Akin[®]

Climate Policy Update

January 30, 2024

Good morning!

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

National

• Biden Pauses LNG Export Approvals After Pressure from Climate Activists (Reuters)

Late last week, President Joe Biden "paused approvals for pending and future applications to export liquefied natural gas (LNG) from new projects, a move cheered by climate activists that could delay decisions on new plants until after the November 5 election." During the pause, the Department of Energy (DOE) will conduct a review to assess the economic and environmental impacts of certain LNG projects.

• Biden Vetoes Republican Measure to Block Electric Vehicle Charging Stations (New York Times)

President Biden vetoed the GOP's "effort that could have thwarted the administration's plans to invest \$7.5 billion to build electric vehicle charging stations across the country." The administration cited concerns about the effort's impact on domestic manufacturing and the green transition.

• GOP Eyes 'Buffet' Approach to Attack Biden on Climate, Energy (E&E News)

Ahead of the presidential election, the GOP is "hammering President Joe Biden's energy and climate policies" with an emphasis on electric vehicle incentives, the Environmental Protection Agency's (EPA) air regulations and anticipated action on liquefied natural gas.

What's Next for the Committee-Passed Carbon Tariff Bill? (E&E News)

Last week, four Republicans bucked their party to support a bill that would "study the greenhouse gas footprint of certain industrial imports and exports—something that could lead to the creation of new tariffs." However, the likelihood of the *Providing Reliable, Objective, Verifiable Emissions Intensity and Transparency Act* (PROVE IT; S. 1863) passing the finish line and becoming law is low.

• Is This the Year for Bipartisan Action on Advanced Nuclear? (E&E News)

As some members believe this year may be the time for nuclear energy legislation to be enacted, "lawmakers will once again fight against the current political climate in the hopes of finally getting something done." Of note, the House Committee on Energy and Commerce and the Senate Environment and Public Works Committee are seeking a compromise between the *Atomic Energy*

Advancement Act (H.R. 6544) and the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2023 (S. 1111).

State and Local

• Democrats Propose Budget Language to Return Virginia to Carbon Market (Virginia Mercury)

Two Virginia Democrats "introduced budget amendments that would require Virginia to rejoin a regional carbon market, despite the continued push by Republican Governor Glenn Youngkin (R-VA) to withdraw from it."

• NJ Hits Reset on Offshore Wind, Approves Two Massive Projects (E&E News)

Regulators in the Garden State "awarded contracts [...] to a pair of the largest offshore wind projects ever planned in the United States." Cumulatively, the projects would "generate enough power to supply 1.8 million homes and deliver an emissions cut equivalent to removing nearly 1.3 million cars from the road."

• New York State's Climate Plan Continues to Face Criticism (WKBW)

New York's climate plan, which seeks to reduce reliance on natural gas, faced pushback from Rep. Nick Langworthy (R-NY) who recently" met with local utility and energy producers to call for the production of natural gas to be ramped up."

International

• Worries in Europe Over the White House Move to Delay Gas Terminals (New York Times)

The Biden administration's decision to delay the approval of new LNG terminals "could create uncertainty, especially in Europe, which has only recently weathered a major energy shock after Russia's invasion of Ukraine almost two years ago."

• Groundwater Levels Around the World are Dropping Quickly, Often at Accelerating Rates (Inside Climate News)

A new study outlined that "groundwater supplies are dwindling in aquifers around the world [...] with the rates of decline accelerating over the past four decades in nearly a third of aquifers studied." Notably, climate change has exacerbated droughts, ultimately increasing reliance on groundwater.

• EU Auditors Say Real CO2 Emissions from Most Cars Have Not Fallen (Reuters)

The European Court of Auditors announced that "real CO2 emissions from most passenger cars on [European Union (EU)] roads are the same as 12 years ago despite reduction targets set in 2010 for newly registered vehicles, putting in jeopardy Europe's green agenda."

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

"Our caucus's intention is to get the governor to put us back in [the Regional Greenhouse Gas Initiative (RGGI)] so we can get those tens of millions of dollars that we were getting, that are sitting there waiting to

be spent and invested in remediating our flood problems all around the state."

- Virginia Senate Majority Leader Scott Surovell (D-VA) (Virginia Mercury - January 22)

Congressional Hearings (January 29 - February 2, 2023)

Senate

Hearings to Examine Avoiding, Detecting, and **Capturing Methane Emissions from Landfills**

Senate Environment and Public Works Committee

Wednesday, January 31, 10:00 AM EST

House of Representatives

Fighting the Misuse of Biden's Green Bank Giveaway

House Energy and Commerce Oversight Subcommittee

Tuesday, January 30, 10:30 AM EST

Federal Agency Climate News

Department of Energy

Biden-Harris Administration Announces \$254 Million to Decarbonize America's Industrial Sector and Revitalize Domestic Manufacturing (January 25)

Biden-Harris Administration Announces Over \$46 Million to Enhance EV Charging Reliability and Workforce Development (January 19)

U.S. Department of Energy Announces \$131 Million to Boost America's Battery Supply Chain and Supercharge Electric Vehicle Innovation (January 18)

White House

Leaders Praise Biden-Harris Administration Pause on Pending Decisions of Liquefied Natural Gas Exports (January 27)

Biden-Harris Administration Announces Temporary Pause on Pending Approvals of **Liquefied Natural Gas Exports** (January 26)

Biden-Harris Administration Announces New Actions to Cut Electric Vehicle Costs for Americans and Continue Building Out a Convenient, Reliable, Made-in-America EV Charging Network (January 19)

Funding and Comment Opportunities

Climate Pollution Reduction Grants

Environmental Protection Agency

Close Date: April 1, 2024

Battery Materials and Battery Manufacturing Grants

Department of Energy

Close Date: March 19, 2024

Transmission Siting and Economic Development

Program

Department of Energy

Close Date: April 5, 2024

Section 45V Credit for Production of Clean Hydrogen

Department of Treasury

Close Date: February 26, 2024

D.C. Climate Events

This is Climate – Driving the Future

Washington Post

Wednesday, January 31, 11:00 AM EST

Energy Earthshots: The Frontier of Climate Innovation

Environmental and Energy Study Institute

Thursday, February 1, 2:00 PM EST

Africa's Energy Transition

Center for Strategic and International Studies

Thursday, February 1, 1:00 PM EST

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

Kenneth J. Markowitz Dario J. Frommer

Stacey H. Mitchell Christopher A. Treanor

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