



Energy, Environment & Natural Resources Committee

2025 Summer Board and Leadership Meeting
Columbus, Ohio

Thursday, July 17, 2025, 2:00-5:00 p.m.
Friday, July 18, 2025, 9:30-11:00 a.m.

Summer Board & Leadership Meeting

Energy, Environment and Natural Resources Federal Advocacy Committee Meeting Agenda

Wednesday, July 16, 2025

5:00 p.m. – **JOINT WELCOME RECEPTION**
6:30 p.m. *Columbus Hilton Downtown – Gina Knee Room*

Thursday, July 17, 2025

8:00 a.m. – **CONTINENTAL BREAKFAST**
9:00 a.m. *Columbus Hilton Downtown – Aminah Robinson AB*

8:45 a.m. – **MOBILE WORKSHOPS: EXPLORING TRANSPORTATION AND HOUSING
IN COLUMBUS**
11:15 a.m. *Buses will load in the hotel lobby starting at 8:45 a.m. and will depart promptly
at 9:00 a.m.*

Columbus is the fastest-growing city in the Midwest and the U.S. The city is proud to showcase how they are managing that growth through innovation in housing, transit and economic development. Local leaders take great pride in what they call “The Columbus Way”—a collaborative, cross-sector approach to getting things done.

Two optional mobile workshops are offered:

- Tour 1: LinkUS, Zone-In and the Peninsula
- Tour 2: Connect Housing Blocks – Innovation in Affordable Housing

Pre-registration required and space is limited. To register, please click [here](#).

11:45 a.m. – **2025 STATE OF THE CITIES REPORT RELEASE AND PRESS
CONFERENCE**
12:15 p.m. *Columbus Hilton Downtown – Bellows Ballroom F*

**The Honorable Steve Patterson, President, National League of
Cities**
Mayor, City of Athens, Ohio

The Honorable Angela Birney
Mayor, City of Redmond, Washington

The Honorable Riakos Adams
Mayor Pro Tem, City of Killeen, Texas

Dr. Christine Baker-Smith
Director of Research, National League of Cities

Join us for the official release of the 12th annual State of the Cities report, a comprehensive look at the priorities, challenges and innovations shaping America's cities, towns and villages in 2025.

For those not attending the Summer Board and Leadership Meeting in person, the report release will be available via webinar. Learn more and register [here](#).

12:15 p.m. – TOWN HALL AND JOINT ATTENDEE NETWORKING LUNCH
1:45 p.m. *Columbus Hilton Downtown – Aminah Robinson AB*

The Honorable Steve Patterson, President, National League of Cities
Mayor, City of Athens, Ohio

The Honorable Kevin Kramer, 2nd Vice President, National League of Cities
Councilmember, City of Louisville, Kentucky

Joshua Franzel, Ph.D.
Senior Executive and Director of Research and Data Analysis, National League of Cities

NLC will share topline findings from recent resident polling on key issues such as housing, infrastructure and crime. Attendees will then engage in a moderated discussion about what they are seeing within their communities on these important issues.

2:00 p.m. – ENERGY, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE
5:00 p.m. MEETING
Columbus Hilton Downtown – Robert King Room

2:00 p.m. – WELCOME, INTRODUCTIONS AND MEETING OVERVIEW
2:30 p.m.

The Honorable Mila Besich, Vice Chair
Mayor, Town of Superior, Arizona

The Honorable Abbie Kamin, Vice Chair
Councilmember, City of Houston, Texas

Vice Chairs will welcome committee members and provide an overview of the agenda.

Committee member introductions – share one sustainability/climate or water infrastructure initiative or project underway in your community.

2:30 p.m. – 3:15 p.m. **SUSTAINABILITY IN ACTION: ATHENS, OHIO**

Andrew Chiki

Deputy Service-Safety Director, City of Athen, Ohio

Committee members will learn about two renewable energy projects and innovative financing mechanisms underway in Athens, Ohio to help meet the city's emissions reductions goals. Committee members will also learn about efforts to expand the availability of electric vehicles and charging infrastructure regionally.

3:15 p.m. – 3:25 p.m. **BREAK**

3:25 p.m. – 4:10 p.m. **DEPLOYING AND FINANCING ELECTRIC VEHICLES IN YOUR COMMUNITY**

Matt Stephens-Rich

Director of Programs, Electrification Coalition

Committee members will learn about resources and opportunities to continue to deploy and finance electric vehicles and charging infrastructure in their communities. Committee members will hear examples of cities across the country that have electrified their transportation systems, including investing in workforce development and updating municipal policies.

4:10 p.m. – 4:35 p.m. **SUSTAINABILITY AND INFRASTRUCTURE PROGRAM UPDATE**

Kyle Funk

Senior Program Specialist, Infrastructure, Transportation and Solutions, Center for Municipal Practice, National League of Cities

Committee members will learn about new resources from NLC to support local action on smart surfaces, green infrastructure and complete streets, to improve local recycling practices, and considerations around data centers in communities. Committee members will hear about recent NLC research and analysis on the effectiveness of state-level funding programs from the Infrastructure Investment and Jobs Act.

4:35 p.m. – 5:00 p.m. **FEDERAL ADVOCACY DISCUSSION: ADVANCING LOCAL INFRASTRUCTURE PROJECTS**

Carolyn Berndt

Legislative Director for Sustainability, Federal Advocacy, National League of Cities

Committee members will discuss and share how their communities are moving forward in planning, implementing and financing water infrastructure and sustainability/climate/resilience projects in their communities. How are local leaders navigating current federal grant programs that support local projects, and how can NLC support cities, towns and villages in these efforts?

5:00 p.m. CLOSING REMARKS

The Honorable Mila Besich, Vice Chair
Mayor, Town of Superior, Arizona

The Honorable Abbie Kamin, Vice Chair
Councilmember, City of Houston, Texas

7:00 p.m. – EVENING EVENT

9:00 p.m. *Jackie O's on Fourth, 171 North 4th Street, Columbus, OH 43215*

The venue is a 13-minute walk from the hotel. For those that need assistance, bus transportation will be provided. Buses will load from the hotel lobby starting at 6:30 p.m. and will run on a loop.

