



BRIEF ON CLIMATE & SUSTAINABILITY

September 26, 2020

DEVELOPMENTS IN CONGRESS

- ***House Passes Sweeping Clean Energy Bill.*** The House on Thursday passed a broad bill that aims to boost energy efficiency and renewable energy sources as part of an attempt to combat climate change. The chamber approved the 900-page Clean Energy and Jobs Innovation Act in a 220-185 vote. The legislation would create research and development programs for solar, wind, advanced geothermal energy and hydroelectric power as well as lessening pollution from fossil fuel production.
 - It would also establish more rigorous building codes and bolster energy efficiency requirements and weatherization programs.
 - The bill moved rapidly through the House. It was first introduced last week and did not go through any legislative hearings.
 - A similar energy innovation package that was introduced in the Senate earlier this year has recently been reenergized after legislators came to an agreement on an amendment seeking to phase down the use of a type of greenhouse gas.
- ***House Oversight Holds Hearing on Climate Change:*** The House Oversight and Reform panel on Thursday packaged a half-dozen bills to boost federal climate planning and increase resilience to rising sea levels and other climate impacts. The bills have little chance of advancing this congressional session, but offer a roadmap for legislation many Democrats hope to pursue if they win control of the Senate in the November election. Oversight and Reform's fourth climate change hearing, held by its Subcommittee on Environment, brings to a close a series of such hearings launched after Democrats took control of the House in November 2018.
 - The final hearing focused on various climate policies from Democrats in recent years, including several bills released this month, against a backdrop of increasingly severe and frequent hurricanes and wildfires in the U.S.
- ***House Natural Resources Holds Hearing on Renewable Energy:*** On Tuesday, September 22nd, the House Natural Resources Subcommittee on Energy and Mineral Resources held a hearing on the status of renewable energy development in the United States. The hearing featured a panel of clean energy experts who provided the Subcommittee with testimony centered on strategies to bolster wind, solar, and other clean energy industries. While the Chairman and Ranking Member of the Committee both agreed that the U.S. government should invest more in renewable and clean energy, they provided conflicting opinions on which administration they believed is responsible for the slowing rates of renewable energy development.
- ***Udall Introduces Bill to Tackle Plastic Waste.*** Sen. Tom Udall (D-N.M.) filed [legislation](#) that would require the EPA to ban the discharge and pollution of tiny plastic pellets that are used to

manufacture plastic products like bags, bottles, and utensils. The “Plastic Pellet Free Waters Act” seeks to eliminate the use of “nurdles,” plastic granules that petrochemical companies produce from fossil fuels and then ship to processing plants. The pellets can take years to break down and wildlife can mistake them for food. More than 250,000 tons of pellets pollute waters annually, according to a 2016 report from Eunomia, an England-based global consulting firm.

- ***House GOP Seeks to Cement Trump Rollback of Bedrock Environmental Law.*** House Republicans are seeking to advance a bill that would legislatively cement many of President Trump’s controversial changes to a bedrock environmental law while adding additional provisions that would make it tougher to sue over major construction projects. The bill follows the White House’s July rollback of the National Environmental Policy Act (NEPA), which for 50 years has required the government to weigh environmental and community concerns before approving pipelines, highways, drilling permits or any major action on federal lands. While that rollback has spurred suits from a number of environmental groups and states, lawmakers are doubling down with a similar effort.
 - “I applaud the administration’s monumental steps to produce a new final NEPA rule that’s going to have some advantages, but it needs to be codified,” said Rep. Rob Bishop (R-Utah), ranking member of the House Natural Resources Committee.
- ***Dems Unveil Clean Water Act Protection Measure.*** Democratic Senators are introducing a resolution that calls upon the EPA to maintain Clean Water Act protections for wetlands and water bodies in the face of rules they say the Trump administration has weakened in the past year. The resolution points to the streams that provides drinking water supplies for one in three Americans and the pollution filtering and flooding capacities of wetlands that are under attack from the current administration’s narrowing of Clean Water Act protections. The measure draws the attention of the Senate to the dangers of polluted waterways from toxic blue-green algae, sewage overflows and widespread contamination by the ubiquitous per- and polyfluoroalkyl, or PFAS, compounds on public health and aquatic life.
 - Sen. Tammy Duckworth (Ill.), the ranking Democrat on the Senate Environment and Public Works Subcommittee on Fisheries, Water and Wildlife, is introducing the legislation in the chamber along with her colleagues Sens. Cory Booker (D-N.J.) and Jeff Merkley (D-Ore.).
- ***House Approved Stopgap Funding Measure.*** The House's stopgap government funding bill passed Tuesday night included a provision that forbids the Agriculture secretary from giving money to refiners to comply with the Renewable Fuel Standard. The White House had been contemplating spending around \$300 million to help out small refiners who are watching the small refiner exemption program vanish out from under them. But the spending deal, H.R. 8337 (116), blocks that effort and even goes a step further in putting in place a 180-day moratorium on DOE authorities that let it trade petroleum products for biofuels to help refiners comply with the law.
 - "We have reached an agreement with Republicans on the CR to add nearly \$8 billion in desperately needed nutrition assistance for hungry schoolchildren and families," House Speaker Nancy Pelosi said in a statement. "We also increase accountability in the Commodity Credit Corporation, preventing funds for farmers from being misused for a Big Oil bailout."

