

Climate Policy Update

November 7, 2023

Good afternoon!

This is Akin's newsletter on climate change policy and regulatory developments, providing information on major climate policy headlines from the past week and forthcoming climate-related events and hearings:

National

- **House Prepared for More Debate on Climate** (*E&E News*)

The House is slated to consider the Financial Services-General Government Appropriations Subcommittee legislation which “targets the Securities and Exchange Commission’s [(SEC)] proposed rule to require public companies to disclose their climate risks and greenhouse gas emissions.” Moreover, the Transportation-Housing and Urban Development Subcommittee bill includes language to push back on climate rulemaking.

- **House Sends Interior-EPA Bill Off to Uncertain Future** (*E&E News*)

The House approved its Interior-Environment appropriations bill late last week. The measure—which has an unlikely future despite efforts to rollback more partisan text—“funds the Interior Department, [Environmental Protection Agency (EPA)], and some related agencies provides 35 percent less than the fiscal-2023-enacted level.”

- **Looming Treasury Rule Could Make or Break Biden’s Electric Car Hopes** (*Politico*)

The Treasury Department’s anticipated rule “spelling out how hard a line it is taking against electric vehicle batteries that contain ingredients from adversaries like China” may increase the burden for Americans to purchase electric cars while allowing the GOP to accuse the President of being soft on China.

- **Biden Administration, After Setbacks, Talks Up Renewable Power Gains** (*New York Times*)

The Biden administration touted progress on 15 large clean energy projects including “a geothermal lease sale across 12 counties in Northern Nevada, a new transmission line west of Phoenix, and the completed construction of more than 800 megawatts of solar power in Southern California.” This comes after significant projects, such as two planned offshore wind farms off the coast of New Jersey, were nixed “citing problems with supply chains, global inflation, and rising interest rates.”

State and Local

- **Pennsylvania Court Rules Former Governor Illegally Joined Carbon Emissions Trading Alliance** (*The Hill*)

The Pennsylvania Commonwealth Court issued an opinion that “former Gov. Tom Wolf (D-PA) unlawfully joined an interstate carbon emissions payment program without legislative approval.” Further, the decision cited that the Commonwealth’s participation in the Regional Greenhouse Gas Initiative (RGGI) “constitutes an illegal tax.”

- **Washington State to Pursue Linking its Carbon Market with California and Quebec** (*Bloomberg*)

Washington State’s Department of Ecology “released a recommendation to link its carbon market with similar programs in California and Quebec, a major milestone for state-level climate policy.”

- **New Jersey’s Offshore Wind Loss is New York’s Burden to Save Biden’s Climate Agenda** (*Politico*)

Despite Gov. Phil Murphy’s (D-NJ) intent to make his state’s power supply carbon free by 2035, a developer pulled out of building two offshore wind projects off the coast of New Jersey. As such, the Biden administration is banking on New York state to “save or replace” endangered clean energy projects to further the White House’s climate goals.

International

- **35 Years After Addressing Congress, James Hansen Has More Climate Warnings** (*New York Times*)

A former National Aeronautics and Space Administration (NASA) scientist, James Hansen—who testified before Congress 35 years ago—contributed to a study that “arms that the planet could exceed 1.5 degrees Celsius, or 2.7 degrees Fahrenheit, of warming this decade, compared with the average temperature in preindustrial days, and that the world will warm by 2 degrees Celsius by 2050.”

- **World Bank Poised to Host Climate Loss and Damage Fund, Despite Concerns** (*Reuters*)

A United Nations (UN) special committee met the past week and resolved “to recommend the World Bank serve as a trustee and host of [a loss and damage] fund—a tension point that has fueled divisions between developed and developing nations.”

- **As Climate Impacts Accelerate, Finance Gap for Adaptation Efforts at Least 50% Bigger Than Thought** (*United Nations*)

A new UN Environment Program (UNEP) report details that “progress on climate adaptation is slowing on all fronts when it should be accelerating to catch up with rising climate change impacts and risks.”

