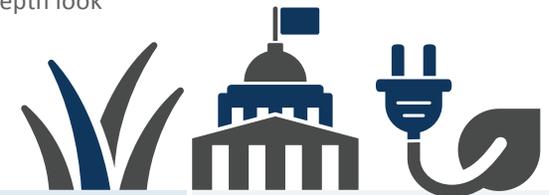


SHIFTING CURRENTS: THE ENERGY & ENVIRONMENTAL LANDSCAPE IN A TIME OF REGULATORY CHANGE

A NEW ADMINISTRATION, A NEW CONGRESS AND A NEW – AND AGGRESSIVE – LEGISLATIVE AGENDA ARE SHAKING THINGS UP IN THE ENERGY AND ENVIRONMENT SPACE.

Faegre Baker Daniels’ fourth annual 2017 Energy and Environment Symposium, held in Washington, D.C., took an in-depth look into the plans, expectations and reactions to the new energy and environment agenda. Attendees received valuable insights from industry leaders including Environmental Protection Agency (EPA) Administrator Scott Pruitt.



THE TAKEAWAYS

The Impact of Energy Expansion, Cooperative Federalism and Citizen Lawsuits

1. Federal regulations are being reconsidered, causing uncertainty and raising the prospect of state-led regulatory enforcement.
2. Renewed attention to first principles and cooperative federalism with a heavier, but not coercive, federal role.
3. Expected SUPERFUND reform that will focus on massive crises that imperil human health and the environment.
4. Anticipated increase in number of citizen suits filed by well-funded environmental groups.
5. Significant uptick in local government opposition to oil and gas development and pipeline infrastructure projects.

Priorities of the New Congressional Committees

1. Adjusting to a new operating environment and rebuilding networks and relationships with agencies.
2. Developing an infrastructure package that puts real dollars into real assets.
3. Orienting policy around putting the consumer first.
4. Prioritizing cybersecurity in critical infrastructure.
5. International dynamics and the importance of innovation driven by global market forces.

EPA: Back to Basics

1. Rule of law – industry and state should know where EPA jurisdiction begins and ends.
2. Return to traditional lawmaking process: executive proposal, citizen/industry/state feedback, Congress making law.
3. Reduce “regulation through litigation” and ruling by consent orders.
4. Address the need for focused infrastructure leadership.
5. Advancement of “pro-growth, pro-environment” approach.

The Future of the Power Grid

1. Fuel diversity is key.
2. Renewables are wonderful, but intermittency remains an issue.
3. Wind and solar do have the capability to provide reliability as battery back-up is up and coming.
4. There is a lot of potential for technological changes and advances, especially in storage.
5. Demand in general is stagnant due to the efficiency of energy and the shift to local power generation.