

# Climate Policy Update

September 20, 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

- [The Inflation Reduction Act Applies the Polluter Pays Principal: Carbon Tax Will Accelerate Reduction of Methane Emissions](#) (*Speaking Sustainability*)

The Inflation Reduction Act of 2022 includes the Methane Emissions Reduction Program, which establishes a methane fee effective January 1, 2024. The methane fee applies to “specific petroleum and natural gas facilities that currently are required to report methane and other [greenhouse gas] emissions to the Environmental Protection Agency’s (EPA) Greenhouse Gas Reporting Program.” The fees apply “to a facility’s emissions in exceedance of 25,000 metric tons carbon dioxide equivalent.”

- [Health Care and The Climate Crisis: Preparing America's Health Care Infrastructure](#) (*House Ways and Means*)

The House Ways and Means Committee released a report detailing the intersection of the health care industry and the climate crisis. The report outlines the impacts of climate change on the industry, how extreme weather impacts health care delivery and how to reduce emissions within the industry. In March of 2022, the Ways and Means Chair, Rep. Richard Neal (D-MA), released a request for information “to hospitals, health systems, and other facility-based health providers to better understand how climate events have impacted the health sector.”

- [D.C. Circuit Leans Toward FERC in NEPA Dispute](#) (*E&E News*)

On Wednesday, U.S. Court of Appeals for the D.C. Circuit judges “pressed energy regulators for an update on their plan to use a contested metric to evaluate the costs of spewing planet-warming emissions from natural gas projects.” Advocates have urged the Federal Energy Regulatory Commission (FERC) to utilize a social cost estimate metric to determine the climate impact of certain projects.

- [FERC's Murky Leadership Future Could Derail U.S. Climate Goals](#) (*Politico*)  
Despite FERC Chair Richard Glick's term running out at the end of the congressional session, the Energy and Natural Resources committee has not scheduled a reconfirmation hearing. Sen. Joe Manchin (D-WV), who chairs the Energy and Natural Resources committee, previously pushed back on Glick's expansion of "the environmental review process for new pipelines and liquefied natural gas terminals." However, Sen. Manchin has recently praised Glick, which "could bode well for his changes for advancing through the committee and to the full Senate."
- [EPA Ramps Up Outreach on Power Plant Carbon Rules](#) (*E&E News*)  
The Environmental Protection Agency (EPA) is seeking stakeholder opinions on "how to structure standards for new and existing fossil fuel power plants under a specific section of the Clean Air Act." The EPA is slated to release proposals to "limit carbon from new and existing coal and natural gas power plants by the end of the first quarter of 2023."
- [What to Watch for at Climate Week NYC](#) (*Axios*)  
As clean energy and climate technology leaders come together for Climate Week in New York City, investors and entrepreneurs are seeking to understand how the Inflation Reduction Act of 2022 impacts their investments. It is expected that "advanced nuclear energy, namely small modular reactors and fusion" and discussions around supply chain delays will take center stage at the event.

## State

- [Denver Passed a Sales Tax for Climate. Is it Working?](#) (*E&E News*)  
With the Denver resident's approval of an increased local sales tax, the additional 0.25 percent tax raised \$67 million, "some of which is already flowing in projects such as green workforce development programs." Furthermore, a portion of the funds have been directed towards a "micro transit system" that increases access to Denver's regional transit system.
- [Newsom Opposes EV Ballot Measure to Tax Millionaires](#) (*E&E News*)  
Gov. Gavin Newsom (D-CA) was featured in an ad against Proposition 30—a ballot measure "that would tax rich residents to help fund electric vehicle purchases." If approved by Californians, the measure would require the California Air Resources Board (CARB), among other agencies, to provide incentives for the purchasing of electric vehicles.
- [Big Change for Big Rigs: California Unveils Mandate to Phase Out Diesel Trucks](#) (*Cal Matters*)  
CARB unveiled its proposal that prohibits manufacturers from selling new medium and heavy-duty trucks fueled by diesel or gas by 2040. Further, the proposal requires large trucking companies to "gradually convert their existing fleets to zero-emission vehicles, buying more over time until all are zero emissions by 2042."
- [In 'Cancer Alley,' Judge Blocks Huge Petrochemical Plant](#) (*The New York Times*)  
Judge Trudy White of Louisiana's 19th Judicial District in Baton Rouge ruled in favor of climate activists, ultimately blocking "an enormous plastics plant in a corridor so dense with industrial refineries it is known as Cancer Alley."

## International

- [UN Warns World is Entering ‘Uncharted Territories of Destruction’ from Climate Crisis](#) (CNBC)

The United Nations released a report that outlined that “climate-related disasters have increased fivefold over the past five decades are costing \$200 million a day.” The report concluded that global pledges to meet standards within the Paris Agreement are insufficient.

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

“There is nothing natural about the new scale of these disasters. They are the price of humanity’s fossil fuel addition [...] This year’s United in Science report shows climate impacts heading into uncharted territories of destruction [...] Yet each year we double-down on this fossil fuel addiction, even as the symptoms get rapidly worse.”

