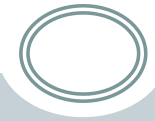


Election Outcomes: The Road Ahead for Coal and Coal Transportation



NATIONAL COAL TRANSPORTATION ASSOCIATION
POST-ELECTION WEBINAR
NOVEMBER 19, 2020

JOHN N. WARD
NCTA EXECUTIVE DIRECTOR
JOHN@MOVECOAL.ORG
801-560-9801

So You Might Have Heard We Had an Election...

•2

- Record voter turnout and donor engagement
 - *Losing* presidential candidate received more votes than any president in history. Winner got 5.8 million more. (Percentage turnout highest since 1900)
 - \$13.9 billion campaign spending more than *double* previous record
- Results much closer than either party anticipated
 - Democrats failed to capture Senate
 - Democrats lost ground in House (Republicans won 28 of the 29 most competitive House races as projected by Nate Silver and *FiveThirtyEight*.)
 - Fewest state legislative chamber switches since 1946 (Republicans retain significant advantage over bodies that will control Congressional redistricting following this year's Census)

The Totals

•3



	WHITE HOUSE	U.S. SENATE	U.S. HOUSE	STATE LEG. CHAMBERS	GOVS
LAST ELECTION	Republican	53R – 47D	236D – 199R	59R – 39D	26R – 24D
AFTER <i>(So Far)</i>	Democratic	50R* – 48D	225D – 210R	61R – 37D	27R – 23D
NET GAIN	FLIP	D+1	R+11	R+2	R+1

January 5, 2021, runoff election for both U.S. Senate seats in Georgia

With Exception of One Race – a “No Change” Election

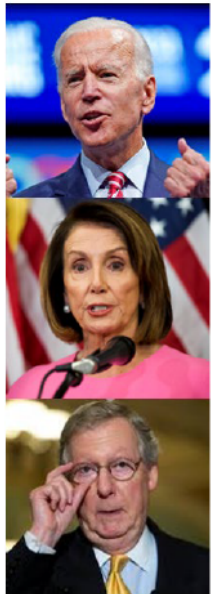
•4

- President-elect Biden inherits the COVID-19 pandemic and shaky economic recovery
 - Additionally, health care reform and racial justice reform remain higher priorities for Democratic voters than energy and environment issues
- Republican-controlled Senate likely to put brakes on potential sweeping policy initiatives and progressive Cabinet appointments
 - Biden is first newly elected Democrat president without a Democrat-led Senate since 1884
- Biden may be the best possible candidate to inherit this type of difficult political situation
 - Legislator, centrist, institutionalist, knows he is a transitional figure

Prospects for Change

•5

THE POLITICS: HOW MUCH CAN GET DONE IN 2021?



THE CASE FOR MORE

THE CASE FOR LESS

Top 3 leaders are legislators with 113 years combined experience cutting deals

Wings of both party oppose “deals with the enemy,” preferring causes to compromise

COVID crisis & struggling economy demand cooperation & agreement

Pandemic has become partisan, economic needs debated

Moderates in both parties want progress on problems

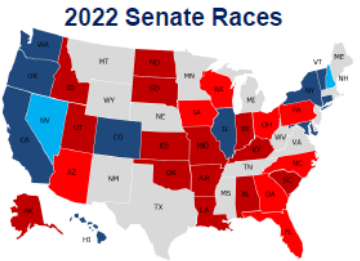
Ideologues in both parties want “purity,” threaten primaries

Senate GOP Majority at risk in purple states

House Dem Majority is at risk in purple districts

Media will paint compromise as courageous

Social media will paint compromise as treachery



“Personnel is Policy” – Appointments Outlook

•6

- **Early speculation on EPA Administrator**
 - **Mary Nichols, retiring chief of California Air Resources Board**
 - **Heather McTeer Toney, regional EPA administrator under Obama**
 - ✦ Easier to get through a Republican Senate; Heavily focused on environmental justice
 - National Wildlife Federation CEO Collin O’Mara
 - Mustafa Santiago Ali, former EPA, currently National Wildlife Federation
 - Former Connecticut regulator Dan Etsy
 - Richard Revesz, New York University law professor
 - Former Washington State Gov. Christine Gregoire
 - U.S. Senator Tom Carper (D-DE)
 - Washington Governor Jay Inslee
- **Department Transition Teams announced**
 - Often a stepping stone to full time appointments
 - <https://buildbackbetter.com/the-transition/agency-review-teams/>
- **First Cabinet appointments expected around Thanksgiving**
 - Chief of Staff (Ron Klain) already named