TRUMP ADMINISTRATION ACTIONS

- ***White House Recommends Ryan Maue, Meteorologist and Critic of Dire Climate Predictions, for NOAA Chief Scientist.*** The position, pushed forward by the White House pending completion of ethics and security reviews and not requiring Senate confirmation, would put Maue in a leadership position within the agency. As chief scientist, Maue would be tasked with helping establish its oceans and atmosphere research priorities, as well as playing a role in enforcing its scientific integrity policy. Maue serves as the developer of weathermodels.com, a site that displays computer model information using eye-catching graphics to make their simulations accessible to professionals and hobbyists. He was previously an adjunct scholar with the Cato Institute, a libertarian think tank that was involved in efforts to question the scientific consensus on human-induced climate change. He has harshly criticized climate activists and Democrats for pushing for cuts in fossil fuel emissions by linking extreme weather events to global warming, but he does not dispute the fact that human-caused emissions of greenhouse gases are warming the planet in ways that are causing significant impacts.
- ***Energy Secretary Questions Consensus that Humans Cause Climate Change.*** Energy Secretary Dan Brouillette questioned whether humans are causing climate change while traveling in Pennsylvania despite the overwhelming scientific consensus that the phenomenon is human caused. Told that scientists believe humans are responsible for climate change, Brouillette said: “Scientists say a lot of things. I have scientists inside of the Department of Energy that say a lot of things. Look, the bottom line is we live here, so we must have some impact. The question is, what is the exact impact that we’re having? And that’s the question that has not been resolved.”
- ***EPA About to Reverse Clinton-Era Toxic Air Pollution Policy.*** Power plants, refineries, and other industrial sources may now be able to avoid stringent pollution controls if the toxic air particles they emit fall below a mandated legal threshold. The EPA is finalizing its rule that it will no longer enforce the “once-in, always in” toxic air policy that bound chemical plants, refineries, and other industrial sources to a lifetime of pollution controls based on estimated emissions, a senior agency official confirmed yesterday.
- ***The Potential Replacements for RBG.*** The two front-runners to replace Ginsburg on the bench, Amy Coney Barrett and Barbara Lagoa, don’t have much in the way of major environmental rulings, although at least one contender could change course on key Supreme Court precedents like Chevron deference.
 - Judge Amy Coney Barrett of the 7th Circuit is an originalist in the mold of Antonin Scalia, for whom she clerked in the late 1990s. She has written frequently about a need for the Supreme Court to overturn its precedents more often and questioned the “administrative state.” Experts say that indicates she would be open to significantly narrowing, or possibly overturning, key Supreme Court precedents like Chevron deference or EPA’s regulatory authority on greenhouse gases.
 - Judge Barbara Lagoa of the 11th Circuit has emerged as a late-stage contender. Lagoa has a lower profile in constitutional law circles and has little background on environmental issues. However, during her confirmation to the 11th Circuit last year, Lagoa dodged answering a question from Sen. Dianne Feinstein on the causes of climate change, arguing that it would be “inappropriate” to comment since the matter could come up in future litigation.

