

Climate Policy Update

September 14, 2023

Good afternoon!

This is Akin's newsletter on climate change policy and regulatory developments, providing information on major climate policy headlines from the three weeks and forthcoming climate-related events and hearings:

National

- **Sources: Manchin Backs FERC Energy Analyst for Commission Seat** (*E&E News*)

Sen. Joe Manchin (D-WV) "has recommended to the Biden administration that David Rosner fill the vacant [Federal Energy Regulatory Commission (FERC)] seat." This move would give the Commission a Democratic majority.

- **As EPA Drowns in CCS Applications, Oil States Want to Take Control** (*E&E News*)

The Environmental Protection Agency (EPA) has accumulated 119 "permit applications from would-be project developers seeking to inject carbon dioxide into rock formations for permanent storage." To remedy the backlog, stakeholders have called on the Agency to transfer some of its permitting authority to states that wish to administer permits.

- **Congress Returns to Overflowing Fall Agenda** (*E&E News*)

As the Senate returns from August recess, Majority Leader Chuck Schumer (D-NY) outlined his priorities in a letter penned to his caucus. Notably, the Majority Leader did not mention a permitting reform bill in the letter, "a departure from his previous agenda missive ahead of the summer recess."

- **'Drill, Frack, Burn Coal': Republicans Echo Trump at Presidential Debate** (*E&E News*)

Despite not appearing at the first Republican presidential debate, "Trump's push for energy dominance cast a long shadow over the eight candidates on the stage in Wisconsin, and all promised to essentially follow in his footsteps if they can overcome his massive polling advantage to win the nomination next year."

- **Biden Rule, Heeding Supreme Court, Could Strip Over Half of U.S. Wetlands' Protections** (*Washington Post*)

The Environmental Protection Agency (EPA) and the Department of the Army "revised a key rule to comply with a sweeping Supreme Court ruling from this year, which could strip federal protections from up to 63 percent of the nation's wetlands."

- **Offshore Wind Auction for the Gulf of Mexico Gets a Tepid Response** (*New York Times*)

The Bureau of Ocean Energy Management (BOEM) held “the first auction of leases for wind farms in the Gulf of Mexico, which the Biden administration had heralded as part of its effort to expand clean energy [...] with just one of three available tracts sold.”

State & Local

- **DeSantis, Leading a State Menaced by Climate Change, Shrugs Off the Threat** (*New York Times*)

Despite Gov. Ron DeSantis’s (R-FL) record on the issue, the presidential hopeful “no longer repeats his previous view that humans affect the climate, even as scientists say that the hurricanes battering his state are being intensified by man-made global warming.”

- **Landowners Push Back on CO2 Pipeline in Key Iowa Hearing** (*Washington Post*)

At a panel composed of Iowa regulators, Summit Carbon Solution’s “proposed carbon dioxide pipeline was effectively put on trial” as the hearing considered “whether the 2,000-mile project is in the public interest.”

- **Governor Hochul Announces New York’s First State-Owned Utility-Scale Energy Storage System Now Operating in North Country** (*Gov. Kathy Hochul*)

Gov. Kathy Hochul (D-NY) announced that “New York’s first state-owned utility-scale battery energy storage project is now operating.” The 20-megawatt project can connect to the state’s grid and will further efforts to install 6,000 megawatts of energy storage by 2030.

International

- **Climate Report Card Says Countries are Trying, but Urgently Need Improvement** (*New York Times*)

The United Nations issued its first report card on the 2015 Paris Agreement and determined that “countries have made only limited progress in starving off the most dangerous effects of global warming.” This report intends to provide a framework for the Conference of Parties 28 (COP28), which will begin in November.

- **G20 Agrees to Pursue Tripling Renewables Capacity But Stop Short of Major Goals** (*Reuters*)

The Group of 20 (G20) convened and “agreed to pursue tripling renewable energy capacity globally by 2030 and accepted the need to phase-down unabated coal power, but stopped short of setting major climate goals.”

- **Clean Energy Projects Are Booming Everywhere. Except in Poor Nations.** (*New York Times*)

Despite large investments in clean energy, “the world’s poorest countries, mostly in Africa, are effectively priced out of the action by a global lending system that considers them too risky for investment.”

- **Britain Eases Planning Rules for Onshore Wind Projects in England** (*Reuters*)

British Prime Minister Rishi Sunak announced that it would expedite “the approval process for English onshore wind projects that are backed by local people, easing what has been seen as an effective ban.”

- **Singapore to Expand Ocean CO2 Removal Project as Scientists Call for More Research** (*Reuters*)

Singapore is slated to “expand a pilot project that boosts the ocean’s capacity to absorb carbon dioxide emissions, using one of several emerging technologies that supports hope can play a decisive role in the global battle against climate change.”