EPA Transition Team Not Exactly Moderate

• 7

- **Patrice Simms, Team Lead, Earthjustice** – (Former EPA official in the Office of General Counsel and EPA's Environmental Appeals Board. He was a DOJ Deputy Assistant Attorney General in Environment and Natural Resources Division. Also was formerly with the **Natural Resources Defense Council**.)
- Amanda Aguirre, Blue Crab Strategies
- Ann Dunkin, (former **Obama-era** EPA Chief Information Officer), Dell Technologies
- Matt Fritz, (former **Obama-era** EPA Chief of Staff under Administrator McCarthy), Latham & Watkins, LLP
- Lisa Garcia, **Grist Magazine**, Inc.
- Cynthia Giles, (former **Obama-era** EPA Assistant Administrator for Enforcement and Compliance Assurance), Harvard Environmental and Energy Law Program
- Joseph Goffman, (former **Obama-era** EPA official and Senate Environment and Public Works Committee staffer), Harvard Law School
- Ken Kopocis, (former **Obama-era** EPA acting Assistant Administration for Water), American University Washington College of Law
- Michael McCabe, Self Employed
- Billie McGrane, PA Democratic Party
- Alejandra Nunez, **Sierra Club**
- Luseni Pieh, Self Employed

**No expertise from
regulated community**

Other Key Agency Transition Teams

• 8

Department of Energy

- **Arun Majumdar**, Team Lead -- Stanford University (*Was first director of DOE's Advanced Research Projects Agency-Energy*)
- Dan Arvizu, New Mexico State University
- Rhonda Carter, Marguerite Casey Foundation
- Madelyn Creedon, Green Marble Group
- Noah Deich, Carbon180
- Kerry Duggan, Self Employed
- Jonathan Elkind, Columbia University
- Bryan Garcia, Connecticut Green Bank
- Kathleen Hogan, Self Employed
- Hannah Lee, State of California, Office of Digital Innovation
- John MacWilliams, Columbia University
- Brad Markell, AFL-CIO
- Trisha Miller, Gates Ventures
- Rod O'Connor, The Return On Communication Group
- Adrianna Quintero, Energy Foundation
- R Ramesh, University of California, Berkeley
- Roque Sanchez, High Water Mark, LLC
- Dave Turk, International Energy Agency
- Rama Zakaria, Environmental Defense Fund

No fossil fuels
or nuclear



Labor unions,
no railroads or
shippers



Department of Transportation

- **Phillip Washington**, Team Lead – Los Angeles County Metropolitan Transportation Authority
- Dave Barnett, United Association of Plumbers and Pipefitters
- Austin Brown, University of California, Davis
- David Cameron, International Brotherhood of Teamster
- Florence Chen, Generate
- Brendan Danaher, Transport Workers Union of America
- Paul Kincaid, Association of Former Members of Congress
- Gabe Klein, Cityfi
- Jeff Marootian, District Department of Transportatio
- Therese McMillan, Metropolitan Transportation Commission
- Brad Mims, Conference of Minority Transportation Officials
- Robert Molofsky, Self-employed
- Patty Monahan, California Energy Commission
- Mario Rodriguez, Indianapolis Airport Authority
- Mike Rodriguez, Texas A&M University System (Retired)
- Nairi Tashjian Hourdajian, Figma
- Polly Trottenberg, New York City, Department of Transportation
- Vinn White, State of New Jersey

Expected Executive Branch Initiatives

•9

“Easy” Stuff

- Rejoin Paris accords Day One
- Organize climate “global summit”
- Rescind Trump executive orders and enact new ones requiring **climate change** consideration in all agencies
- Enact similar executive orders requiring **environmental justice** consideration

Harder Stuff

- EPA and other agencies “rollbacks of the rollbacks”
 - Time consuming rulemaking process
 - Inevitable litigation
 - Long list of priorities to work through
- Agency guidance on specific regulations
 - Not as time consuming, but still must pass legal muster
 - Return of “Sue and Settle?”

Expected Congressional Initiatives

•10

- Congressional Review Act use unlikely if Republicans hold Senate
- Congressional focus on efforts that can pass Senate
 - Compromise COVID relief bills
 - House will pass many “message bills” in first 100 (or so) days
 - Areas where later compromise is possible:
 - ✦ Tax credit policy (especially where 45Q can help fossil fuels)
 - ✦ Infrastructure
- Senate moves into the “oversight” role
 - Key Republican tool to push back on agency actions
- House oversight also likely to continue
 - Democratic oversight has been more sympathetic to shippers

Shameless Self Promotion

•11

- **Next Webinar**
 - December 3, 2020 – Private Car Management Overview of Railroad Damaged Equipment Webinar
- **2021 Conferences**
 - Spring Conference 2021 – Silverado Resort and Spa, Napa, California – April 12-14, 2021
 - Operations and Maintenance Conference – Grand Hotel Golf Resort and Spa, Point Clear, Alabama – June 7-9, 2021
 - 47th Annual Business Meeting and Conference – Talking Stick Resort, Scottsdale, Arizona – September 20-22, 2021

Discounted conference, sponsorship, & advertising packages available now!