Friday, July 18, 2025

7:30 a.m. – GRAB AND GO BREAKFAST

9:30 a.m. *Columbus Hilton Downtown – Aminah Robinson AB*

9:30 a.m. – ENERGY, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE MEETING

Columbus Hilton Downtown – Robert King Room

9:30 a.m. – IMPROVING WATER INFRASTRUCTURE IN COLUMBUS, OHIO
10:15 a.m.

Kristen Atha
Director, Columbus Water and Power

Columbus Water & Power provides water supply, treatment and distribution services to 1.4 million people, oversees sanitary water reclamation and stormwater services, maintains Columbus streetlights, and supplies municipal power to a growing customer base approaching 20,000.

Committee members will learn how Columbus Water and Power is addressing PFAS drinking water contamination, replacing lead pipes and undertaking other capital improvement projects to improve the city's drinking water, wastewater and stormwater infrastructure.

10:15 a.m. – BREAK
10:25 a.m.

10:25 a.m. – EENR RESOLUTIONS REVIEW
11:00 a.m.

Committee members will review, discuss and vote on recommendations for the resolutions within the EENR section of the NLC National Municipal Policy.

11:00 a.m. CLOSING AND ADJOURN

The Honorable Mila Besich, Vice Chair
Mayor, Town of Superior, Arizona

The Honorable Abbie Kamin, Vice Chair
Councilmember, City of Houston, Texas

Enclosures:

- NLC Policy Development and Advocacy Process
- EENR Resolutions
- Energy and Environment Legal Update
- Speaker Bios
- 2025 Energy, Environment and Natural Resources Committee Roster

Upcoming EENR Committee Meetings

Thursday, September 4, 3:30-4:30 p.m. eastern – EENR Conference Call for Resolutions Review

Wednesday, September 17, 4-5 p.m. eastern – EENR Conference Call for Resolutions Review

[City Summit](#), Salt Lake City, Utah, November 19-22

NLC POLICY DEVELOPMENT AND ADVOCACY PROCESS

As a resource and advocate for more than 19,000 cities, towns and villages, the National League of Cities (NLC) brings municipal officials together to influence federal policy affecting local governments. NLC adopts positions on federal actions, programs and proposals that directly impact municipalities and formalizes those positions in the [National Municipal Policy \(NMP\)](#), which guides NLC's federal advocacy efforts.

NLC divides its advocacy efforts into seven subject areas:

- Community and Economic Development
- Energy, Environment and Natural Resources
- Finance, Administration and Intergovernmental Relations
- Human Development
- Information Technology and Communications
- Public Safety and Crime Prevention
- Transportation and Infrastructure Services

For each of the seven issue areas, a Federal Advocacy Committee advocates in support of NLC's federal policy positions. Members of each committee are appointed by the NLC President and serve for one calendar year.

Federal Advocacy Committees

Federal Advocacy Committee members are responsible for advocating on legislative priorities, providing input on legislative priorities, and reviewing and approving policy proposals and resolutions. Additionally, Committee members engage in networking and sharing of best practices.

Federal Advocacy Committees are comprised of local elected and appointed officials from NLC member cities. NLC members must apply annually for membership to a Federal Advocacy Committee. The NLC President makes appointments for chair, vice chairs, and general membership. In addition to leading the Federal Advocacy Committees, those appointed as committee chairs also serve on NLC's Board of Directors during their leadership year.

At the Congressional City Conference, Federal Advocacy Committee members are called upon to advocate for NLC's legislative priorities on Capitol Hill, as well as develop the committee's agenda and work plan for the year. Committee members meet throughout the year to further the plan, hear from guest presenters, discuss advocacy strategies and develop specific policy amendments and resolutions. At the City Summit, committee members review and approve policy proposals and resolutions. These action items are then forwarded to NLC's Resolutions Committee and are considered at the Annual Business Meeting, also held during the City Summit.

Advocacy

Throughout the year, committee members participate in advocacy efforts to influence the federal decision-making process, focusing on actions concerning local governments and communities. During the Congressional City Conference, committee members have an opportunity, and are encouraged, to meet with their congressional representatives on Capitol Hill. When NLC members are involved in the legislative process and share their expertise and experiences with Congress, municipalities have a stronger national voice, affecting the outcomes of federal policy debates that impact cities and towns.

PROPOSED EENR RESOLUTIONS

NLC resolutions are annual statements of position that sunset at the end of the calendar year unless action is taken. The committee must review each of the 2025 resolutions that originated in the EENR Committee to determine recommendations for 2026. The committee has the following options:

1. Renew the resolution for the coming year (with or without edits)
2. Incorporate the resolution into permanent policy; or
3. Let the resolution expire.

The EENR resolutions that were approved for 2025 at the City Summit with recommendations for 2026 are:

Resolution	NLC Staff Recommendation
NLC RESOLUTION 2025-8: Supporting Local PACE Programs	Renew with edits
NLC RESOLUTION 2025-9: Supporting and Advancing Resilient Communities to Prepare for Changing Climate and Extreme Weather Events	Renew with edits
NLC RESOLUTION 2025-10: Supporting Urgent Action to Reduce Carbon Emissions and Mitigate the Effects of Climate Change	Renew with edits
NLC RESOLUTION 2025-11: Addressing Lead Contamination and Calling for Nationwide Federal Support for Water Infrastructure	Renew with edits
NLC RESOLUTION 2025-12: Increase Federal Investment in Water Infrastructure	Renew with edits
NLC RESOLUTION 2025-13: Support for Integrated Planning and New Affordability Consideration for Water	Renew
NLC RESOLUTION 2025-14: Calling on the Federal Government to Take Action to Address PFAS Contamination	Renew with edits
NLC RESOLUTION 2025-15: Improve the Benefit-Cost Analysis for Federally Funded Flood Control Projects and Support Beneficial Reuse of Dredged Material	Renew with edits

