www.americanbar.org/groups/environment_energy_resources/committees/congressional_resources.html)