

# Climate Policy Update

**Akin Gump**  
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January 23, 2023

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

- [\*\*Analysis of New CEQ Interim Guidance on Consideration of Greenhouse Gas Emissions and Climate Change under NEPA\*\*](#) (*Speaking Sustainability*)  
The Council on Environmental Quality (CEQ) issued the National Environmental Policy Act (NEPA) Guidance on Consideration of Greenhouse Gas Emissions and Climate Change. This guidance serves as the most recent action in a slew of federal policies regarding NEPA's "environmental regulations for agencies targeted towards reducing greenhouse gas emissions and mitigating the impacts of climate change." The guidance is already effective, although CEQ is soliciting public comments through March 10, 2023.
- [\*\*National Offshore Wind Research and Development Consortium Announces U.S. Offshore Wind Supply Chain Road Map\*\*](#) (*Department of Energy*)  
The National Offshore Wind Research and Development Consortium issued a report detailing how the U.S. can "develop a robust and equitable domestic supply chain required to achieve the national offshore wind target of 30 gigawatts by 2030." Specifically, the report identifies how the U.S. can develop an offshore wind supply chain and describes how barriers to supply chain expansion can be addressed. Additionally, the document explains manufacturing capabilities and estimates required major component facilities that must be developed to meet the 2030 wind power goal.
- [\*\*EPA Proposes to Add Environmental Justice, Climate Change, and PFAS to National Enforcement and Compliance Initiatives\*\*](#) (*Environmental Protection Agency*)  
As it updates its National Enforcement and Compliance Initiatives (NECIs), the Environmental

Protection Agency (EPA) is seeking public comments on including environmental justice, climate change, and polyfluoroalkyl substance (PFAS) contamination in its top initiatives. Moreover, the EPA is pursuing the continuation of four of its six current national initiatives, including creating cleaner air for communities by reducing pollutants; reducing the risk of accidental releases at industrial and chemical facilities, reducing non-compliance in the national pollutant discharge elimination system, and reducing non-compliance with drinking water standards within community water systems.

- **[Biden Urged to Make Good on Environmental Equity Pledges in 2023](#)** (*Bloomberg Law*)  
With historic funding allocated towards environmental justice efforts and the Republicans' recent control of the House, climate activists are expected to "shift focus to getting results from what President Joe Biden promised on environmental justice." Specifically, advocates are calling for increased engagement with disadvantaged communities, local groups, and workers, as well as "stronger regulations that take into account what are often cumulative impacts from multiple air, chemical, and other pollutants in such communities."
- **[4 Ways the Biden Administration Can Ensure Offshore Wind Development Benefits Tribes and Indigenous People](#)** (*Center for American Progress*)  
To further collaboration between the Biden-Harris administration and tribal communities, the Center for American Progress called on the President to improve tribal and indigenous knowledge considerations in the administration's offshore wind deployment efforts. As such, the organization suggested that the administration ensure robust community and workforce benefit agreements are developed; bolster indigenous-serving educational institutions; strengthen registered apprenticeship programs for indigenous communities in economies experiencing impacts of the energy transition; and utilize indigenous knowledge to ease environment-related impacts of development.
- **[New Carbon Offset Standards 'Should Bring Greater Scrutiny'](#)** (*The Guardian*)  
The chair of the Integrity Council for the Voluntary Carbon Market, Annette Nazareth, explained that the body is developing new standards to protect consumers and the environment. Economists have stressed the need for more stringent carbon offset standards to ensure that voluntary carbon markets play a vital role in assisting companies "to offset residual emissions that they are unable to avoid as part of a strategy to reach net zero emissions."
- **[Renewables Projects to Soon Be One-Fourth of US Electricity Generation Really Soon](#)** (*Inside Climate News*)  
A recent Energy Information Administration (EIA) report explained that renewable energy is expected to surpass one-fourth of the U.S. electricity generation in 2024. Moreover, it is anticipated that between 2023 and 2024 renewables will increase from 24 to 26 percent of U.S. electricity generation, with coal and gas's share dropping by one percent each and nuclear energy's portion remaining at 19 percent.

## Local

- **[Texas Environmentalists Look to EPA for Action on Methane, Saying State Agencies Have 'Failed Us'](#)** (*Inside Climate News*)  
In a three-day public hearing, the EPA heard from stakeholders across the country regarding its proposed rulemaking seeking to reduce methane in oil and natural gas production. Throughout the hearing, Texas environmentalists argued that Texas' Commission on Environmental Quality (TCEQ) "greatly failed" them. Explaining that the political environment in Texas is not favorable to such regulations, activists stressed that federal oversight is necessary to address methane emissions. While TCEQ previously submitted comments questioning the EPA's authority to enforce such rules, it is currently reviewing the supplemental proposal and is slated to submit further comments.
- **[Carbon-Capture Company Comes Close But Can't Close Contracts](#)** (*The Salt Lake Tribune*)  
The Intermountain Power Authority (IPA) rejected an offer from Enchant, a New Mexico company, to

purchase an independent power producer (IPP) coal-fired plant and modify it to capture and store carbon emissions. The IPA board of directors shot down Enchant's bid in November, arguing that the proposal was "inconsistent with the IPA's purposes and not beneficial to the interests of IPA."

