

ML Strategies Releases its Comprehensive Washington Outlook for 2016

January 25, 2016 | | By Sarah Litke

Mintz Levin Strategies recently published its Washington Outlook for 2016, and it contained a variety of insights for the energy technology industry. Some of the most important items to keep an eye on in the coming year include fallout from Congress' omnibus appropriations and tax extenders agreements, TSCA reform, action on climate change following COP21, and EPA regulatory efforts. Add to that an ongoing presidential election that will no doubt shape the political environment, and you have a recipe for an exciting year. For a more detailed breakdown on what to expect in 2016, read on!

Following weeks of intense negotiations, Congress approved the \$1.1 trillion omnibus appropriations and \$680 billion tax extenders package (H.R. 2029), which includes a long-term extension and phasing down of the wind production tax credit and the solar investment tax credit. We've the significance of the massive spending and tax deals [here](#) – suffice to say the agreement has been viewed by many in the clean tech industry as a tremendous victory that will have a lasting impact in 2016.

The global accord that came out of the 21st Conference of Parties to the United Nations Framework Convention on Climate Change also made waves at the end of 2015, and will be a topic of much debate in Congress going forward. While President Obama, Capitol Hill Democrats, and others in the environmental and public health communities praised the accord, Senate Environment and Public Works Committee Chair James Inhofe (R-OK) opposed it, and some in Congress continue to insist that the United States is not legally bound to any international climate agreement without Congressional approval. Expect to see hearings on the agreement in 2016. We've covered the details of the agreement [here](#).

Congress is set to finalize a bipartisan compromise reform effort on the Toxic Substances Control Act (TSCA) in early 2016. Action in late 2016 is also expected on tax extenders not part of the most recent tax extender package, including investment tax credits for non-solar technologies such as qualified fuel cells, microturbines, combined heat and power facilities, thermal energy properties, and more.

The Environmental Protection Agency, meanwhile, will continue its theme from the past seven years, facing lawsuits and criticism from both sides of the political aisle on almost everything the agency does. If 2015 was the year the Obama Administration pushed its environmental agenda forward, 2016 could be the year to preserve it. The Clean Power Plan faces court challenge from 27 states and numerous industry groups, but until and unless the Court of Appeals stays the plan, federal and state regulators must begin working to implement the rule in 2016. Similar legal battles are ongoing around the Obama Administration's Ozone Rule and the EPA's Renewable Fuel Standard volume mandates. The agency also plans to release a final version of its report on fracking and drinking water this year, and will consider critical comments released the first week of January by the Science Advisory Board at its shapes the final project.

The Department of Energy, Department of Interior, Federal Energy Regulatory Commission, and Nuclear Regulatory Commission all have busy agendas for the coming year as well, with various plans, proposals, and reports set to take effect or be released in the coming months. For the entire report, including more on the energy tech sphere, click [here](#).

Authors

Sarah Litke