ENERGY ECONOMY NEWS

- ***U.S. Oil Drillers Remain Focused on Output Over Debt.*** After all the trauma the U.S. oil industry has been through this year -- from production cuts to mass layoffs and a string of bankruptcies -- many producers say they’re still prioritizing output over reducing debt. At least that’s according

to the latest energy survey published by the Federal Reserve Bank of Dallas yesterday. It provides a sharp contrast to the repeated assurances to investors from shale executives they've finally gotten the message -- that after years of taking on debt and burning cash to fund constant growth, they're focusing on increasing shareholders returns and strengthening their balance sheets.

- ***Canada Injects Cash as Atlantic Offshore Oil, Gas Hits 'Crisis.'*** Canada will give Newfoundland and Labrador C\$320 million (\$239 million) to help the far east province's struggling offshore oil and gas industry, the federal energy minister said Friday.
 - Petroleum firms will be able to use the money for safety improvements; maintenance and upgrades at existing facilities; and research and development, Natural Resources Minister Seamus O'Regan announced in St. John's, the province's capital.
 - "The situation for the offshore oil and gas industry in this province has reached a crisis point and immediate action is required," Furey said in a statement.

CORPORATE SUSTAINABILITY UPDATES

- ***Airbus Attempting to Create Zero-Carbon Passenger Plane by 2035.*** Airbus unveiled three designs for zero-emission aircraft on Monday, including one potential design that ditches the traditional fuselage design for a modified "blended-wing" shape. A [press release](#) touted the new designs and stressed the viability of hydrogen as a fuel source for aircraft going forward as the industry seeks to reduce its impact on the climate.
 - "This is a historic moment for the commercial aviation sector as a whole and we intend to play a leading role in the most important transition this industry has ever seen. The concepts we unveil today offer the world a glimpse of our ambition to drive a bold vision for the future of zero-emission flight," said Airbus CEO Guillaume Faury in the press release.
 - The United Nations predicts that emissions from commercial aircraft could triple by 2050. Such emissions now account for about 2.5 percent of global carbon emissions.
- ***General Mills Aims to Halve Food Waste by 2030:*** American food giant General Mills said it plans to reduce greenhouse gas emissions by 30% in the next decade across the entire life of its products, aiming to reach net-zero emissions by 2050. The maker of Cheerios, Haagen-Dazs and Annie's will seek to reach the goal through improved agricultural practices, reduced packaging, and halving food loss and waste by 2030.

2020 ELECTION NEWS

- ***Nearly 40 Democratic Senators Call for Climate Change Questions in Debates.*** The Senators wrote to the Commission on Presidential Debates on Wednesday urging questions focused on climate change to be included in the presidential debates. Their [letter](#) comes a day after the announcement of the first debate topics, which did not include climate change or other energy or environmental issues. The six topics that will be covered in the first debate, slated to take place Tuesday, are Trump's and Biden's records, the Supreme Court, COVID-19, the economy, "race and violence in our cities," and election integrity. Their urging comes after many progressives unsuccessfully pushed for there to be an entire debate focused on climate change during the Democratic primary.
- ***Former Environmental Chiefs Blast Trump.*** Four former U.S. environmental chiefs endorsed Joe Biden yesterday, saying the Democratic nominee would aggressively counter the existential

threat of climate change while bolstering the federal agency tasked with safeguarding America's air and water.

- "This is an enthusiastic support for a new era in the environment we so desperately need. Vice President Biden will bring us that," said William Reilly, who headed the Environmental Protection Agency under former President George H.W. Bush. Under Biden, Reilly said, "I have full confidence that we will see the kind of turnaround we have to see." Meanwhile, EPA chief Andrew Wheeler boasted the Trump administration has done more than any other to protect the environment, calling the agency's record "incontrovertible."

