

Climate Policy Update

July 5, 2022

Good evening! This is Akin Gump’s weekly policy newsletter on all things **climate change**. Below are the major federal and California climate policy headlines of the past week:

- [Supreme Court Restricts the EPA’s Authority to Mandate Carbon Emissions Reductions](#) (*NPR*)
On Thursday, the Supreme Court invoked the “Major Questions Doctrine” in *West Virginia v. EPA* to tackle climate change, with implications for rulemakings across the regulatory landscape. In the 6-3 ruling, the Supreme Court’s majority determined that the EPA “may not adopt rules that are transformation to the economy—unless Congress has specifically authorized such a rule to address a specific problem, like climate change.”
- [McConnell: No Innovation Bill If Dems Pursue Reconciliation](#) (*E&E*)
Senate Minority Leader Mitch McConnell promised to sink the U.S. Innovation And Competition Act (USICA) in the instance that Democrats move forward with a partisan reconciliation package that could authorize clean energy tax breaks.
- [Newsom Signs Nation’s Most Sweeping Law To Phase Out Single-Use Plastics And Packaging Waste](#) (*LA Times*)
Governor Newsom signed SB 54, which requires all packaging in California to be either recyclable or compostable by 2032. Additionally, the law establishes a group, which includes industry representatives, to run a recycling program.
- [Calif. May Rely On Carbon Capture to Meet 2045 Net-Zero Goal](#) (*E&E News*)
The California Air Resources Board (CARB) released a plan that estimates that approximately one-third of emission reductions in 2045 would come from carbon capture efforts.
- [Red States Challenge DOT’s Tighter Fuel Economy Standards](#) (*Law 360*)
In a new lawsuit, various Republican-led states requested that the D.C. Circuit review the National Highway Traffic Safety’s corporate average fuel economy (CAFE) standards.

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 still authority there, but it has to be within the [power plant’s] fence line. It has to be within a reasonable magnitude [...]

We will see what the Biden administration comes up with, but this is where oversight and transparency is exceedingly important.”

-Sen. Shelley Moore Capito (R-WV) discussing the *West Virginia v. EPA* decision.

(Politico – June 30, 2022)

“I’m disappointed to see that ‘zero’ lease sales is even an option on the table [...] I hope the Administration will ultimately greenlight a plan that will expand domestic energy production, done in the cleanest way possible, while also taking the necessary steps to get our offshore leasing program back on track to give the necessary market signals to provide price relief for every American.”

-Sen. Joe Manchin (D-WV) reacting to the Interior Department’s Offshore Drilling Plan

(Politico – July 1, 2022)

Upcoming Congressional Hearings (July 5-8, 2022)

Senate

House of Representatives

The Senate is not in session July 5 – 8.

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Federal Agency Climate News

The White House

[Health Sector Leaders Join Biden Administration’s Pledge to Reduce Greenhouse Gas Emissions 50% by 2030 \(June 30\)](#)

[Biden-Harris Administration Catalyzes More Than \\$700 Million in Private Sector Commitments to Make EV Charging More Affordable and Accessible \(June 28\)](#)

U.S. Department of the
Interior

[Interior Department Invites Public Comment on Proposed Five Year Program for Offshore Oil and Gas Leasing \(July 1\)](#)

Environmental Protection Agency
(EPA)

[EPA Secures \\$13 Million Under Bipartisan Infrastructure Law to Ensure Cleanup at Argonaut Mine Superfund Site Continues Full Force \(June 30\)](#)

[EPA Awards Over \\$1 Million To Advance Environmental Justice in California \(June 29\)](#)

U.S. Department of Energy
(DOE)

[Biden Administration Launches \\$630 Million in Programs to Modernize Nation's Hydropower Fleet \(June 30\)](#)
[Biden Administration Launches \\$500 Million Program to Transform Mines Into New Clean Energy Hubs \(June 29\)](#)

Upcoming D.C. Climate Events (Registration)

[Indian Energy Minerals Forum: Helium and other Rare Earth Elements on Indian Lands](#)

United States Energy Association

Thursday, July 7, 2022, 1:00 PM EST

[Climate Change and the Supreme Court: West Virginia v. EPA](#)

Resources for the Future

Thursday, July 7, 2022, 11:00 AM EST