Check out below for key quotes, federal agency news and a look at the week ahead in congressional hearings and think tank events:

Quotes of the Week

“Today’s Adaptation Gap Report shows a growing divide between need and action when it comes to protecting people from climate extremes. Action to protect people and nature is more pressing than ever.”
– UN Secretary General Antonio Guterres ([United Nations](#) – November 2)

Congressional Hearings (November 6 - November 10, 2023)

Senate

[Hearings to Examine Accessing Clean Water Infrastructure Assistance, Focusing on Small, Rural, Disadvantaged and Underserved Communities](#)

Senate Environment and Public Works

Wednesday, November 8, 10:00 AM ET

[Hearings to Examine the Implementation of Federal Coal Mine Land Reclamation and Abandoned Coal Mine Land Economic Revitalization Programs](#)

Senate Energy and Natural Resources

Thursday, November 9, 10:00 AM ET

House of Representatives

[Ensuring that “Woke” Doesn’t Leave Americans Broke: Protecting Seniors and Savers from ESG Activism](#)

House Ways and Means

Tuesday, November 7, 10:00 AM ET

[Markup on H.R. 4385, H.R. 6008, H.J. Res. 96, H.R. 1121](#)

House Natural Resources

Wednesday, November 8, 10:00 AM ET

[Burdensome Regulations: Examining the Effects of Department of Energy Regulations on America’s Job Creators](#)

House Small Business

Wednesday, November 8, 10:00 AM ET

Federal Agency Climate News

Department of Energy

[Remarks as Delivered by Secretary Jennifer Granholm at Department of Energy’s Justice Week 2023](#) (November 6)

Department of Interior

[Biden-Harris Administration Advances 15 Onshore Clean Energy Projects with Potential to Power Millions of Homes](#) (November 6)

Environmental Protection Agency

[Biden-Harris Administration Announces State and Tribal Allocations for \\$48 Million Grant Program to Protect Groundwater Resources and Tackle Climate Change](#) (November 2)

[EPA Launches New Community-based Initiative to Help People Access Unprecedented Resources for Local Climate and Environmental Justice Solutions](#) (November 1)

Biden-Harris Administration Announces Nearly \$64 Million for New Water Conservation Agreements to Protect the Colorado River System
(November 3)

White House

Readout of Vice President Harris's Meeting with Secretary General of the United Nations Antonio Guterres (November 2)

Funding and Comment Opportunities

Climate Pollution Reduction Grants

Environmental Protection Agency

Close Date: April 1, 2024

Critical Mineral Innovation, Efficiency and Alternatives

Department of Energy

Close Date: November 10, 2023

Domestic Manufacturing Conversation Grants

Department of Energy

Close Date: December 7, 2023

Advanced Processing of Critical Minerals for Industrial and Manufacturing Applications

Department of Energy

Close Date: October 20, 2023

Silicon Solar Manufacturing and Dual-Use Photovoltaics Incubator

Department of Energy

Concept Paper: September 27, 2023

Close Date: November 14, 2023

Additional Clean Hydrogen Programs – Regional Clean Hydrogen Hubs

Department of Energy

Close Date: TBD

Transmission Siting and Economic Development Program

Department of Energy

Close Date: April 5, 2024

Career Skills Training Program

Department of Energy

Close Date: November 27, 2023

D.C. Climate Events

How Individual Choices Can Add Up in the Fight Against Climate Change

Washington Post

Wednesday, November 8, 9:00 AM ET

Energy Department Carbon Utilization Procurement Grants

United States Energy Association

Thursday, November 9, 12:30 PM ET

Appalachia's Next Energy Revolution, Direct Use of Natural Gas in Manufacturing with Capture and Permanent Geological Storage of CO2

United States Energy Association

Thursday, November 9, 2:30 PM ET

Tackling the Climate Crisis and Building Resilient and Equitable Communities with the Inflation Reduction Act

Center for American Progress

Thursday, November 9, 1:30 PM ET

For more information, please contact your regular Akin lawyer or advisor, or:

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