**-U.N. Secretary-General Antonio Guterres *discussing the U.N. Climate Report***

(CNBC – September 13, 2022)

“We also believe that some of the market dynamics will probably encourage fleets to replace their trucks earlier [...] As new zero emission trucks become available, the cost of operation is considerably lower.”

**-Tony Brasil, CARB Branch Chief, *discussing the board’s new proposal***

(Cal Matters – September 15, 2022)

## Upcoming Congressional Hearings (September 19-23, 2022)

### Senate

[Hearings to Examine Opportunities and Challenges in Deploying Innovative Battery and Non-Battery Technologies for Energy Storage](#)

Senate Committee on Energy and Natural Resources  
Thursday, September 22, 10:00 AM EST  
366 Dirksen Senate Office Building

### House of Representatives

[Legislative Hearing on “Public Lands and Waters Climate Leadership Act of 2022”](#)

House Committee on Natural Resources  
Tuesday, September 20, 10:00 AM EST  
1324 Longworth House Office Building

**The Clean Water Act at Fifty: Highlights and Lessons Learned from a Half Century of Transformative Legislation**

House Subcommittee on Water Resources and Environment

Tuesday, September 20, 10:00 AM EST

2167 Rayburn House Office Building

**Amplifying the Arctic: Strengthening Science to Respond to a Rapidly Changing Arctic**

House Committee on Science, Space, and Technology

Tuesday, September, 20, 10:00 AM EST

2318 Rayburn House Office Building

## Federal Agency Climate News

### The White House

**Week of Climate Action from the Biden-Harris Administration (September 16)**

**Biden-Harris Administration Announces New Actions to Expand U.S. Offshore Wind Energy (September 15)**

**President Biden's Economic Plan Drives America's Electric Vehicle Manufacturing Boom (September 14)**

### U.S. Department of the Interior

**Biden-Harris Administration Announces New Actions to Expand U.S. Offshore Wind Energy (September 15)**

### Environmental Protection Agency (EPA)

**EPA Releases Final Determinations of Attainment Status for Air Quality Standards for Smog (September 16)**

**Biden-Harris Administration and EPA Announce Delivery of Historic Water Infrastructure Funding from the Bipartisan Infrastructure Law to 18 States (September 16)**

### U.S. Department of Energy (DOE)

**Biden-Harris Administration Announces Interagency Commitment to Lower Transportation Emissions and Consumer Costs, Bolster Domestic Energy Security (September 16)**

[U.S. Department of Energy Announces Prize to Increase Equity and Develop Clean Energy Solutions for Underserved Communities](#)  
(September 16)

[DOE Announces \\$178 Million to Advance Bioenergy Technology](#) (September 13)

## Funding Opportunities

[In Support of the Hydrogen Shot and a University Research Consortium on Grid Resilience](#)

**Department of Energy**  
Close Date: December 1, 2022

[FY 23 Consolidated Innovative Nuclear Research](#)

**Department of Energy**  
Close Date: February 8, 2023

[Geothermal Energy from Oil and Gas Demonstrated Engineering](#)

**Department of Energy**  
Close Date: October 28, 2022

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

[Climate Week](#)

**Climate Group**

Monday, September 19 – Sunday, September 25

[The Climate Crisis We're Already In: How We Can Accelerate Adaptation to a Changing Climate](#)

**The Clinton Foundation**

Tuesday, September 20, 2:30 PM EST

[The EU Strategy for Addressing Current Geopolitical, Energy, and Climate Challenges](#)

**The Atlantic Council**

Monday, September 19, 2:00 PM EST

[Opportunity Zones and Pollution Prevention Workgroups](#)

**Environmental Protection Agency**

Tuesday, September 20, 1:00 PM EST

[What Congress Needs to Know About Corporate Climate Risk, Resilience, and Disclosures](#)

**The Environmental and Energy Study Institute**

Tuesday, September 20, 11:00 AM EST

[Sen. Schatz, Patagonia CEO and Young Activists on Climate Change](#)

**The Washington Post**

Tuesday, September 20, 9:00 AM EST

[The Possibility of a Sustainable Future: Combating Climate Change](#)

**The Atlantic**

Wednesday, September 21, 11:00 AM EST

[Energy Communities Alliance Day 1-3](#)

**The National Cleanup Workshop**

Wednesday, September 21 – Friday, September 23, 12

[Our Climate Future: US-Iceland Clean Energy Summit](#)

**The Atlantic Council**

Wednesday, September 21, 10:15 AM EST

[A Conversation with Ryan Gellert](#)

**American University**

Wednesday, September 21, 12:30 PM EST

[Advanced Energy Technology Forum](#)  
**United States Energy Association**  
Thursday, September 22, 9:00 AM EST

[Toward a Clean and Secure Energy Future in the Indo-Pacific](#)  
**Center for Strategic and International Studies**  
Friday, September 23, 2:00 PM EST

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

[Kenneth J. Markowitz](#)

[Stacey H. Mitchell](#)

[Dario J. Frommer](#)

[Christopher A. Treanor](#)