



Climate Policy Update

Akin Gump
STRAUSS HAUER & FELD LLP

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Good evening!

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

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National

- [**Biden-Harris Administration Releases New Guidance to Disclose Climate Impacts in Environmental Reviews**](#) (*The White House*)

The White House Council on Environmental Quality issued its Guidance on Consideration of Greenhouse Gas Emissions and Climate Change. The guidance—directed by President Biden's Executive Order 13990 to protect public health and address climate change—seeks to support federal agencies as they assess and disclose climate impacts. Notably, the guidance emphasizes a “rule of reason” regarding the depth of climate analysis; outlines best practices for analyzing climate-related effects; provides recommendations for contextualizing climate impacts; suggests that agencies reduce greenhouse gas emissions; furthers environmental justice consideration in climate analyses, and bolsters environmental review efficiency.

- [**EPA Seeks Tighter Limits on Soot, One of the Deadliest Air Pollutants**](#) (*The Washington Post*)
The Environmental Protection Agency (EPA) released a proposed rule seeking to slash soot

emissions. With the Trump administration previously rejecting stronger soot standards, the EPA determined that the “current allowable levels of fine soot are taking an unacceptable toll,” and is planning to reduce limits “from an annual average of 12 micrograms per cubic meter of air to between 9 and 10 micrograms.” Interestingly, EPA Administrator Michael Regan noted that the agency is still considering thresholds as low as 8 micrograms and as high as 11.

Local

- [**North Carolina Utilities Commission Issues Order on Carbon Plan**](#) (*North Carolina Utilities Commission*)
Under direction from House Bill 951, the North Carolina Utilities Commission (NCUC) released its Carbon Plan detailing a path forward to achieve a 70 percent reduction in carbon emissions from 2005 levels by 2030 and carbon neutrality by 2050. The Carbon Plan is the culmination of 31 days of expert witness testimony, five public hearings and nearly 500 consumer statements. The NCUC is statutorily required to review the Carbon Plan every two years and called on Duke Energy to release its updated Carbon Plan proposal on September 1, 2023.
- [**Here’s What the WA Legislature Expects to Tackle on Climate and Environment in 2023**](#) (*The Seattle Times*)
With the 2023 Washington State legislative session starting on January 9, lawmakers are expected to focus on implementation. With some of the state’s cap-and-trade program’s revenue already dedicated to transportation, members are considering projects including “alternative transportation, climate resiliency, and assistance to communities that suffer from some of the worst air pollution.” Additionally, it is expected that legislators will debate the expansion of solar and wind energy. Finally, the 2023 session will revive a bill to “increase recycling and reduce consumer plastics by shifting more responsibility to the packaging industry.”
- [**Minnesota’s First Possible Carbon Pipeline Clears Hurdle; Impacts on ND**](#) (*KFYR*)
Minnesota’s Public Utilities Commission determined that a proposed pipeline—slated to stretch 28 miles—must be subject to an environmental review. While the project passed unanimously through its permit application, the environmental review “will allow members of the public to comment and ask questions” about the pipeline.

International

- [**Singapore Green Energy Transition – Recent Developments**](#) (*Speaking Sustainability*)
During the 27th Conference of Parties to the United Nations Framework Convention on Climate Change (COP 27), Singapore joined the Article 6 Implementation Partnership to “foster the trade of carbon credits and thereby advance the implementation of carbon markets around the world through coordination of international capacity-building efforts.” Additionally, the country recently signed the Singapore-Australia Green Economy Agreement to establish further cooperation in trade and investments; standards and conformance; green and transition finance; carbon markets; clean energy, decarbonization and technology; skills and capabilities; and business engagements and partnerships. Finally, in cooperation with the World Bank and the International Emissions Trading Association, Singapore released the Climate Action Data Trust in early December 2022 to serve as a “decentralized record of data from major carbon registries.”
- [**Germany Built LNG Terminals in Months. Wind Turbines Still Take Years.**](#) (*The Washington Post*)

In the last few days of 2022, Germany's newest wind turbines began operation after seven years of planning and construction. The wind project serves as a stark comparison to the country's first liquid natural gas terminal, which "recently started pumping after a turbocharged 10 months." Germany's wind energy industry has been characterized as a "collapsing" sector despite the "desperate shift in European energy policy triggered by Russia's war in Ukraine." To meet Germany's goal of "deriving 80 percent of the country's energy from wind and solar by 2030," experts noted that the country must "add about 1,500 wind turbines each year."