STATE & LOCAL GOVERNMENT NEWS

- ***California Is Ready to Pull the Plug on Gas Vehicles.*** California will ban the sale of new gasoline-powered passenger cars and trucks in 15 years, Gov. Gavin Newsom announced Wednesday, establishing a timeline in the nation's most populous state that could force U.S. automakers to shift their zero-emission efforts into overdrive. The plan won't stop people from owning gas-powered cars or selling them on the used car market. But in 2035 it would end the sale of all new such vehicles in the state of nearly 40 million people that accounts for more than one out of every 10 new cars sold in the U.S. California would be the first state with such a mandate while at least 15 other countries have already made similar commitments, including Germany, France and Norway.
- ***California Zero-Emission Goal May Get Caught in EPA Waiver Fight.*** California's bold plan to phase out sales of new all-gasoline cars by 2035 could face legal challenges down the line from federal officials and industry—but how it may play out is uncertain. Gov. Gavin Newsom (D) on Wednesday signed an executive order that calls for 100% zero-emission sales goals for all new passenger vehicles in 15 years. For heavy- and medium-duty trucks, the sales goal extends an existing rule and requires 100% of sales be zero-emission in 2045. The transportation sector emits nearly 41% of the state's greenhouse gas emissions, and Newsom said the new goals will help California meet climate commitments and signal to industry to ramp up efforts toward electrification.
 - "We want more choice and a lot more competition," Newsom said during a news conference. "And we want more innovation. We want more economic growth. We want more inclusion in terms of these policies."
- ***Michigan's Governor Whitmer Pledges State Will Be Carbon-Neutral by 2050.*** Michigan became the latest state to pledge ambitious action to cut greenhouse gas emissions in the absence of congressional moves on climate change, and President Donald Trump's decision to pull the U.S. out of the 2015 Paris climate accord. Whitmer issued two executive orders to launch the state's Healthy Climate Plan that she said will help the state "combat the climate crisis by formally setting and relentlessly pursuing a goal of statewide decarbonization" by mid-century.
 - One of the directives pledges near-term progress by cutting greenhouse gas emissions by about a quarter by 2025. That order (E.O. No. 2020-10) calls for all new buildings and facilities owned and operated by the state to be carbon neutral by 2040. All state-owned or operated buildings also would be required to cut energy use 40% by 2040.
 - A second Whitmer directive (E.O. No. 2020-182) launches a Council on Climate Solutions, comprised of the heads of various state agencies including the state's departments of agriculture, transportation, and labor. The council would advise the governor and the state's Department of Environment, Great Lakes, and Energy in implementing the climate plan, and would consider environmental justice impacts.

