

# Climate Policy Update

November 29, 2022

**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:

## National

- **[Biden Grants PG&E \\$1.1 Billion to Keep Diablo Canyon Nuclear Plant Open](#)** *(CNBC)*  
The Biden-Harris administration announced that it will provide Pacific Gas & Electric Co. (PG&E) with a "\$1.1 billion grant to help the company prevent the closure of Diablo Canyon, California's last nuclear power plant." The funding, provided by the Infrastructure Investment and Jobs Law, will create "a path forward for Diablo Canyon to remain open and could allow PG&E to pay back some of the \$1.4 billion loan for the plant that lawmakers approved."
- **[Biden Gives Chevron Permit to Restart Venezuelan Oil Sales](#)** *(Politico)*  
The Treasury Department gave Chevron the green light to produce and export oil from Venezuela. The Biden-Harris administration's decision may "add supply to the global oil market, which may ease fuel prices and speed the declines in U.S. gasoline prices that have been a political burden for President Joe Biden since Russia invaded Ukraine in February."
- **[EPA Skips Stricter Aircraft Pollution Regs](#)** *(E&E News)*  
The Environmental Protection Agency's (EPA) aircraft pollution control published final rule—which seeks to harmonize U.S. emissions standards for new engines with International Civil Aviation Organization (ICAO) guidelines—will have "no immediate effect in curbing releases of harmful particulate matter," but will underscore the "importance in keeping domestic engine manufacturers competitive in the global marketplace."
- **[US Department of Labor Announces Final Rule to Remove Barriers to Considering Environmental, Social, Governance Factors in Plan Investments](#)** *(Department of Labor)*  
The Department of Labor (DOL) announced a "final rule that allows plan fiduciaries to consider climate change and other environmental, social and governance factors when they select retirement investments and exercise shareholder rights, such as proxy voting." This rule comes after a robust stakeholder process in which the DOL "concluded that two rules issued in

2020 during the prior administration unnecessarily restrained plan fiduciaries' ability to weigh environmental, social and governance factors when choosing investments, even when those factors would benefit plan participants financially."

- [White House Releases Environmental Justice Screening Tool](#) (*E&E News*)

The Biden-Harris administration released the most recent iteration of the Climate and Economic Justice Screening Tool, which will "help federal agencies make sure disadvantaged communities get at least 40 percent of the benefits of climate-related spending, fulfilling an administration plan known as Justice 40."

## State and Local

- [Western States Ponder Regional Grid as Renewables Grow](#) (*E&E News*)

Experts are urging western states to coordinate in a unified electricity market as it may "unlock regional cooperation, lower prices, and facilitate decarbonization." Specifically, Colorado and Nevada are pursuing laws "requiring utilities to join a [regional transmission organization] or organized market by 2030."

- [RGGI Third Program Review Update](#) (*RGGI*)

Participating Regional Greenhouse Gas Initiative (RGGI) states released an updated program review. The review outlines that RGGI states have been developing their electricity sector modeling assumptions, setting the foundation for program review reference and policy scenarios, slated to begin concurrently with the release of the U.S. Energy Information Administration's Annual Energy Outlook in early 2023.

- [Governor Hochul Signs Legislation to Advance New York's Transition to Clean Transportation](#) (*Governor Hochul*)

Governor Kathy Hochul (D-NY) signed S. 8518A which will "prevent homeowners' associations from prohibiting homeowners from installing charging stations on their private property while also allowing the associations to provide input on the installation process." By removing barriers for New Yorkers to transition to electric vehicles, the new law will further New York's "goal of reaching 850,000 zero-emission vehicles by 2025, and for all new passenger vehicles to be zero-emission by 2035."

## International

- [China 'Played a Great Game' on Lithium and We've Been Slow to React, Industry CEO Says](#) (*CNBC*)

The CEO of American Lithium Simon Clarke detailed that China has dominated the lithium industry and that the U.S. has been too slow in its reaction. However, Clarke noted that the "Inflation Reduction Act, and a number of other measures, meant people were 'starting to wake up to it.'"

- [New Technology to Capture CO2 from Air Set for Japan Trials](#) (*Nikkei Asia*)

NGK Insulators is seeking to use Honeyceram, "a ceramic catalyst used mainly in vehicles to clean auto emissions," to capture carbon emissions. The demonstration plant is expected to open in fiscal year 2025 and is slated to "be able to soak up hundreds to thousands of tons of carbon dioxide per year."