NLC RESOLUTION 2025-16: Increase Funding for Border Water Infrastructure Projects	Renew with edits
NLC RESOLUTION 2025-17: Support for the Outdoor Recreation Legacy Partnership Program and the Outdoors for All Act	Expire (legislation passed in 2024)
NLC RESOLUTION 2025-18: Support and Advance Cities Impacted by Federal Facilities and Infrastructure through Community Benefit Programs	Renew with edits

1 NLC RESOLUTION 2025-8

2
3 SUPPORTING LOCAL PACE PROGRAMS

4
5 [NLC STAFF RECOMMENDATION: Renew with edits]

6
7 **WHEREAS**, utility bills represent a major part of operating costs for home and business owners;
8 and

9
10 **WHEREAS**, the building sector accounts for nearly 37 percent of the nation’s total energy
11 consumption in 2023,¹ 75 percent of all electricity used in the U.S.² and 31 percent of the
12 nation’s 2022 indirect greenhouse gas emissions, which includes electricity end-use,³
13 representing one of the largest, most accessible opportunities for deep emission cuts in the United
14 States; and

15
16 **WHEREAS**, investing in cost-effective energy efficiency and renewable energy improvements
17 to homes and businesses can save energy, cut utility bills, create local jobs, reduce reliance on
18 fossil fuels, and dramatically reduce greenhouse gas emissions; and

19
20 **WHEREAS**, a 2013 study that found default risks are on average 32 percent lower in energy
21 efficient homes and recommends that the lower risks associated with energy efficiency should be
22 taken into consideration when underwriting mortgages;⁴ and

23
24 **WHEREAS**, Property Assessed Clean Energy (PACE) financing programs are an innovative
25 local government solution to help property owners finance energy efficiency and renewable
26 energy improvements – such as energy efficient HVAC systems, upgraded insulation, new
27 windows, solar installations, etc. – to their homes and businesses; and

28
29 **WHEREAS**, PACE programs can also be used for other types of projects that provide public and
30 community benefits, such as improving community resilience to hurricanes and wildfires and
31 managing stormwater and tidal flooding; and

32
33 **WHEREAS**, the PACE program removes many of the financial barriers of energy efficiency and
34 renewable energy retrofits that otherwise exist for residential homeowners and businesses,

¹ U.S. Energy Information Administration; available at: <http://www.eia.gov/tools/faqs/faq.cfm?id=86&t=1>

² NREL Researchers Reveal How Buildings Across United States Do—and Could—Use Energy (Sept. 14, 2023); available at: <https://www.nrel.gov/news/features/2023/nrel-researchers-reveal-how-buildings-across-the-united-states-do-and-could-use-energy.html>

³ Sources of Greenhouse Gas Emissions, U.S. Environmental Protection Agency; available at: <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions>

⁴ Home Energy Efficiency and Mortgage Risk, UNC Center for Community Capital and Institute for Market Transformation, (March 2013); available at: <https://imt.org/resources/home-energy-efficiency-and-mortgage-risks/>

particularly the high upfront cost of making such an investment and the long-term ability to reap the benefits of cost savings; and

WHEREAS, 40 states plus the District of Columbia have passed laws enabling local governments to develop PACE programs⁵; and

WHEREAS, locally-administered PACE programs are an exercise of the traditional authority of local governments to utilize the tax code for public benefit; and

WHEREAS, PACE programs can help local governments meet a core obligation to their citizens to maintain housing stock and improve housing opportunities for all citizens; and

WHEREAS, the PACE program is an example of a successful intergovernmental partnership to realize national policy goals, namely, reducing energy consumption, that will positively impact the fiscal conditions of every level of government; and

WHEREAS, PACE holds the potential to unlock private capital and jumpstart economic growth backed by the marketplace certainty of the federal government; and

WHEREAS, in communities that have enabled PACE, investments have had significant effects on local job creation and economic activity, energy savings and carbon abatement. Over the lifetime of the measures installed to date, estimates show that those PACE projects will result in \$29 billion in economic impact, 214,000 job-years created, 14 million metric tons CO2 emissions avoided and 53 billion kWh energy saved;⁶ and

WHEREAS, despite PACE's great promise, in July 2010 the Federal Housing Finance Agency (FHFA), as conservator of the government-sponsored enterprises (GSEs) following the 2008 financial crisis, issued guidance that directed the GSEs not to purchase mortgages with a PACE assessment,⁷ which immediately slowed the advancement of PACE residential programs across the country; and

WHEREAS, despite the FHFA directive, many commercial and a few residential PACE programs are operating or are in development in hundreds of municipalities across the country; and

⁵ PACE Programs, PACENation; available at: <https://www.pacenation.org/pace-programs/>

⁶ Fact Sheet: What is PACE, PACENation; available at: <https://www.pacenation.org/wp-content/uploads/2023/10/PACENation-What-is-PACE-Factsheet.pdf>

⁷ Property Assessed Clean Energy (PACE) Programs: Supervisory Guidance, Office of the Comptroller of the Currency (July 6, 2010); available at: <https://www OCC.gov/news-issuances/bulletins/2010/bulletin-2010-25.html>

70 **WHEREAS**, in 2010 the U.S. Department of Energy dedicated \$150 million to assist in the
71 development of local PACE programs and in 2016 issued Best Practice Guidelines for
72 Residential PACE Financing Programs to help state and local governments develop and
73 implement programs and recommended protections that PACE programs should put in place for
74 consumers and lenders;⁸ and

75
76 **WHEREAS**, in July 2016, the U.S. Department of Housing and Urban Development released
77 guidance allowing the Federal Housing Administration to insure mortgages on properties that
78 include PACE assessments,⁹ which has since been withdrawn; and

79
80 **WHEREAS**, in 2018, Congress passed the Economic Growth, Regulatory Relief, and Consumer
81 Protection Act banking reform bill that recognizes PACE as a tax assessment and directs the
82 Consumer Financial Protection Bureau (CFPB) to develop rules in consultation with state and
83 local governments that ensure consumers have the ability to pay their residential PACE financing
84 obligations; and

85
86 **WHEREAS**, in December 2024, CFPB finalized the rule, which applies existing residential
87 mortgage protections to PACE loans¹⁰, failing to recognize that locally-administered Residential
88 PACE programs differ from traditional creditor-borrower relationships and should therefore be
89 treated differently.