- ***New York Directs Insurers to Disclose Climate Risks for First Time.*** A key New York regulator Tuesday ordered insurers to take a harder look at how climate change will affect their operations and begin developing plans to disclose the related financial risks. New York Superintendent of Financial Services Linda Lacewell outlined her department's expectations in a letter to all domestic and foreign insurers operating in the state. She said the firms should "start integrating the consideration of the financial risks from climate change into their governance frameworks, risk management processes and business strategies." The agency said insurers should develop an approach to climate-related financial disclosure and consider working with the Task Force for Climate-related Financial Disclosures, which reports to G-20 leaders and is chaired by former New York Mayor Mike Bloomberg.
- ***Vermont Lawmakers Override Governor to Enact Climate Bill.*** The Vermont Senate voted Tuesday to override Gov. Phil Scott's (R) veto of a Democratic sponsored bill that would require the state to cut greenhouse gas emissions by at least 26% by 2025, and 80% by 2050. The measures now become law, because the Vermont House of Representatives had also earlier voted to override Scott's veto. The bill establishes a Vermont Climate Council and requires the Vermont Agency of Natural Resources to enact rules to achieve the mandated cuts.
- ***Puerto Rico Gets \$13 Billion in Aid Ahead of Election.*** Puerto Rico is getting \$13 billion in additional disaster funding to rebuild its energy grid and repair schools, which were ravaged by Hurricane Maria. The money comes a full three years after the deadly storm and just six weeks before the presidential election, with Democrats and Republicans battling for Puerto Rican voters in crucial Florida. Governor Wanda Vazquez on Friday called the payment "an unprecedented accomplishment," and said it was thanks to a "good relationship" with the White House and President Donald Trump.
- ***Trump to include North Carolina in offshore drilling moratorium.*** North Carolina will be added to President Trump's moratorium preventing oil and gas drilling off its coast until mid 2032, joining Florida, Georgia and South Carolina, Sen. Thom Tillis (R-N.C.) said Monday. Oceana Action campaign director Diane Hoskins called the North Carolina report "welcome news" if true but cautioned that it was Trump's plan that put the states at risk of drilling in the first place. "Other East and West Coast states remain vulnerable and deserve at least the same protections," she said. A White House spokesperson declined to comment on whether North Carolina would be added to the moratorium, which Trump originally announced while speaking in Florida this month.
- ***PFAS Blood Levels Near Four Military Bases Higher Than Average.*** People living near four military bases from Delaware to Washington state where PFAS was found in drinking water have higher-than-average concentrations of some of the so-called forever chemicals in their blood, federal health officials said. Scientists with a Centers for Disease Control and Prevention agency and the Public Health Service held an online meeting late Thursday to share the first results from a study of PFAS blood concentrations. The study measured per- and polyfluoroalkyl substances (PFAS) in the blood of 1,281 adults and children living near Barnes Air National Guard Base in Hampden County, Mass.; near Shepherd Field Air National Guard Base in Berkeley County, W.Va.; near New Castle Air National Guard Base in New Castle County, Del.; and near Fairchild Air Force Base in Spokane County, Wash.
- ***Pennsylvania's Governor Nixes GOP Bill on Regional Climate Pact.*** Pennsylvania Gov. Tom Wolf (D) vetoed a Republican-sponsored bill on Thursday that would have made it harder for the state to join a carbon trading program among a group of mostly northeastern states.
 - The bill would have mandated that any rulemaking addressing carbon dioxide emissions must first receive the general assembly's approval. Some Republicans have been upset

that Wolf wants to bypass the legislature in seeking to join the Regional Greenhouse Gas Initiative.

- ***New Jersey Moves Closer to Restricting Single-Use Plastics.*** The New Jersey legislature has joined a handful of state legislatures enacting restrictions on plastic bags and polystyrene foam containers to cut back on plastic waste. The state legislature passed a bill Thursday that limits the sale and provision of single-use products, including straws, plastic bags, paper bags, and polystyrene food containers. The bill has yet to be signed into law.
 - Environmental groups hailed New Jersey's move. "This is the single most comprehensive plastics and paper reduction bill in the nation," said Judith Enck, a former EPA regional administrator who is now president of Beyond Plastics.

NEW CLIMATE CHANGE STUDIES

- ***Climate to Reduce GDP by 1 Percent in 2050: Government Analysis.*** U.S. gross domestic product (GDP) will be 1 percent smaller than it would have been otherwise in 2050 because of climate change, according to a new projection from the nonpartisan Congressional Budget Office (CBO). CBO predicted that between 2020 and 2050, climate change will, on average, reduce GDP growth by 0.03 percentage points each year, culminating in the ultimate 1 percent decrease as of 2050. The projection was calculated using data from 1995 to 2019. Researchers used both the overall historical trends between the changing climate and GDP output and also how specific events like high temperatures and hurricanes might cause specific results like property damage. The CBO says that its finding averages several climate scenarios to make its determination. There have been other studies saying that climate change's impact could be greater than 1 percent over the same period, with a study from last year saying that climate change could shrink GDP by nearly 4 percent by 2050.
- ***Warming Shrinks Arctic Ocean Ice to Second Lowest on Record.*** Ice in the Arctic Ocean melted to its second lowest level on record this summer, triggered by global warming along with natural forces, U.S. scientists reported Monday. The extent of ice-covered ocean at the North Pole and extending further south to Alaska, Canada, Greenland and Russia reached its summertime low of 1.4 million square miles (3.7 million square kilometers) last week before starting to grow again. Arctic sea ice reaches its low point in September and its high in March after the winter. This year's melt is second only to 2012, when the ice shrank to 1.3 million square miles (3.4 million square kilometers), according to the National Snow and Ice Data Center, which has been keeping satellite records since 1979. In the 1980s, the ice cover was about 1 million square miles (2.7 million square kilometers) bigger than current summer levels.

