

**Federal Climate and Energy Activities Weekly Roundup
March 1—March 5**

Update on Senate Climate Legislation

Climate legislation sponsored by Senators John Kerry (D-MA), Lindsey Graham (R-SC) and Joseph Lieberman (I-CT) could be introduced as early as next week. While draft legislation has not been widely circulated, some details of the plan are beginning to emerge. It appears that the legislation is likely to institute a cap on emissions that would apply first to the electric power sector, and would later be phased in to impact the manufacturing sector. The transportation sector would not be subject to the cap. Instead, the bill would likely create a carbon tax on transportation fuels.

EPA Regulation Would Initially Apply to Sources Emitting Over 75,000 Tons of GHGs Annually

This week, EPA Administrator Lisa Jackson announced the agency would initially limit the application of its greenhouse gas (GHG) regulations of stationary sources to those that emit at least 75,000 tons of GHGs annually. Previously, EPA had proposed that it would apply its regulations to stationary sources that emit at least 25,000 tons of GHG annually. State regulatory agencies have argued that a 25,000-ton threshold would impact significantly more small sources than EPA originally anticipated. Jackson said that over the long-term, EPA is considering regulating emissions of sources that emit above 50,000 tons annually.

House Disapproval Resolutions Introduced:

Two identical resolutions of disapproval of EPA's endangerment finding on greenhouse gases have been introduced in the House. Representative Ike Skelton (D-MO) introduced the first, H.J.Res 76, on February 25 and Representative Joe Barton (R-TX) introduced the second resolution, H.J. Res 77, on March 2. Both are identical to S.J.Res 26, which was introduced by Senator Lisa Murkowski (R-AK) in January. The resolutions would nullify EPA's endangerment finding on greenhouse gases, therefore preventing the agency from regulating carbon dioxide and other GHGs under its Clean Air Act authority. In the House, such a resolution would require the support of 218 members to force a floor vote if House leaders do not willingly bring it to the floor. To date, the House resolutions have co-sponsorship of 24 and 98, respectfully. Even if passed by both the House and the Senate, it is unlikely that President Obama would sign the measure, though it would certainly send a message of bipartisan concern over EPA regulations. In related news, Senator Jay Rockefeller (D-WV) and Representative Nick Rahall (D-WV) introduced companion bills on March 4 that would delay EPA regulations of GHGs for 2 years to provide Congress an opportunity to pass climate change legislation.

IPCC To Seek Outside Review of Climate Prediction Procedures

The Intergovernmental Panel on Climate Change (IPCC), whose research has been central to claims that human activities are accelerating and/or causing global warming, has announced it will seek an outside review of the procedures used in its research. The announcement is in response to

concerns raised about the IPCC 2007 report by critics that identified at least two errors in the group's research. The errors relate to the speed at which Himalayan glaciers would retreat and how much of the Netherlands is below sea level. Numerous scientists maintain that the inaccuracies in the IPCC report are minor and do not undermine the group's primary conclusions about global warming. To re-establish public trust, the IPCC says it will get an independent review of its procedures. Details of the review panel have not yet been released.

DOE Files Request to Withdraw Yucca Mountain Application

On March 3, the Department of Energy (DOE) officially filed its request with the Nuclear Regulatory Commission to withdraw the application to build a centralized nuclear waste repository at Yucca Mountain, stating that the Secretary "has decided that a geologic repository at Yucca Mountain is not a workable option for long-term disposition of these materials." The Administration's Blue Ribbon Commission on America's Nuclear Future is supposed to release a report in 18 months on the options for developing a safe, long-term solution to nuclear waste storage. The Administration's decision is extremely controversial, and the states of South Carolina and Washington have filed petitions with the NRC opposing DOE's actions.

New Legislation:

- On February 26, Representative Gresham Barrett (R-SC) introduced H. Res. 1123. The resolution expresses the sense of the House of Representatives with respect to the use of Yucca Mountain as the Nation's primary permanent nuclear waste storage site. It was referred to the Committee on Energy and Commerce.
- On March 2, Senator Ron Wyden (D-OR) introduced S. 3056. The bill would amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation and importation of natural gas. It was referred to the Committee on Energy and Natural Resources.
- On March 2, Senator Jeff Bingaman (D-NM) introduced S. 3059. The bill would improve energy efficiency of appliances, lighting, and buildings, and for other purposes. It was referred to the Committee on Energy and Natural Resources.
- On March 2, Representative Joe Barton (R-TX) introduced H.J. Res. 77, a joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act. It was referred to the Committee on Energy and Commerce.
- On March 3, Senator Thomas Carper (D-DE) introduced S. 3062. The bill would extend credits related to the production of electricity from offshore wind, and for other purposes. It was referred to the Committee on Finance.
- On March 3, Senator Olympia Snowe (R-ME) introduced S. 3064. The bill would amend the Internal Revenue Code of 1986 to provide a credit for the production of energy from deep water offshore wind. It was referred to the Committee on Finance.

- On March 3, Representative Chaka Fattah (D-PA) introduced H.R. 4741. The bill would amend the Energy Policy Act of 2005 to create the right business environment for doubling production of clean nuclear energy and other clean energy and to create mini-Manhattan projects for clean energy research and development. It was referred to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Education and Labor.
- On March 4, Senator Jay Rockefeller introduced S. 3072. The bill would suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes. It was referred to the Committee on Environment and Public Works.
- On March 4, Representative Nick Rahall (D-WV) introduced H.R. 4753. A bill to suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes; to the Committee on Energy and Commerce.