90
91 **NOW, THEREFORE, BE IT RESOLVED** that locally-administered PACE programs
92 operating in accord with state and federal guidelines are a safe and sound investment of public
93 and private funds; and

94
95 **BE IT FURTHER RESOLVED** that locally-administered PACE programs represent an
96 essential contribution of local governments to reduce greenhouse gas emissions and promote
97 renewable energy; and

98
99 **BE IT FURTHER RESOLVED** that the National League of Cities (NLC) urges FHFA to
100 reconsider the 2010 guidance that prohibits government-sponsored entities from purchasing
101 mortgages with a PACE assessment and to work with local governments seeking to establish
102 PACE programs that benefit from the same senior lien status of all other projects that are funded

⁸ Best Practice Guidelines for Residential PACE Financing Programs, U.S. Department of Energy (Nov. 18, 2016); available at: <https://energy.gov/eere/slsc/downloads/updated-guidelines-residential-pace-financing-programs>

⁹ FHA to Insure Mortgages on Certain Properties with PACE Assessments, U.S. Department of Housing and Urban Development (July 19, 2016); available at: <https://archives.hud.gov/news/2016/pr16-110.cfm>

¹⁰ CFPB Finalizes Rule to Protect Homeowners on Solar Panel Loans and Other Home Improvement Loans Paid Back Through Property Taxes (Dec. 17, 2024); available at: <https://www.consumerfinance.gov/about-us/newsroom/cfpb-finalizes-rule-to-protect-homeowners-on-solar-panel-loans-and-other-home-improvement-loans-paid-back-through-property-taxes/>

103 through municipal assessments that improve private property and meet public policy objectives;
104 and

105

106 **BE IT FURTHER RESOLVED** that NLC urges the CFPB to work with local governments to
107 revise regulations to clearly reaffirm the right of state and local governments to exercise liens or
108 assess special taxes or other property obligations to protect and improve housing stock for the
109 public good, including energy efficiency improvements, and establish underwriting standards that
110 are consistent with guidelines previously issued by the U.S. Department of Energy for PACE
111 financing programs or by implementing any other appropriate measure.

1 NLC RESOLUTION 2025-9

2
3 **SUPPORTING AND ADVANCING RESILIENT COMMUNITIES TO PREPARE FOR**
4 **CHANGING CLIMATE AND EXTREME WEATHER EVENTS**

5
6 **[NLC STAFF RECOMMENDATION: Renew with edits]**
7

8 **WHEREAS**, across the country local governments are seeing the devastating effects associated
9 with a changing climate and extreme weather events, such as heat waves, droughts, heavy
10 downpours, floods, hurricanes, and changes in other storms bring attention to the need for cities,
11 towns and villages to anticipate, prepare for and adapt to these events; and
12

13 **WHEREAS**, these challenges are larger than individual communities can address on their own,
14 making it beneficial to coordinate regionally and across levels of government; and
15

16 **WHEREAS**, while all regions of the country are impacted by climate change, approximately 40
17 percent of the U.S. population—129 million people¹—live in coastal communities that are
18 threatened by rising sea levels, which could impact economic development, land availability,
19 property values, insurance rates, beaches and tourism, and critical water, transportation and
20 energy infrastructure; and
21

22 **WHEREAS**, the Fifth National Climate Assessment reports that the effects of human-caused
23 climate change are already far-reaching and worsening across every region of the United States,
24 and concludes that without rapid and deep reductions in global greenhouse gas emissions from
25 human activity, the risks of accelerating climate impacts will continue to grow;² and
26

27 **WHEREAS**, the effects of a changing climate are a national security issue with growing impacts
28 to the U.S. Department of Defense (DoD) strategies, plans, capabilities, missions, equipment and
29 installations and the DoD must be able to adapt to current and future operations to address the
30 impacts of a variety of threats and conditions, including those from weather and natural events;³
31 and
32

¹ Economics and Demographics, National Oceanic and Atmospheric Administration; *available at*:
<https://coast.noaa.gov/states/fast-facts/economics-and-demographics.html>

² National Climate Assessment (November 2023); *available at*:
<https://repository.library.noaa.gov/view/noaa/61592>

³ Department of Defense Climate Risk Analysis. Report Submitted to National Security Council (October 2021);
available at: <https://apps.dtic.mil/sti/trecms/pdf/AD1172160.pdf>

33 **WHEREAS**, a 2018 report by the Intergovernmental Panel on Climate Change (IPCC) indicates
34 that limiting global warming to 1.5° C is necessary to avoid the worst impacts of climate change,⁴
35 however, the 2023 IPCC finds that there is a more than 50 percent chance that global
36 temperature rise will reach or surpass 1.5° C by 2040 or sooner;⁵ and

37
38 **WHEREAS**, climate change and extreme weather events can have severe impacts on local and
39 regional infrastructure, economies and fiscal conditions, public safety, national security, public
40 health, population migration, natural landscapes, water resources and environmental quality; and

41
42 **WHEREAS**, climate change and extreme weather events pose an especially pressing threat to
43 persons with disabilities, economically disadvantaged households, the elderly, Black, Indigenous
44 and People of Color (BIPOC), and other vulnerable and underrepresented populations because
45 these populations are often most affected by and least able to prepare in advance, respond to or
46 recover from extreme weather events; and

47
48 **WHEREAS**, the capability of maintaining energy availability is a first order priority in
49 maintaining critical infrastructure and building community resilience; and

50
51 **WHEREAS**, there is currently insufficient information, technical coordination and financial
52 assessment of the costs and mechanisms to rapidly retrofit and redesign local energy systems to
53 enable them to be more resilient to a range of potential disruptive events, such as extreme
54 weather, terrorism and energy price escalation; and

55
56 **WHEREAS**, the United States has seen 403 separate billion-dollar-plus weather and climate
57 disasters from 1980 to 2024, including 28 in 2023 and 27 in 2024, with a cumulative cost
58 exceeding \$2.918 trillion (CPI-adjusted) and a total death toll of 16,941;⁶ and