- **[Green Groups, Tech Companies Fight \\$4B Iowa Wind Project](#)** (*E&E News*)  
MidAmerican Energy Co.'s almost \$4 billion wind energy project is facing pushback from environmental groups. While climate activists support more wind energy production, they argue that the money "could be better spent" particularly in light of the Inflation Reduction Act's tax incentives encouraging investment in solar energy and battery storage. Regulators are slated to consider the Wind Prime project—which is expected to produce 2,042 megawatts (MW) of wind and 50 MW of solar by 2025—next month.
- **[Tennessee Has Massive Wind Energy Potential. Why is Nobody Talking About it?](#)** (*WPLN*)  
A data analysis overseen by the National Renewable Energy Lab concluded that Tennessee has the potential to "make wind its dominant source of power." With the most conservative estimates, the state has approximately 13 gigawatts (GW) of wind energy potential. However, the state faces local pushback, as well as statewide ordinances such as a "minimum setback from any non-participating landowner's property line equal to 3.5 times the total height of the wind turbine"
- **[Growers Brace to Give Up Some Colorado River Water](#)** (*Cal Matters*)  
With federal calls for seven Western states to develop a plan to reduce their water supply by 30 percent by January 31, California's Imperial Valley is bracing itself to cut back on its imported water. Consuming "more water than all of Arizona and Nevada combined in 2022," Imperial Valley is the greatest user of the Colorado River's lower basin. As such, its agricultural production is expected to take a hit with farmers "on the hook to reduce their consumption by about 10 percent."
- **[Arizona's New Governor Takes on Water Conservation and Promises to Revise the State's Groundwater Management Act](#)** (*Inside Climate News*)  
Following the Arizona Department of Water Resources analysis of the Lower Hassayampa sub-basin—which concluded that one of the state's fastest-growing communities cannot develop further without new water sources—Gov. Katie Hobbs (D-AZ) signed an executive order. The executive order called for the establishment of the Governor's Water Policy Council to "modernize and expand" a 1980 regulatory law known as the Arizona Groundwater Management Act." Local water policy experts expressed hope that the order will "signal a change in how Arizona regulates its water usage, given the crisis on the Colorado River, the state's depleted groundwater resources, and the unending challenge of climate change."

## International

- **[Thousands of Protestors Fought the Expansion of a German Coal Mine – In Vain](#)** (*Grist*)  
A "weeklong standoff between German police and climate activists occupying the German village of Lutzerath" culminated in hundreds of protestors being evicted from the Garzweiler coal mine, which is set to be expanded. While the German government maintains that expanded coal production is necessary for energy security, particularly given Russia's war in Ukraine, activists "argue that the deal goes against Germany's commitments to reduce carbon emissions."
- **[Trade Can Help Us Address Climate Change. Here's How Trade Ministers Are Working Together to Make That Possible](#)** (*World Economic Forum*)  
The Coalition of Trade Ministers on Climate (the Coalition)—composed of "trade leaders from Ecuador, the European Union, Kenya, and New Zealand," along with 50 other countries—came together at the World Economic Forum's Annual Meeting. The Coalition is focused on promoting cooperation between trade ministers to respond to climate change by "engaging nationally and internationally with fellow ministers on climate, environmental, finance, and development."

- **[Climate Change: Invest in Technology that Removes CO2](#)** (*BBC*)  
A recent report titled “The State of Carbon Dioxide Removal” asserts that slashing CO<sub>2</sub> emissions is not enough to address climate change and prevent warming to 2 degrees Celsius. As such, scientists are calling for technological solutions to remove CO<sub>2</sub>, including bioenergy with carbon capture and storage (BECCS), extracting carbon from the air and storing it in the ground, and utilizing biochar that locks carbon. However, the report cautions against the characterization of carbon dioxide removal as a “silver bullet” to combatting climate change.
- **[At Davos, UN Chief Warns the World is in a ‘Sorry State’ From Climate Change, Ukraine War](#)** (*PBS*)  
United Nations (U.N.) Secretary-General Antonio Guterres cautioned about the state of international affairs, citing challenges such as climate change and Russia’s war in Ukraine. Moreover, he stressed that climate change is an “existential challenge,” acknowledging the global goal of limiting the planet’s temperature rise of 1.5 degrees Celsius.
- **[EU Vows to Play Hardball in Global Clean Tech Race](#)** (*Energy Intelligence*)  
European Commission President Ursula von der Leyen detailed that the European Union (EU) has developed “a plan to become a clean energy tech powerhouse while telling other countries it would not tolerate policies that seek to give their own industries an unfair advantage.” Targeting China and, to some extent, the U.S., von der Leyen outlined that the EU’s Green Deal Industrial Plan will “include creating a regulatory framework to speed up deployment of wind and solar energy, heat pumps, clean hydrogen, and energy storage solutions.”
- **[Bank of America CEO Says New ESG Rules Are Needed to Reboot Capitalism](#)** (*CNBC*)  
Brian Moynihan, Bank of America’s CEO, called for an official global standard on environmental, social, and governance (ESG) policies to “align capitalism with what society wants from it.” After expressing support for companies signing on to the U.N. Sustainable Development Goals, Moynihan commended the establishment of the International Sustainability Standards Board.

