

Climate Policy Update

June 6, 2023

Good evening!

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

National

- **Lawmakers Unsure About Path Forward on Permitting** (*E&E News*)
The debt ceiling deal includes “faster reviews under the National Environmental Policy Act but leaves out any mandates on transmission.” As such, Democrats have expressed frustration with inaction on transmission.
- **Another Permitting Bill Surfaces Amid Debt Ceiling Drama** (*E&E News*)
Sen. Martin Heinrich (D-NM) is slated to release two bills to build on permitting reform efforts spurred by the debt ceiling deal. The *Grid Resiliency Tax Credit Act* would “provide a 30 percent investment tax credit over the next decade to boost large-scale transmission projects” and the *Facilitating America's Siting of Transmission and Electric Reliability Act* would “address siting and permitting delays to cut down on the time it takes to build high-voltage lines across huge swaths of land.”
- **Mountain Valley Pipeline Poised for Completion** (*E&E News*)
The *Fiscal Responsibility Act* would “greenlight all permits needed for Mountain Valley's ‘construction and initial operation at full capacity.’” The project has previously seen multiple permits thrown out by the 4th U.S. Circuit Court of Appeals.
- **Interior's Oil Plan is Coming** (*E&E News*)
The Department of Interior has recently held private listening sessions comprised of environmental activists and oil companies to inform its “proposed oil and gas regulations that could represent some of the White House's most lasting steps on public lands to help address climate change.”
- **EPA Announces Stronger Standards to Improve Oil Spill Responses** (*Environmental Protection Agency*)
The Environmental Protection Agency (EPA) issued its finalized standards to boost “response efforts to oil spills and hazardous substance releases into waters of the United States and adjoining shorelines under the federal government's National Contingency Plan.”

State & Local

- **New Jersey Clean Energy Bill on Hold** (*Politico*)

New Jersey's NJ S2978—which would “put the state on the path to get 100 percent of its electricity from zero-carbon sources by 2035”—is put on hold until after the 2023 election. The bill serves as an example of one of the most ambitious climate targets among large states.

- **Local-Level Officials in New York Make Final Push for Climate Bill** (*Spectrum Local News*)

New York legislators are making a final push on the NY Heat Act, which would incorporate the state's climate goals into the “state's public service law and provide boosted oversight of gas utilities as the state seeks to meet the benchmarks.”

- **Washington State Hits Breaks on Landmark Gas Bill** (*E&E News*)

In an 8-2 vote, the Washington State Building Code Council delayed the “first statewide mandate for electric heat pumps in new buildings, dealing a blow to a landmark restriction on natural gas.”

- **Facing Sweltering Summers, California's Newsome Floats Plan for State to Buy Energy** (*Associated Press*)

In anticipation of a particularly warm summer, Gov. Gavin Newsom (D-CA) plans to utilize the “state's purchasing power to convince private companies to build largescale power plans that run off of heat from underground sites and strong winds blowing off the coast.”

- **Lawmakers Weigh More Rigorous Regulatory Planning for NV Energy, Southwest Gas** (*Nevada Independent*)

Ahead of the Nevada legislature's 2023 session conclusion, policymakers are considering bills that would “bring more scrutiny to each of the state's largest utilities' [...] while also weighing the need to expand Nevada's ability to produce energy within its own borders and become less dependent on an increasingly unreliable Western energy market.”

- **Heat Wave and Blackout Would Send Half of Phoenix to E.R., Study Says** (*New York Times*)

As climate change exacerbates the “frequency, length, and intensity of heat waves,” an Environmental Science and Technology study projects that related deaths and illnesses will increase. The study revealed that a “multiday blackout in Phoenix coincided with a heat wave” would result in almost half the city's population would need emergency care for heat-related illnesses.

International

- **Carbon Dioxide Levels in Atmosphere Surge, Hit a New All-Time High** (*Washington Post*)

Scientists from the Scripps Institution of Oceanography and the National Oceanic and Atmospheric Administration (NOAA) determined that “this year's increase of CO2 levels is one of the largest on record.”

- **Italy Could Abandon Coal by 2024, Environment Minister Says** (*Reuters*)

Italy's Environment Minister Gilberto Pichetto Fratin recently revealed that the country may “shut down its coal-fired power stations in 2024, a year earlier than planned, if gas prices remain at current low levels.”

- **Germany Launches \$53 Billion Scheme to Help Stricken Industry Decarbonize** (*Reuters*)

Germany rolled out a new program to make financing available for “firms facing substantial energy costs in a bid to help its challenged industrial sector fund a shift towards carbon-neutral production techniques.”