59
60 **WHEREAS**, 2023 set a new annual record with 28 billion-dollar-plus weather or climate events,
61 shattering the previous record of 22 events in 2020;⁷ and

⁴ Special Report on Global Warming of 1.5°C, Intergovernmental Panel on Climate Change (Oct. 2018); *available at*: <https://www.ipcc.ch/sr15/>

⁵ 10 Big Findings from the 2023 IPC Report on Climate Change, World Resources Institute; *available at*: <https://www.wri.org/insights/2023-ipcc-ar6-synthesis-report-climate-change-findings>

⁶ National Climate Data Center, National Oceanic and Atmospheric Administration; *available at*: <https://www.ncei.noaa.gov/access/billions/summary-stats>

⁷ National Climate Data Center, National Oceanic and Atmospheric Administration; *available at*: <https://www.ncei.noaa.gov/access/billions/summary-stats>

63 **WHEREAS**, in 2005 Hurricane Katrina led to 1,833 deaths and more than \$200 billion (CPI-
64 adjusted) in losses and in 2012 Hurricane Sandy led to 159 deaths and more than \$88.5 billion in
65 damages (CPI-adjusted);⁸ and

66
67 **WHEREAS**, in 2017 three Category 4 hurricanes—Harvey, Irma and Maria—made landfall in
68 Texas, Florida and Puerto Rico, respectively totaling more than \$339 billion (CPI-adjusted) in
69 damages and a death toll of 3,167, including 2,981 from Hurricane Maria alone;⁹ and

70
71 **WHEREAS**, in 2022 historic flooding brought devastating damage to eastern Kentucky and
72 eastern Missouri homes, businesses and infrastructure, resulting in 42 deaths and \$1.6 billion (CPI-
73 adjusted) in economic costs¹⁰ and in 2023 drought and heatwave conditions impacted numerous
74 southern and midwestern states, resulting in 247 deaths and \$14.8 billion (CPI-adjusted) in
75 economic losses;¹¹ and

76
77 **WHEREAS**, rising temperatures are lengthening the wildfire season and increasing drought
78 risks, causing more radical fire behavior and increasing wildfire risks throughout the United
79 States due to earlier snow melts and forests that are drier longer,¹² the costs of putting out
80 wildfires has increased dramatically, from approximately \$673.4 million in 1985 to over \$3.1
81 billion in 2023¹³ (2023 dollars),¹⁴ and the economic losses associated with wildfire continues to
82 grow, with the 2018 western wildfires costing over \$30 billion (CPI-adjusted) and the 2020
83 western wildfires, the most active fire season on record, costing over \$19.9 billion (CPI-
84 adjusted);¹⁵ and

85
86 **WHEREAS**, Congress approved over \$100 billion in disaster supplemental funding in 2005,
87 over \$50 billion in disaster supplemental funding in 2018, 2020 and 2021 each, and a total of
88 over \$41 billion in disaster relief in FY23 (FY23 dollars);¹⁶ and

⁸ National Climate Data Center, National Oceanic and Atmospheric Administration; *available at:*
<https://www.ncei.noaa.gov/access/billions/events>

⁹ National Climate Data Center, National Oceanic and Atmospheric Administration; *available at:*
[https://www.ncei.noaa.gov/access/billions/events/US/2017?disasters\[\]=tropical-cyclone](https://www.ncei.noaa.gov/access/billions/events/US/2017?disasters[]=tropical-cyclone)

¹⁰ National Climate Data Center, National Oceanic and Atmospheric Administration; *available at:*
[https://www.ncei.noaa.gov/access/billions/events/US/2022?disasters\[\]=flooding](https://www.ncei.noaa.gov/access/billions/events/US/2022?disasters[]=flooding)

¹¹ National Climate Data Center, National Oceanic and Atmospheric Administration; *available at:*
[https://www.ncei.noaa.gov/access/billions/events/US/2023?disasters\[\]=all-disasters](https://www.ncei.noaa.gov/access/billions/events/US/2023?disasters[]=all-disasters)

¹² Infographic: Western Wildfires and Climate Change, Union of Concerned Scientists; *available at:*
http://www.ucsusa.org/global_warming/science_and_impacts/impacts/infographic-wildfires-climate-change.html

¹³ Federal Firefighting Costs (Suppression Only), National Interagency Fire Center; *available at:*
<https://www.nifc.gov/fire-information/statistics/suppression-costs>

¹⁴ CPI Inflation Calculator, Bureau of Labor Statistics, U.S. Department of Labor; *available at:*
http://www.bls.gov/data/inflation_calculator.htm

¹⁵ Billion-Dollar Weather and Climate Disasters, National Climate Data Center, National Oceanic and Atmospheric Administration; *available at:* [https://www.ncei.noaa.gov/access/billions/events/US/2018-2024?disasters\[\]=wildfire](https://www.ncei.noaa.gov/access/billions/events/US/2018-2024?disasters[]=wildfire)

¹⁶ The Disaster Relief Fund: Overview and Issues, Congressional Research Service (Jan. 20, 2024); *available at:*
<https://crsreports.congress.gov/product/pdf/R/R45484>

89
90 **WHEREAS**, several insurance companies have increased existing premiums, cancelled
91 homeowner policies or stopped offering new policies in some states because of rising costs and
92 losses from extreme weather events such as hurricanes and wildfires, which impacts the ability
93 of residents and local governments to recover and rebuild from disasters and increases insurance
94 costs for residents and businesses; and

95
96 **WHEREAS**, 2024 was the warmest year on record, followed by 2023 (second warmest) 2016
97 (third warmest), 2020 (fourth warmest), and 2019 (fifth warmest);¹⁷ and

98
99 **WHEREAS**, as extreme weather events become more common, local governments in all
100 geographic and climatic regions require resources to assist them in anticipating, preparing for and
101 adapting to these events; and

102
103 **WHEREAS**, preparedness response programs provide financial assistance to accelerate the
104 development of adaptive success models and provide far-reaching damage prevention initiatives
105 that would help reduce the ultimate financial pressure on the federal government; and

106
107 **WHEREAS**, local governments are first responders – preparing in advance of emergency
108 situations, offering immediate assistance to those impacted, and identifying strategies, solutions,
109 and partnerships to address situations quickly and efficiently; and