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

*“As the effects of climate change came to your doorsteps, [mayors] found the solutions to keep people safe, to transition to clean energy, to cut emissions, to conserve ecosystems.”*

– **Sec. Antony Blinken speaking at the United States Conference of Mayors**  
([U.S. Department of State](#) – January 18)

*“Without that definition, without that convergence, what you had is everybody defined it their own way. Somebody would think this issue’s important or this way to talk about it is important.”*

– **Brian Moynihan, Bank of America CEO, discussing international ESG rules**  
([CNBC](#) – January 18)

## Upcoming Congressional Hearings (January 23-27, 2023)

### Senate

*No relevant Senate hearings.*

### House of Representatives

*No relevant Senate hearings.*

## Federal Agency Climate News

### The White House

[Remarks by Vice President Harris at a Transmission Line Groundbreaking Event](#) (January 19)

### Department of Energy

[Biden-Harris Administration Announces Funding For Community-Centered Clean Energy Programs Across the U.S. And \\$9 Billion For Home Rebates](#) (January 18)

[DOE Launches New \\$50 Million Program to Help Communities Meet Their Clean Energy Goals](#) (January 18)

### Environmental Protection Agency

[EPA Seeks Input on Inflation Reduction Act Programs to Reduce Greenhouse Gas Emissions Associated with Construction Materials and Products](#) (January 19)

[EPA Announces Availability of \\$50 Million to Support States and Tribes Developing Programs for Carbon Sequestration and Groundwater Protection](#) (January 19)

### Department of Interior

[Biden-Harris Administration Celebrates Groundbreaking of New Transmission Line, Delivering Clean, Reliable, Affordable Energy to Millions of Americans](#) (January 20)

[Interior Department Finalizes Offshore Wind Safety and Environmental Responsibilities](#) (January 17)

## Funding Opportunities

[Key Deployment Challenges for Offshore, Land-Based and Distributed Wind](#)

### Department of Energy

Close Date: March 10, 2023

[Regional Initiative to Accelerate Carbon Capture, Utilization, and Storage Deployment](#)

### Department of Energy

Close Date: February 2, 2023

[Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program](#)

### Environmental Protection Agency

Close Date: April 10, 2023

[Long-Duration Energy Storage Demonstrations](#)

### Department of Energy

Close Date: March 3, 2023

[Resilient and Efficient Codes Implementation](#)

### Department of Energy

Close Date: March 27, 2023

[Environmental Justice Government-to-Government Program](#)

### Environmental Protection Agency

Close Date: April 10, 2023

## Comment Opportunities

[Supplemental Methane Rule](#)

**Environmental Protection Agency**

Close Date: February 13, 2023

[Green Guides for the Use of Environmental Marketing Claims](#)

**Federal Trade Commission**

Close Date: February 21, 2023

[Renewable Fuel Standard Program](#)

**Environmental Protection Agency**

Close Date: February 10, 2023

## Upcoming Events

[The Benefit and Urgency of Planned Offshore Wind Transmission](#)

**The American Council on Renewable Energy**

Tuesday, January 24, 1:00 PM EST

[Mining, Climate Risks, and the Western Hemisphere](#)

**The Center for Strategic and International Studies**

Wednesday, January 25, 10:00 AM EST

[Innovating Out of the Climate Crisis: Carbon Emissions](#)

**The American Security Project**

Wednesday, January 25, 12:30 PM EST

[Annual State of Energy Industry Forum](#)

**The United States Energy Association**

Thursday, January 26, 9:00 AM EST

[Strategic Competition with China, Efforts to Make Supply Chains More Secure and Resilient, and the Clean Energy Transition](#)

**The Center for Strategic and International Studies**

Tuesday, January 24, 2:00 PM EST

[Plans for the Agricultural Innovation Mission for Climate Summit and Building to COP 28](#)

**The Business Council for International Understanding**

Wednesday, January 25, 11:00 AM EST

[Advancing the Clean Energy Transition in 2023](#)

**The Carnegie Endowment for International Peace**

Wednesday, January 25, 1:00 PM EST

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