INTERNATIONAL NEWS

- ***Portugal Pledges Cheap Green Hydrogen to EU Partners.*** The country will be able to produce the fuel for below 3.50 euros (\$4) per kilogram by the end of next year, according to Joao Galamba, Portugal's Secretary of State for Energy. That's well below the price for hydrogen production seen in most western countries, according to BloombergNEF. The country is building a hydrogen industrial cluster in Sines, south of Lisbon, that'll start supplying clean hydrogen domestically and around the European Union. The Portuguese government is betting on the fuel to curb emissions, reduce imports of natural gas and generate jobs. The country in July approved a national hydrogen strategy to promote the gradual development of the market and estimates investments in hydrogen production projects may reach as much as 9 billion euros through 2030.

- ***Climate Pricing Case Spurs Canada Justices to Prod Both Sides.*** Canada faced off against more than half of its provinces during two days of hearings at the country's top court over whether the federal government can impose a national price on greenhouse gas emissions. The Supreme Court of Canada's nine judges prodded both sides with questions during the hearings on Tuesday and Wednesday, and often voiced their own concerns about the provincial and federal positions.
 - Ontario, Alberta, Saskatchewan, Manitoba, New Brunswick, and Quebec want the court to strike down parts of the 2018 Greenhouse Gas Pollution Pricing Act, arguing it intrudes on their powers under the nation's 1867 constitution.
 - Also at issue was what to call the entire policy. Many of opponents describe it as a carbon tax, while the federal government considers it a regulatory charge. Ontario asked the court to determine that the pricing regime amounts to a tax during a separate line of argument Tuesday.
 - The price is the least coercive tool Canada has to stem the existential threat of climate change and allowing provinces to act independently hasn't led to enough ambition, Guy Pratte, Canada's lead lawyer, said.
- ***U.K.'s PM Johnson Urges UN Countries to Set Net-Zero Carbon Pledges.*** He'll make the announcement Thursday at a special climate meeting during the United Nations General Assembly, where he will also call on world leaders to set net-zero greenhouse gas targets. At the General Assembly earlier this week, China, the world's biggest emitter, pledged to become carbon neutral by 2060. As host of the next round of UN-backed climate change talks, known as COP26, the U.K. is under pressure to show leadership on cutting emissions. Johnson will host the virtual climate meeting on Dec. 12 to mark the five-year anniversary of the Paris Agreement, which bound countries to limiting global warming to 1.5 degrees Celsius. Johnson wants other leaders to join the U.K. in announcing new 2030 climate plans at the Dec. 12 summit, showing what they will do by the next decade to help limit global warming and achieve net-zero emissions.
- ***China Vows Carbon Neutrality by 2060 in Major Climate Pledge.*** China is tightening its target to cut greenhouse-gases and signaled higher spending on green technologies in the next five years, major pledge in the fight against climate change by the planet's worst polluter. President Xi Jinping, speaking during a virtual United Nations General Assembly on Tuesday, also reiterated his goal for emissions to peak before 2030 and urged all nations to work toward a greener economic recovery from the Covid-19 pandemic. While he didn't lay out details, Xi's announcement implies China's emissions will have to sharply decline to reach net-zero in less than 30 years after peaking in 2030.
 - "Humankind can no longer afford to ignore the repeated warnings of nature and go down the beaten path of extracting resources without investing in conservation, pursuing development at the expense of protection, and exploiting resources without restoration," Xi said in a speech by video link.
- ***U.S.-China Clash Threatens Fix to Climate Crisis, Says Hank Paulson.*** Former Treasury Secretary Hank Paulson is issuing a stark warning about the U.S.'s rising friction with China: If the two superpowers can't find common ground, humanity stands little chance of defeating climate change and other global perils. "This is a very difficult relationship right now and it's escalating downward at a dangerous rate," Paulson said in a Friday interview with Bloomberg Television's David Westin. The U.S. and China need to figure out how to manage their conflicts, so they can "work together to solve global problems and I put climate change and the environment at the top of that," he added.