- **Global Plastic Treaty Talks Limp on Despite Blockade by Oil-Rich Countries** (*Politico*)

A second bout of United Nations (U.N.) negotiations regarding an international plan to address plastic pollution concluded last week. The meeting greenlit a mandate to draft the text, although the path was difficult with “prolonged debate over voting rules and points of procedure – led by oil-rich countries including Saudi Arabia and Brazil.”

- **Ugly Fight over Climate Bill Exposes Cracks in German Coalition** (*New York Times*)

German parties—including the Social Democrats, the Greens and the Free Democrats—are struggling to find consensus on “fossil fuel engine regulations, budget plans, and debt policy,” ultimately putting the country’s ambitious climate targets at risk.

- **Environmental Platform Urges More Than 1,600 High-Emitting Firms to Disclose Data** (*Reuters*)

A non-profit, CDP, identified over 1,600 companies as “having the biggest impact on the environment” while not disclosing environmental data. The exercise determined that the aforementioned companies emit approximately 4,200 megatons of carbon dioxide equivalent annually.

- **Global Airlines Group to Boost Focus on Non-CO2 Emissions** (*Reuters*)

The International Air Transport Association (IATA), which represents over 300 major air lines, is aiming to establish a “task force to deal with non-carbon dioxide emissions.” The coalition is primarily concerned with contrails, which can trap radiation and warm the climate.

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

“Every year, we see the impacts of climate change in the heat waves, droughts, flooding, wildfires and storms happening all around us [...] While we will have to adapt to the climate impacts we cannot avoid, we must expend every effort to slash carbon pollution and safeguard this planet and the life that calls it home.”

– **NOAA Administrator Rick Spinrad** on historic carbon levels (*Washington Post* – June 5)

Congressional Hearings (June 5 - June 9, 2023)

Senate

No relevant Senate hearings.

House of Representatives

[Clean Power Plan 2.0: EPA’s Latest Attack on America’s Electric Reliability](#)

House Energy and Commerce

Tuesday, June 6, 10:30 AM EDT

[ESG Part II: The Cascading Impacts of ESG Compliance](#)

House Oversight and Accountability

Tuesday, June 6, 2:00 PM EDT

Federal Agency Climate News

White House

[Statement from President Joe Biden on Supreme Court Decision in Sackett v. EPA](#) (May 25)

Environmental Protection Agency

[EPA Announces Stronger Standards to Improve Oil Spill Responses](#) (May 31)

Department of Energy

[Biden-Harris Administration Releases First-Ever National Clean Hydrogen Strategy and Roadmap to Build a Clean Energy Future, Accelerate American Manufacturing Boom](#) (June 5)

[DOE Announces \\$46 Million for Commercial Fusion Energy Development](#) (May 31)

Funding and Comment Opportunities

[Enhanced Geothermal Systems Pilot Program](#)

Department of Energy

Letters of Intent: March 8, 2023

Close Date: June 16, 2023

[Carbon Capture Large-Scale Pilots](#)

Department of Energy

Concept Papers: April 5, 2023

Close Date: June 21, 2023

[Pollution Prevention Grant: Environmental Justice in Communities](#)

Environmental Protection Agency

Close Date: June 6, 2023

[Pollution Prevention Grant: Environmental Justice Through Safer/Sustainable Products](#)

Environmental Protection Agency

Close Date: June 20, 2023

[Powering Affordable Clean Energy](#)

Department of Agriculture

Close Date: September 29, 2023

[Energy Efficiency and Conservation Block Grant Program](#)

Department of Energy

Pre-Award Information: April 28, 2023

Close Date: July 31, 2023

[Energy Improvements in Rural or Remote Areas](#)

Department of Energy

Concept Papers: April 14, 2023

Close Date: June 28, 2023

[Clean Energy Demonstration Program on Current and Former Mine Land](#)

Department of Energy

Concept Paper: May 11, 2023

Close Date: August 31, 2023

[Clean Ports Program](#)

Environmental Protection Agency

Close Date: June 5, 2023

[Empowering Rural America](#)

Department of Agriculture

Close Date: August 31, 2023

D.C. Climate Events

[Permitting Reform](#)

Semafor

Tuesday, June 6, 7:45 AM EDT

[Decarbonization and the Role of Our Ocean](#)

National Marine Sanctuary Foundation

Wednesday, June 7, 11:00 AM EDT

[South Korea's Climate Goals and Investments in a More Sustainable Economy](#)

Washington Post

Thursday, June 8, 6:00 AM EDT

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

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