- **[Scientists Report a Dramatic Drop in the Extent of Antarctic Sea Ice](#)** (*Inside Climate News*)
A National Snow and Ice Data Center report noted that the "sea ice around Antarctica dropped to its lowest extent on record for early January." The sea ice has decreased by approximately 270,000 square miles from its previous low set in 2018. Researchers noted that "persistent wind patterns" may be the cause for such dramatic declines, "while other scientists said climate warming can't be ruled out as a contributing factor."
- **[Ozone Layer Continues to Heal, a Key Development for Health, Food Security and the Planet](#)** (*The Washington Post*)
The United Nation's new assessment of the ozone layer determined that "efforts to repair the vital atmospheric shield are working." With the ozone layer slowly thickening, scientists note that the achievement serves "as proof that societies can join to solve environmental problems and combat climate change." Conclusively, the report details that—assuming its current growth rate holds—the ozone layer "could recover to the 1980s levels across most of the globe by the 2040s."

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

"There is a realization from governments that you cannot reach their very ambitious targets if you do not simplify the permitting rules and procedures."

– Giles Dickson, WindEurope Chief Executive, *discussing Germany's wind energy project processes* ([The Washington Post](#) – January 7)

"These updated guidelines will provide greater certainty and predictability for green infrastructure projects, help grow our clean energy economy, and help fulfill President Biden's climate and infrastructure goals."

– Council on Environmental Quality Chair Brenda Mallory *reacting to the Guidance on Consideration of Greenhouse Gas Emissions and Climate Change* ([E&E News](#) – January 6)

Upcoming Congressional Hearings (January 9-13, 2023)

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| <p>Senate</p> <p><i>No relevant Senate hearings.</i></p> | <p>House of Representatives</p> <p><i>No relevant Senate hearings.</i></p> |
| <p>Federal Agency Climate News</p> | |
| <p>The White House</p> <p><u>President Biden, Vice President Harris, Senior Administration Officials Kick Off 2023 Implementing Bipartisan Infrastructure Law</u> (January 4)</p> <p><u>Biden-Harris Administration Releases New Guidance to Disclose Climate Impacts in Environmental Reviews</u> (January 6)</p> <p>Department of Energy</p> <p><u>DOE Opens Call for Deployable Solutions to Secure America's Power Grid</u> (January 9)</p> | <p>Environmental Protection Agency</p> <p><u>EPA Proposes to Strengthen Air Quality Standards to Protect the Public from Harmful Effects of Soot</u> (January 6)</p> <p><u>Biden-Harris Administration Announces Availability of \$40 Million in Grants for Tribes and Intertribal Consortia to Improve Recycling Infrastructure</u> (January 4)</p> |
| <p>Funding Opportunities</p> | |
| <p><u>Key Deployment Challenges for Offshore, Land-Based and Distributed Wind</u></p> <p>Department of Energy</p> <p>Close Date: March 10, 2023</p> <p><u>Regional Initiative to Accelerate Carbon Capture, Utilization, and Storage Deployment</u></p> <p>Department of Energy</p> <p>Close Date: February 2, 2023</p> | <p><u>Long-Duration Energy Storage Demonstrations</u></p> <p>Department of Energy</p> <p>Close Date: March 3, 2023</p> <p><u>Resilient and Efficient Codes Implementation</u></p> <p>Department of Energy</p> <p>Close Date: March 27, 2023</p> |
| <p>Comment Opportunities</p> | |
| <p><u>Climate Pollution Reduction Grants</u></p> <p>Environmental Protection Agency</p> <p>Close Date: January 18, 2023</p> <p><u>Methane Emissions Reduction Program</u></p> <p>Environmental Protection Agency</p> <p>Close Date: January 18, 2023</p> <p><u>Low Emissions Electricity Program & GHG Corporate Reporting</u></p> | <p><u>Energy Efficiency and Conservation Block Grant</u></p> <p>Department of Energy</p> <p>Close Date: January 13, 2023</p> <p><u>Transportation Programs</u></p> <p>Environmental Protection Agency</p> <p>Close Date: January 18, 2023</p> <p><u>Funding to Address Air Pollution</u></p> <p>Environmental Protection Agency</p> |

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| <p>Environmental Protection Agency Close Date: January 18, 2023 Supplemental Methane Rule Environmental Protection Agency Close Date: February 13, 2023</p> | <p>Close Date: January 18, 2023 Renewable Fuel Standard Program Environmental Protection Agency Close Date: February 10, 2023</p> |
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Upcoming Events

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| <p>Impact of the Ukraine Crisis on Energy and Climate Change Policies The Center for Strategic and International Studies Wednesday, January 11, 8:00 AM EST 2023 Global Environmental, Social and Governance Outlook CQ Roll Call and Fiscal Note Thursday, January 12, 11:00 AM EST 2023 Global Energy Forum The Atlantic Council Saturday-Sunday, January 14-15</p> | <p>Technologies of Tomorrow: Climate Change The Carnegie Endowment Wednesday, January 11, 2:30 PM EST Plugging In: How Much Will Electric Vehicles Drive Decarbonization? Resources for the Future Friday, January 13, 12:30 PM EST</p> |
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For more information, please contact your regular Akin Gump lawyer or advisor, or:

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