110
111 **WHEREAS**, taking action now to adapt to a changing environment and create community
112 resilience will help save lives, strengthen local economies, save taxpayer dollars and build
113 preparedness for future events; and

114
115 **WHEREAS**, in 2014 the President’s Task Force on Climate Preparedness and Resilience
116 comprised of state, local and tribal leaders, including representatives from the National League of
117 Cities (NLC) made recommendations to the President on ways the federal government can assist
118 local efforts to address and prepare for the impacts of climate change; and

119
120 **WHEREAS**, the bipartisan Infrastructure Investment and Jobs Act of 2021 makes significant
121 progress toward strengthening infrastructure and communities against extreme weather events by
122 investing in pre-disaster mitigation and flood, wildfire and drought mitigation and the Inflation
123 Reduction Act of 2022 provides additional funding and incentives for climate and clean energy
124 goals, and additional federal policies, funding and resources are needed to support local
125 governments.

¹⁷ “2024 was world’s warmest year on record,” National Oceanic and Atmospheric Administration (Jan. 10, 2025);
available at: <https://www.noaa.gov/news/2024-was-worlds-warmest-year-on-record>

NOW, THEREFORE, BE IT RESOLVED that NLC calls on Congress and the Administration to partner with local governments and to support local action on climate change mitigation, adaptation and resilience; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to take urgent action to help states and local governments conduct vulnerability assessments, develop and implement long-term mitigation, adaptation and resiliency action plans relying on forward-looking climate metrics, and identify innovative financing opportunities to implement these assessments and plans in order to prepare, plan for and more quickly recover from extreme weather events; and

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to recognize the unique risks and opportunities communities face and to offer customized tools and incentives to local governments to encourage communities to plan for and rapidly respond to the effects of climate change and extreme weather; and

BE IT FURTHER RESOLVED that NLC urges the federal government to develop a national strategy to assist communities in integrating the risks of climate change and extreme weather events into emergency management planning and responses to identify and quantify the economic value of regional infrastructure at risk under different scenarios; and

BE IT FURTHER RESOLVED that NLC urges the federal government to work with state and local governments, the insurance industry, and other stakeholders to develop an incentive-based disaster insurance and mitigation system that would encourage property owners to retrofit existing structures to reduce future losses from natural disasters; and

BE IT FURTHER RESOLVED that NLC urges the federal government to provide incentives for rebuilding infrastructure and buildings following natural disaster in a manner that will protect communities against future natural disasters; and

BE IT FURTHER RESOLVED that NLC calls on the federal government to outline strategies and actions to reduce the vulnerability of federal programs to the impacts of climate change and extreme weather; and

BE IT FURTHER RESOLVED that NLC calls on the federal government to better align federal funding with local preparedness and resilience-building efforts; and

BE IT FURTHER RESOLVED that NLC calls on Congress to fully fund grant programs that help local governments prepare, respond and recover from climate change and extreme weather events, including preparedness and response programs to support local governments that are at the forefront of developing adaptive solutions; and

168

169 **BE IT FURTHER RESOLVED** that NLC urges the federal government to develop grant and
170 technical assistance programs to enable communities to develop community energy transition
171 plans that ensure the capability of cities to maintain critical energy and infrastructure during
172 disruptions to local, regional or national energy infrastructure; and

173

174 **BE IT FURTHER RESOLVED** that NLC supports federal incentives for all generators and
175 owners and operators of transmission systems to develop and expand grid infrastructure,
176 consistent with current environmental regulations and laws and including a short- and long-term
177 assessment of greenhouse gas emissions, so the nation's national transmission grid remains
178 reliable and resilient; and

179

180 **BE IT FURTHER RESOLVED** that NLC urges the federal government to develop a national
181 pilot project initiative to conduct detailed assessments and designs for resilient city energy
182 system retrofit and redesign across a range of different regions and city sizes; and

183

184 **BE IT FURTHER RESOLVED** that federal investments in communities must prioritize those
185 communities that have been left behind and BIPOC communities, which are disproportionately
186 impacted by the effects of climate change.

1 NLC RESOLUTION 2025-10

2
3 SUPPORTING URGENT ACTION TO REDUCE CARBON EMISSIONS AND
4 MITIGATE THE EFFECTS OF CLIMATE CHANGE

5
6 [NLC STAFF RECOMMENDATION: Renew with edits]
7

8 WHEREAS, climate change mitigation is a global problem that demands a global solution; and
9

10 WHEREAS, the Fifth National Climate Assessment reports that the effects of human-caused
11 climate change are already far-reaching and worsening across every region of the United States,
12 and concludes that without rapid and deep reductions in global greenhouse gas emissions from
13 human activity, the risks of accelerating climate impacts will continue to grow;¹ and
14

15 WHEREAS, a 2018 report by the Intergovernmental Panel on Climate Change (IPCC) indicates
16 that limiting global warming to 1.5° C is necessary to avoid the worst impacts of climate change,²
17 however, the 2023 IPCC finds that there is a more than 50 percent chance that global
18 temperature rise will reach or surpass 1.5° C by 2040 or sooner;³ and
19

20 WHEREAS, extreme heat will have more serious health consequences on outdoor workers and
21 those in unairconditioned spaces and people living in low-income communities, communities of
22 color, and tribal communities, and people in these communities are often disproportionately
23 impacted by high rates of underlying health conditions, which can be exacerbated by extreme
24 heat; and
25

26 WHEREAS, these same vulnerable populations also face dramatically higher energy burdens—
27 spending a greater portion of their income on energy bills—than the average household;⁴ and
28

29 WHEREAS, according to the American Lung Association’s 2025 State of the Air report, nearly
30 46 percent or 156.1 million people live in communities with unhealthy levels of ozone or particle
31 pollution;⁵ and
32

¹ National Climate Assessment (November 2023); *available at:*
<https://repository.library.noaa.gov/view/noaa/61592>

² Special Report on Global Warming of 1.5°C, Intergovernmental Panel on Climate Change (Oct. 2018); *available at:* <https://www.ipcc.ch/sr15/>