- [After Decades as a Nuclear Powerhouse, France Makes its Play in Offshore Wind](#) (CNBC)  
Électricité de France (EDF) announced that “France’s first commercial-scale offshore wind project” is now fully operational. The 480-megawatt Saint-Nazaire Offshore Wind Farm seeks to “support the French State’s energy transition goals, which include targets to generate 32% of its energy from renewable sources by 2030.”
- [EU to Propose Boosting Recycled Content and Reuse of Packaging](#) (Reuters)  
The European Commission is slated to announce a revised Packaging and Packaging Waste Directive, which will seek to push towards a European Union (EU) goal of “ensuring all packaging is reusable or recyclable by 2030 and contribute towards reducing the bloc’s carbon footprint to zero by 2050.” The proposal culminates in “recycling targets of 65 percent by 2025 and 70 percent by 2030 from the directive’s last update in 2018” and 2030 and 2040 goals for packaging reuse.

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

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## Quotes of the Week

“This deal is not enough on mitigation. But do we walk away and thereby kill a fund that vulnerable countries have fought so hard for decades? No, that would have been a huge mistake and a huge missed opportunity to tackle climate change.”

**-Frans Timmermans, Vice President of the European Commission and head of EU delegation, *discussing COP 27***

*(E&E News — November 21, 2022)*

“It is not enough to encourage New Yorkers to buy electric - we must build green infrastructure that will drive New Yorkers to choose cleaner and greener modes of transportation. My administration will continue to advance our zero-emission transportation goals, and this legislation will benefit our climate and the health of our communities for generations to come.”

**-Gov. Kathy Hochul *announcing new legislation to support the installation of electric vehicle charging stations on private property***

*(Governor Hochul — November 22, 2022)*

## Upcoming Congressional Hearings (November 28 – December 2, 2022)

### Senate

#### [Pending Nominations](#)

#### **Senate Environment and Public Works Committee**

Wednesday, November 29, 10:00 AM EST

406 Dirksen Senate Office Building

### House of Representatives

*No relevant House hearings.*

[Pending Legislation](#)

**Senate Energy and Natural Resources Committee**

Thursday, December 1, 10:00 AM EST

366 Dirksen Senate Office Building

## Federal Agency Climate News

### US Department of the Interior

[Biden-Harris Administration Makes \\$50 Million Available to Clean Up Orphaned Oil and Gas Wells on Tribal Lands](#) (November 23)

### Environmental Protection Agency (EPA)

[Biden-Harris Administration Announces New Funding for Nationwide Brownfields Technical Assistance and Research Grants and Technical Assistance to Brownfields Providers](#) (November 22)

### US Department of Energy (DOE)

[Biden-Harris Administration Announces \\$550 Million in Clean Energy Funding to Benefit and Lower Costs for More than 250 Million Americans](#) (November 22)

## Funding Opportunities

[Pumped Storage Hydropower Wind and Solar Integration and System Reliability Initiative](#)  
**Department of Energy**  
Close Date: December 15, 2022

[Long-Duration Energy Storage Demonstrations](#)  
**Department of Energy**  
Close Date: March 3, 2023

## Comment Opportunities

[Nationwide Recommendations for Impact Pile Driving Sound Exposure Modeling and Sound Field Measurement for Offshore Wind Construction and Operations Plans](#)  
**Department of the Interior**  
Close Date: December 12, 2022

[Greenhouse Gas Reduction Fund](#)  
**Environmental Protection Agency**  
Close Date: December 15, 2022

[Climate Pollution Reduction Grants](#)  
**Environmental Protection Agency**  
Close Date: January 18, 2023

[Transportation Programs](#)  
**Environmental Protection Agency**  
Close Date: January 18, 2023

[Methane Emissions Reduction Program](#)

**Environmental Protection Agency**

Close Date: January 18, 2023

[Funding to Address Air Pollution](#)

**Environmental Protection Agency**

Close Date: January 18, 2023

[Low Emissions Electricity Program & GHG Corporate Reporting](#)

**Environmental Protection Agency**

Close Date: January 18, 2023

[Section 45W Credit for Qualified Commercial Clean Vehicles and Section 30C Alternative Fuel Vehicle Refueling Property Credit](#)

**Internal Revenue Service**

Close Date: December 3, 2022

[Credit for Carbon Oxide Sequestration](#)

**Internal Revenue Service**

Close Date: December 3, 2022

[Credits for Clean Hydrogen and Clean Fuel Production](#)

**Internal Revenue Service**

Close Date: December 3, 2022

## Upcoming D.C. Climate Events (Registration)

[Building a Pipeline to Energy Sector Careers Through Service Years](#)

**The Brookings Institute**

Thursday, December 1, 2:00 PM EST

[Whether Government Action in 2022 Can Be a Turning Point for Energy Efficiency](#)

**The International Energy Agency**

Friday, December 2, 8:00 AM EST

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

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