

INSIGHTS

2022 Preview – Politics and Policymaking

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By: [Daniel J. Pope](#) and [Ann D. Navaro](#)

On this episode of the Environmental Law Monitor, host [Daniel Pope](#) is joined by [Ann Navaro](#) and [Christine Wyman](#) to discuss what Bracewell's Policy Resolution Group (PRG) is observing in terms of politics and policy-making, such as the infrastructure bill.

Ann is a partner in our DC office, advising on and litigates under the federal laws and policies governing natural resources and the environment. Christine, a senior principal in PRG, assists clients in developing policy strategies and implementing them through effective participation in the legislative and regulatory process.

What stands out about Biden's infrastructure package and some of the administration's achievements in 2021?

When we look at the end of 2021, the infrastructure bill definitely was a crowning achievement for the Biden administration and Congress for taking the next step toward a clean energy transition. If you look at what's being given to the Department of Energy alone, with \$62 billion in funding toward clean energy projects and forms of grants and research and development and loan programs, it's something that the administration and Congress can really hang their hats on.

Can you talk a bit about the provisions related to hydrogen development and carbon capture?

Just last week, the Department of Energy announced the hiring of nearly 1,000 people that they are trying to bring on board to implement all of these programs. It's such a monumental task bringing in and onboarding that many people. It demonstrates the scope of the programs and the types of activities that they're really trying to scale up to but also that this is not going to be an overnight type thing. They're looking at bringing in the resources and the people to be able to implement these programs for the long-term.

What should we be watching in terms of the November 2022 midterm elections?

Not surprisingly, we've seen a lot of House Democrats starting to announce their retirements. A lot of those are in relatively safe districts, but watching the movement on retirements and how that plays out and whether or not they can really bring home this win on climate is going to be helpful for Democrats building a platform on climate change.

What should we be watching in terms of new developments with the National Environmental Policy Act (NEPA) and Waters of the United States (WOTUS)?

There's a whole menu of things that are teed up that are potentially pretty significant rule-makings, in particular with respect to the natural resources in the environmental space. Some of these are ongoing, but a number that the administration has said will have a second phase.

The second phase will be more substantive and far-reaching than the first phase of the rule-making will be. Putting it in the context of the political world, it will be interesting to see what they decide to take on prior to the midterms. There's always that kind of dead zone before an election when agencies try not to do anything that may be perceived as controversial or alienating important voters.

For questions about climate policy and policy making, please contact [Ann Navaro](#) or [Christine Wyman](#).

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