³ 10 Big Findings from the 2023 IPCC Report on Climate Change, World Resources Institute; *available at:*
<https://www.wri.org/insights/2023-ipcc-ar6-synthesis-report-climate-change-findings>

⁴ Energy Burden Report, American Council for an Energy-Efficient Economy (2024); *available at:*
<https://www.aceee.org/energy-burden>

⁵ State of the Air, American Lung Association (2025); *available at:* <https://www.lung.org/research/sota/key-findings>

33 **WHEREAS**, while some impacts of climate change are inevitable, sharp reductions in
34 greenhouse gas emissions will reduce the severity of the impacts and limit the rate of climate
35 change; and

36
37 **WHEREAS**, in order to meet the carbon emissions reductions goals necessary to help mitigate
38 the effects of climate change on communities, improving energy efficiency, increasing energy
39 conservation and deploying carbon-free and renewable energy systems will be essential at the
40 local, state and federal levels; and

41
42 **WHEREAS**, nuclear power will be a necessary component of the carbon-neutral energy
43 portfolio for the coming decades; and

44
45 **WHEREAS**, improving energy efficiency, increasing energy conservation and deploying
46 renewable energy systems will save taxpayer dollars, boost the national and local economy,
47 enhance national security, increase our nation’s energy independence and improve environmental
48 quality; and

49
50 **WHEREAS**, technology exists and continues to be developed that will help families, businesses
51 and communities reduce energy use, but without standards or incentives to encourage domestic
52 manufacturing or adoption of new technology, many of these options will be unavailable or
53 unaffordable; and

54
55 **WHEREAS**, the transportation sector generates the largest share of direct greenhouse gas
56 emissions, 28 percent of 2022 greenhouse gas emissions, in the United States;⁶ and

57
58 **WHEREAS**, the building sector accounts for nearly 37 percent of the nation’s total energy
59 consumption in 2023,⁷ 75 percent of all electricity used in the U.S.⁸ and 31 percent of the
60 nation’s 2022 indirect greenhouse gas emissions, which includes electricity end-use;⁹ and

⁶ Sources of Greenhouse Gas Emissions, U.S. Environmental Protection Agency; *available at:*
<https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions>

⁷ U.S. Energy Information Administration; *available at:* <http://www.eia.gov/tools/faqs/faq.cfm?id=86&t=1>

⁸ NREL Researchers Reveal How Buildings Across United States Do—and Could—Use Energy (Sept. 14, 2023);
available at: <https://www.nrel.gov/news/features/2023/nrel-researchers-reveal-how-buildings-across-the-united-states-do-and-could-use-energy.html>

⁹ Sources of Greenhouse Gas Emissions, U.S. Environmental Protection Agency; *available at:*
<https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions>

WHEREAS, indoor and outdoor lighting account for 6 percent of electricity consumed in the nation,¹⁰ and rapid conversion to efficient lighting would result in significant greenhouse gas reductions as well as a decrease in base load energy needs; and

WHEREAS, communities large and small nationwide are laboratories of innovation and are taking action on climate mitigation, including adopting greenhouse gas reduction goals, successfully pioneering and demonstrating cost-effective clean energy solutions, and pursuing local strategies that create jobs, save energy and taxpayer dollars, and promote renewable sources; and

WHEREAS, the Energy Efficiency and Conservation Block Grant (EECBG) helps local governments undertake projects to reduce energy use, diversify energy supplies and improve air quality and the environment; and

WHEREAS, all levels of government must work to become more resilient by achieving greater energy independence based on a multi-pronged strategy of aggressively expanding renewable energy, significantly increasing energy efficiency portfolio standards and creating new financing mechanisms; and

WHEREAS, in 2014 the President’s Task Force on Climate Preparedness and Resilience, comprised of state, local and tribal leaders, including representatives from the National League of Cities (NLC), made recommendations to the President on ways the federal government can assist local efforts to address and prepare for the impacts of climate change; and

WHEREAS, the bipartisan Infrastructure Investment and Jobs Act of 2021 makes significant progress toward reducing greenhouse gas emissions throughout the transportation sector and investing in clean energy and energy efficiency and conservation and the Inflation Reduction Act of 2022 provides additional funding, tax credits and incentives for climate and clean energy goals, and additional federal policies, funding and resources are needed to support local governments; and

WHEREAS, because of these investments and the decline in capital costs, renewable energy accounted for approximately 90 percent of new installed generation capacity in the U.S. in 2024, bringing the total renewable energy capacity up to 358.9 gigawatts—representing 30 percent of the country’s large-scale power generating capacity and 25 percent of power supply;¹¹ and

¹⁰ FAQ: How much electricity is used for lighting in the United States, U.S. Energy Information Administration; available at: <https://www.eia.gov/tools/faqs/faq.php?id=99&t=3>

¹¹ US Clean Power Development Sees Record Progress, As Well As Stronger Headwinds, World Resources Institute (Feb. 21, 2025); available at: <https://www.wri.org/insights/clean-energy-progress-united-states>

98 **WHEREAS**, while renewable electricity generation capacity in the U.S. is projected to grow
99 continuously in the coming decades, the rate is variable depending on market developments;¹³
100 and **WHEREAS**, U.S. data center power demand is forecasted to more than double by 2035,
101 rising from almost 35 gigawatts in 2024 to 78 gigawatts and energy consumption growth is
102 project to rise at an even steeper rate, with average hourly electricity demand nearly tripling from
103 16 gigawatt-hours in 2024 to 49 gigawatt hours by 2035.¹⁴

104
105 **NOW, THEREFORE, BE IT RESOLVED** that NLC calls on Congress and the Administration
106 to partner with local governments, to support local action on climate change mitigation, and to
107 provide essential tools, research, technology development, data and funding, as well as workforce
108 development, job training and community assistance, to help local governments achieve their
109 greenhouse gas reduction targets and transition to a clean energy economy; and

110
111 **BE IT FURTHER RESOLVED** that NLC urges Congress and the Administration to take urgent
112 action to reduce carbon emissions across a broad sector of the economy and become carbon
113 neutral to mitigate the effects of climate change; and

