



ABC's Weekly Federal Legislative Update August 31, 2020

Introduction

Congress remains on recess this week. When they return the week following Labor Day, they will need to turn their attention to the next COVID 19 relief package and funding mechanisms to keep the federal government open after the start of the new fiscal year. The following is news from D.C.

Administration

Renewable Fuel Standard

The EPA has yet to release the 2021 RVOs for the Renewable Fuel Standard. The following story discusses the reasons for that delay.

Marc Heller of [Greenwire](#) wrote on August 26, "EPA Administrator Andrew Wheeler today acknowledged that his agency may not be able to meet a late November deadline to set biofuel blending requirements for next year.

"In a joint news conference call with Agriculture Secretary Sonny Perdue, Wheeler said the annual rulemaking is more complicated than usual because of market disruptions caused by the novel coronavirus pandemic.

"This has been a very unusual year," Wheeler said on the call, which EPA and the Agriculture Department had arranged to discuss a different subject. Highway travel plummeted as lockdowns went into place and has only gradually begun to recover.

"Among other factors, EPA, along with the Energy Department, considers expected market conditions for the coming year. The biofuel requirement is the heart of the renewable fuel standard, which Congress added to the Clean Air Act in 2005, with further changes in 2007.

"Wheeler said EPA is working through the related issues and hopes to have a final regulation soon. The deadline is Nov. 30.

"We're trying to understand what the market is going to be and what to expect for next year," Wheeler said.

“He added that EPA has more data to review than it might have in a typical year.

“However late the announcement might be, Wheeler said, the record for tardiness set by the Obama administration — two years — appears to be safe.

“We're not going to break their record of how late they were,” Wheeler said.

“While the annual volume requirement awaits a final decision, EPA is also considering dozens of requests from small refineries for exemptions from biofuel blending requirements — mainly for retroactive waivers going back a few years.

“Wheeler said EPA is “beginning to look” at those petitions.

“The agency has reported receiving 67 such petitions for years from 2011 to 2018, in addition to 31 for 2019 and 2020.

“No matter what the final decision on small-refinery exemptions is, Wheeler said, lawsuits are likely from either biofuel critics or advocates. The agency needs to be sure to provide as much certainty as possible for all sides, he said.

“The Renewable Fuels Association, an industry group, wrote to Wheeler today, urging quick action on the outstanding RFS issues.

“By disregarding statutory deadlines, flouting court decisions, and failing to make timely decisions, the Environmental Protection Agency is undermining predictability and confidence in the renewable fuels market and abetting longtime opponents of the RFS who perpetually seek the destabilize the program,” wrote the association's president and CEO, Geoff Cooper.”

[COVID 19 Package](#)

The following story an update on the Administration's priorities for the next COVID 19 relief package.

On August 26, Geof Koss of [E&E New PM](#) submitted, “The White House wants the next COVID-19 relief package to also head off a government shutdown at the end of September, a top Trump administration official said today.

“White House chief of staff Mark Meadows called for a continuing resolution to be part of a COVID-19 deal “so that we take shutdown off the table.”

“I can tell you the president doesn't want to shut it down, I don't want to shut it down,” he said in an interview with *Politico*.

“Meadows — who along with Treasury Secretary Steven Mnuchin has led negotiations with House Speaker Nancy Pelosi (D-Calif.) and Senate Minority Leader Chuck Schumer

(D-NY) — added that "a number of Republican senators" want to include a continuing resolution in the next phase of COVID-19 relief.

"However, Pelosi has resisted calls to add appropriations to the mix of issues in the stalled relief talks, saying they are separate issues.

"She and Schumer say they won't resume negotiations until the Trump administration is willing to put more money on the table. Specifically, Democrats want the administration to up its current \$1 trillion offer to \$2 trillion. That's \$1 trillion less than the "Heroes Act," which passed the House in May.

"Despite Pelosi's calls to keep the normal appropriations process out of the pandemic relief negotiations, Meadows accused Pelosi today of exploiting the Sept. 30 end of the fiscal year as leverage.

"We know how these negotiations go," he said. "Everybody looks for the leverage, the next cliff, what the next deadline is to figure out how they can use that to their political advantage."

"Nonetheless, Meadows said his staff has reached out to Pelosi's office in hopes of trying to resume talks, but he sounded pessimistic.

"I don't anticipate that we'll actually get a phone call," he said, despite having "very productive conversations" with House and Senate Democrats.

"The Trump administration has repeatedly called for the talks to address a handful of issues, including extending expired unemployment benefits and funds to help schools reopen safely in the fall, but Democrats are pressing hard for a more comprehensive deal.

"Meadows, a former GOP congressman from North Carolina and former head of the conservative House Freedom Caucus, suggested today that many Democrats would support a slimmed-down package.

"A lot of them want to deal and are being very, very reasonable in their request," Meadows said. "I think if we got back into the room with some of their priorities, we could cut a deal. The president wants to do that, but I'm not optimistic. I think the speaker is going to hold out until the end of September and try to get what she wants."

"A continuing resolution is almost certain to be among the agenda items when lawmakers return in September. The House has passed 10 of the 12 spending bills, while the Senate has yet to pass any."

Congress

[Senate Democrats Roll Out Climate Plans](#)

Last week, Senate Democrats released their climate agenda which could serve as a potential guide for what would be top priorities if the Senate flipped to Democratic control in 2021.

E&E Daily reporter Nick Sobczyk published on August 24, "Senate Democrats tomorrow will unveil a proposal to tackle climate change, a potential marker for next year if they win control of the chamber in November.

"Minority Leader Chuck Schumer (D-NY), Sen. Brian Schatz (D-HI) and other Democrats will announce a report titled "The Case for Climate Action: Building a Clean Economy for the American People."

