

We should know within the next 48 hours who will control the House and Senate, though if races are very tight it might take longer. I don't want to make election predictions — that's Nate Silver's job, not mine. But I do want to sketch out some scenarios for the next two years, depending on the election results. I'm assessing them by whether they favor environmental regulation — so if you're anti-regulatory, you'll need to modify the labels.

The Least Favorable Scenario for Environmental Regulation. In this scenario, the Republicans hang on to control of the House by a smaller margin than today, and they gain several seats in the Senate. Why is this bad for the environment? To begin with, it means no oversight hearings. It also means that Trump will have a free hand in nominations to agencies and courts — even more so than today. And if Republicans decide they have the votes to drop the filibuster, they could move major legislation undermining environmental statutes. Most of all, Trump would feel vindicated by the election results and would be emboldened to even more radical action on energy and the environment.

The Most Likely Outcome. Most of the forecasters think the Democrats will take the House and that the Republicans will end up with a small net gain in the Senate. The House can undertake oversight hearings and block anti-environmental legislation. It may even be able to sneak a few pro-environmental riders into funding bills. As in the first scenario, however, Trump will have a somewhat freer hand in the Senate with judicial and agency appointments.

The Most Favorable Scenario for Environmental Regulation. In this scenario the Democrats eke out a narrow majority in the Senate and a major win in the House. This means lots of hearings for Zinke and Wheeler in both chambers. It also means that Congress will push Trump for bigger agency budgets and will be more likely to pass pro-regulatory riders in bills. Finally, a Democrat Senate would slow down the pace of Trump's judicial appointments and reject the more extreme ones. Trump would be unlikely to get a third Supreme Court appointment even if a vacancy opens up — a Democratic Senate would undoubtedly sit on such a nomination as payback for Merrick Garland.

So there you go. We'll learn soon which scenario comes to pass.