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On April 11, the Senate Environment and Public Works Committee held a hearing to discuss the bipartisan Utilizing Significant Emissions with Innovative Technologies Act, or the USE IT Act (S.2602). Introduced by Committee Chairman John Barrasso (R-WY) and cosponsored by Senators Sheldon Whitehouse (D-RI), Shelley Moore Capito (R-WV), and Heidi Heitkamp (D-ND), the USE IT Act supports research and development of carbon capture utilization and storage (CCUS) technologies and facilitates a new permitting process for CCUS projects and carbon dioxide pipelines.

The USE IT Act builds on the similarly bipartisan Furthering carbon capture, Utilization, Technology, Underground storage, and Reduced Emissions (FUTURE) Act (S.1535), which was enacted in February as part of the Bipartisan Budget Act of 2018. The FUTURE Act expanded the tax credits for carbon dioxide sequestration to provide financial incentives encouraging the development and implementation of CCUS technologies, thereby reducing carbon emissions. Complementing this strategy, Title I of the USE IT Act directs the Environmental Protection Agency (EPA) – under its existing authority from the Clean Air Act – to provide technical and financial assistance to CCUS projects focused on reusing and storing carbon generated by industrial facilities. The USE IT Act also directs the EPA to offer a \$25 million competitive prize program for developing direct air capture technologies, and establishes the Direct Air Capture Technology Advisory Board, which will draw on expertise from across the sciences for its membership.

Title II of the USE IT Act would amend the Fixing America's Surface Transportation (FAST) Act (PL.114-94) to include CCUS facilities and transportation infrastructure, such as carbon dioxide pipelines, on a list of projects that can receive expedited review and permitting processes. This provision has drawn concern from several environmental groups, as well as Ranking Member of the Committee Tom Carper (D-DE), that the limited permitting review could undermine the environmental laws and regulations established under the National Environmental Policy Act (NEPA), the Clean Air Act, and other legislative measures. Critics of the bill argue that the language on regulatory efficiencies could be used to undo environmental protections based on political motivations rather than informed assessments. During the hearing, however, the bill's four sponsors – including Senator Heitkamp, who is not a member of the committee and was called in to testify as a witness – defended the provision for regulatory streamlining of CCUS projects, with Senator Whitehouse saying that he would not support the bill if the regulatory efficiencies became code for undoing environmental protections.

Witnesses on the panel largely praised the bill, agreeing that current support for CCUS research and development is insufficient and that the USE IT Act would help CCUS technologies move towards commercial viability more quickly. Two of the witnesses also suggested that the committee look into amending the bill to include opportunities to partner with the Department of Energy (DOE), not just the EPA, to encourage CCUS research. The DOE currently provides the most federal funding for CCUS projects of any agency, including funding awarded through their Carbon Storage Assurance Facility Enterprise (CarbonSAFE) program, which supports the gathering of geological and geophysical data in areas across the nation that could act as geological storage sites.

Sources: E&E News, Government Publishing Office, Library of Congress, U.S. Department of Energy, U.S. Senate