"It's the product of months of work by the entirely Democratic Special Committee on the Climate Crisis. Schumer tapped Schatz to lead the panel last year.

"Much of the recent consternation in the party about climate change has focused on the Senate, specifically whether Democrats would get rid of the filibuster to pass a major bill and whether Schumer would make it a priority with a relatively moderate caucus.

"The report will likely offer signs of how Senate Democrats align with presidential nominee Joe Biden and the House Select Committee on the Climate Crisis, which offered its own climate policy report earlier this summer.

"Biden's climate plan proposes to spend \$2 trillion on clean energy and infrastructure and to decarbonize the electricity sector by 2035.

"The select committee's report lays out similar goals, with a 2040 decarbonization goal for the power sector, a price on carbon, and massive investments in infrastructure and public lands.

"At the Democratic National Convention last week, Schumer said Democrats would "take strong, decisive action to combat climate change to save the planet" if they win back the Senate.

"Schumer and Schatz will announce the report on a call tomorrow, which will also feature Sens. Sheldon Whitehouse (D-RI), Tammy Duckworth (D-IL) and Tina Smith (D-MN).

"Schatz and Whitehouse are the lead sponsors of one of several congressional carbon tax bills, the "American Opportunity Carbon Fee Act," S. 1128. Smith, meanwhile, is the lead sponsor on the "Clean Energy Standard Act," S. 1359, a bill that's increasingly popular with centrist climate advocacy groups.

Other

Campaign 2020: Biden Vows to Support Biofuels

“Democratic presidential hopeful Joe Biden is pledging his support for biofuels and criticizing President Trump's enforcement of the federal biofuel blending law.

“While his statement released yesterday did not make firm commitments like mandating certain volumes under the renewable fuel standard or rejecting oil refiners' waiver requests, it was nonetheless his strongest statement backing an industry that's central to the economy in Iowa, which could be a swing state in the election.

"A Biden-Harris Administration will promote and advance renewable energy, ethanol, and other biofuels to help rural America and our nation's farmers, and will honor the critical role the renewable fuel industry plays in supporting the rural economy and the leadership role American agriculture will play in our fight against climate change," Biden said in the statement, referring to his running mate, Sen. Kamala Harris of California.

"Instead of standing with those who till our land and sow our fields, we have a president who has sold out our farmers by undercutting the Renewable Fuel Standard with the granting of waivers to Big Oil," he said.

"Now, President Trump refuses to announce the 2021 renewable fuel production levels until after the election, leaving farmers concerned of further cuts to production," Biden said.

“The statement comes at a rocky time for the RFS, and some in the industry are frustrated with the Trump administration's handling of the law.

“EPA is considering dozens of requests from small refineries to retroactively waive blending requirements, and the agency appears on track to miss the Nov. 30 deadline for annual volume requirements.

“Biden criticized that likely delay too, saying it leaves "farmers concerned of further cuts to production."

“Under President Obama, when Biden was vice president, EPA repeatedly missed its RFS deadlines.

"The Renewable Fuel Standard marks our bond with our farmers and our commitment to a thriving rural economy," Biden said.

"Donald Trump doesn't respect that connection, and he's thrown it away to the detriment of generations of producers across the Midwest and around the country — many of whom put their trust in him four years ago," he said.

“Asked by Sen. Joni Ernst (R-IA) about EPA waivers to refineries, the president said he would take those concerns to EPA.

Amazon Order 1,800 Zero Emission Vans

Maxine Joselow of [Greenwire](#) wrote on August 28, "Amazon.com Inc. is buying more than 1,800 electric delivery vans from Mercedes-Benz for its fleet in Europe, the company announced today.

"The order is yet another sign of growing interest in electric delivery vehicles, which can help slash greenhouse gas emissions from transportation.

"We need continued innovation and partnership from auto manufacturers like Mercedes-Benz to decarbonize the transportation sector and tackle the climate crisis," Amazon founder and CEO Jeff Bezos said in a statement.

"The addition of 1,800 electric delivery vehicles is another step in our journey to building the most sustainable transportation fleet in the world, and we will be moving fast to get these vans on the road this year," Bezos added.

"The order adds to a flurry of sustainability announcements from Bezos, whose net worth exceeded \$200 billion for the first time Wednesday.

"In September 2019, Amazon ordered 100,000 electric delivery vehicles from startup automaker Rivian in a deal that one analyst called "quite possibly the largest single EV purchase in history". Then, in February, Bezos pledged to spend at least \$10 billion of his own fortune on climate change research and advocacy.

"But as one of the world's largest online retailers, Amazon has an enormous carbon footprint. The company reported emitting 44.4 million metric tons of carbon dioxide in 2018 — rivaling the annual emissions of some small countries.

"Amazon Employees for Climate Justice, an advocacy group founded by Amazon workers, has also called on the company to stop letting oil and gas companies use its technology to locate new oil reserves.

"Mercedes-Benz, a German luxury automaker owned by Daimler AG, has been taking its own steps toward sustainability.

In May 2019, Daimler announced that its entire passenger fleet would be carbon neutral by the end of 2039. The company formalized that commitment today by joining The Climate Pledge, which calls on signatories to reach net-zero carbon emissions across their businesses by 2040 — a decade ahead of the Paris Agreement goal of 2050.

"Daimler said the Amazon order comprises around 1,200 large eSprinter vans and around 600 medium-sized eVito vehicles, adding that delivery will begin later this year.

“Fabio Massimo Castaldo, vice president of the European Parliament, said the order would help the European Union meet the goals of the Green Deal, a set of policy initiatives with the overarching aim of making the continent carbon neutral by 2050.

"Amazon's investment is a strong and concrete sign of its commitment and alignment to E.U. priorities," he said in a statement, adding, "I hope that other corporations will follow Amazon's example in the near future."