- **Top Environmental Fund Chief Calls on Countries to Defund Activities ‘Destroying’ Nature** (*Politico*)

The Chief Executive Officer (CEO) of Global Environmental Facility called for the defunding of activities that damage the environment and launched a “new fund to support developing countries in reaching ambitious nature conservation targets.”

- **Children Have a Right to Sue Nations Over Climate, U.N. Panel Says** (*New York Times*)

The United Nations (U.N.) Committee on the Rights of the Child determined that “all countries have a legal obligation to protect children from environmental degradation – including by their ‘regulating business enterprises’ – and to allow their underage citizens to seek legal recourse.”

- **EU’s New Green Chief Vows Not to Weaken Climate Ambition** (*Reuters*)

The European Union’s (EU) green policy chief stressed that the union “will not dilute its efforts to fight climate change but needs to communicate better with industries worried about the cost of CO2-cutting policies.”

- **Fossil Fuels’ Share in EU Power Mix at Lowest Level Since Records Began - Report** (*Reuters*)

New research illustrates that “fossil fuels produced just 33% of the EU’s power in the first half of this year, the lowest share on record.”

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

“We are not going to dilute our ambition [...] What I believe is that we need to improve our communication and to be able to come faster, earlier and be more precise in our reactions to some of the natural worries which are there in some sectors.”

– *European Commission Executive Vice-President Maros Sefcovic* (*Reuters* – August 29)

Congressional Hearings (September 11 - September 15, 2023)

Senate

Hearings to Examine the Effects of Extreme Heat and Weather on Transportation

House of Representatives

Keeping the Lights On: Enhancing Reliability and Efficiency to Power American Homes

Senate Committee on Environment and Public Works

Wednesday, September 13, 10:00 AM EDT

House Energy and Commerce Subcommittee on Energy, Climate, and Grid Security

Wednesday, September 13, 10:00 AM EDT

Federal Agency Climate News

Department of Energy

[Biden-Harris Administration Announces \\$150 Million to Strengthen Domestic Critical Material Supply Chains](#) (September 6)

[Biden-Harris Administration Invests More Than \\$13 Million to Enhance Continued Deployment of Hydropower](#) (September 6)

[Biden-Harris Administration Announces \\$125 Million in Grid Resilience Grants for States and Tribal Nations to Modernize Electric Grid](#) (September 5)

[Biden-Harris Administration Announces \\$15.5 Billion to Support a Strong and Just Transition to Electric Vehicles, Retooling Existing Plants, and Rehiring Existing Workers](#) (August 31)

[Biden-Harris Administration Announces Availability of \\$350 Million in Grants to States to Cut Methane Emissions from Oil and Gas Sector](#) (August 30)

[Biden-Harris Administration Announces \\$300 Million to Speed Up Transmission Permitting Across America as Part of Investing in America Agenda](#) (August 29)

[DOE Announces \\$126 Million for Small Businesses to Pursue Clean Energy Research and Development](#) (August 25)

Department of Interior

[Biden-Harris Administration Launches New Large-Scale Water Recycling Program with \\$180 Million from Bipartisan Infrastructure Law](#) (September 7)

[Biden-Harris Administration Holds First-Ever Gulf of Mexico Offshore Wind Energy Auction](#) (August 29)

White House

[Delivering an Ambitious Agenda for the G20](#) (September 9)

[Statement from President Joe Biden on Funding for Fair Electric Vehicle Conversion Funding](#) (August 31)

Environmental Protection Agency

[Biden-Harris Administration Launches New \\$19 Million Grant Program to Improve Climate Resilience of Nation's Drinking Water Infrastructure](#) (September 7)

[Biden-Harris Administration Announces Availability of \\$350 Million in Grants to States to Cut Methane Emissions from Oil and Gas Sector](#) (August 30)

[To Conform with Recent Supreme Court Decision, EPA and Army Amend "Waters of the United States" Rule](#) (August 29)

Funding and Comment Opportunities

[Powering Affordable Clean Energy](#)

Department of Agriculture

Close Date: September 29, 2023

[Empowering Rural America](#)

Department of Agriculture

Close Date: August 31, 2023

[Silicon Solar Manufacturing and Dual-Use Photovoltaics Incubator](#)

Department of Energy

Concept Paper: September 27, 2023

Close Date: November 14, 2023

[Greenhouse Gas Reduction Fund](#)

Environmental Protection Agency

Close Date: August 28, 2023

Clean Energy Demonstration Program on Current and Former Mine Land

Department of Energy

Concept Papers: May 11, 2023

Close Date: August 31, 2023

Additional Clean Hydrogen Programs – Regional Clean Hydrogen Hubs

Department of Energy

Close Date: TBD

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

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