114
115 **BE IT FURTHER RESOLVED** that NLC supports the U.S.’s engagement in the Paris Climate
116 Agreement and calls on Congress to position the U.S. as a climate leader and adopt nationwide
117 greenhouse gas emission goals and policies that exceed the IPCC 1.5°C targets of 45 percent
118 emissions reduction from 2010 levels by 2030 and net zero by 2050, and to encourage other
119 countries to adopt these same goals; and

120
121 **BE IT FURTHER RESOLVED** that NLC supports efforts to increase the CAFE standards or
122 fuel efficiency for all types of vehicles; and

123
124 **BE IT FURTHER RESOLVED** that NLC calls on Congress to pass a national renewable
125 portfolio standard that increases the use of carbon neutral energy and promotes energy efficiency,
126 with the goal of at least 50 percent carbon neutral energy by 2030 and 100 percent by 2050 or
127 sooner; and

128
129 **BE IT FURTHER RESOLVED** that NLC encourages the federal government to develop
130 policies that facilitate the necessary deployment of electric infrastructure in an expedited manner
131 to support clean energy goals; and

¹³ Renewable electricity generation capacity in the United States from 2024 to 2050, by scenario, Statista (April 28, 2025); available at: <https://www.statista.com/statistics/1343036/forecast-renewable-electricity-capacity-us-scenario/>

¹⁴ Power for AI: Easier Said Than Built, BloombergNEF (April 15, 2025); available at: <https://about.bnef.com/insights/commodities/power-for-ai-easier-said-than-built/>

BE IT FURTHER RESOLVED that these federal policies should ensure that the benefits of renewable energy and energy efficiency are shared equitably, with special attention on low-income, disadvantaged and other vulnerable and underrepresented populations, and that the siting of such electric infrastructure should not inequitably burden these populations; and

BE IT FURTHER RESOLVED the federal government should provide tools, resources, technical assistance and funding to local governments to support streamlining local permitting processes that reduce soft costs and barriers to support local deployment of renewable energy and public and private electric vehicle infrastructure; and

BE IT FURTHER RESOLVED that the NLC recognizes the need for an effective network of energy grid infrastructure to help the nation achieve a clean energy future and urges the federal government to partner and consult with local governments to encourage policies that address barriers to electric infrastructure development and support an efficient process for infrastructure interconnection, siting and permitting, including a short- and long-term assessment of greenhouse gas emissions; and

BE IT FURTHER RESOLVED that NLC calls on Congress to reauthorize and fully fund the EECBG or other funding structure at the U.S. Department of Energy to further incentivize clean energy at the local level; and

BE IT FURTHER RESOLVED that NLC supports long-term extensions of the investment tax credit and the production tax credit for clean energy as an incentive for their development and deployment and urges Congress and the Administration to reinstate the clean energy tax credits available to local governments through the Elective Pay provision of the Inflation Reduction Act; and

BE IT FURTHER RESOLVED that federal investments in communities must prioritize those communities that have been left behind and Black, Indigenous and People of Color (BIPOC) who are disproportionately impacted by the effects of climate change.

1 NLC RESOLUTION 2025-11

2
3 ADDRESSING LEAD CONTAMINATION AND CALLING FOR NATIONWIDE
4 FEDERAL SUPPORT FOR WATER INFRASTRUCTURE

5
6 [NLC STAFF RECOMMENDATION: Renew with edits]
7

8 WHEREAS, access to clean drinking water is fundamental to the health and well-being of
9 America's communities and families; and

10
11 WHEREAS, the U.S. Environmental Protection Agency (EPA) estimates there are 9.2 million
12 lead service lines across the country;¹ and

13
14 WHEREAS, lead has negative and long-term neurological effects, particularly in infants and
15 children; and

16
17 WHEREAS, corrosion control and testing are essential to prevent lead from leaching into
18 drinking water and endangering public health; and

19
20 WHEREAS, a recent analysis by the American Water Works Association estimates the average
21 cost for a full replacement of a lead service line is \$12,500, which is significantly higher than
22 EPA's cost estimate of \$6,154 in the Final Lead and Copper Rule Revisions,² indicating that the
23 total cost of replacing the nation's 9.2 million lead service lines to be upward of \$100 billion
24 under the requirements from EPA's Lead and Copper Rule Improvements (LCRI); and

25
26 WHEREAS, local governments are already taking action to address lead service lines in their
27 communities and to comply with EPA's Lead and Copper Rule Revisions, finalized in 2021,
28 which required all community water systems and non-transient non-community water systems,
29 such as schools, to complete an inventory of lead pipes by October 16, 2024³; and

30
31 WHEREAS, the LCRI, finalized in 2024, requires public water systems to replace all lead
32 service lines by 2037 with limited exceptions, among other requirements;⁴ and

¹ Fact Sheet: 7th Drinking Water Infrastructure Needs Survey and Assessment, U.S. Environmental Protection Agency (April 2023); available at: https://www.epa.gov/system/files/documents/2023-04/Final_DWINSAs%20Public%20Factsheet%204.4.23.pdf

² "Considerations when Costing Lead Service Line Identification and Replacement, CDM Smith (November 2022); available at: <https://www.awwa.org/wp-content/uploads/CDM-Considerations-when-costing-lead-service-line-ident-replacement.pdf>

³ Revised Lead and Copper Rule, U.S. Environmental Protection Agency; available at: <https://www.epa.gov/ground-water-and-drinking-water/revised-lead-and-copper-rule>

⁴ Lead and Copper Rule Improvements, U.S. Environmental Protection Agency; available at: <https://www.epa.gov/ground-water-and-drinking-water/lead-and-copper-rule-improvements>

WHEREAS, there is a need to invest in our aging water infrastructure nationwide and a failure to do so can have negative public health consequences; and

WHEREAS, EPA estimates the nation’s water infrastructure capital needs over the next 20 years to be approximately \$1.255 trillion in total,⁵ the American Society for Civil Engineers estimates that over the next 10 years, \$1 trillion of additional investments are needed to reach a state of good repair for drinking water, wastewater and stormwater infrastructure,⁶ and other estimates put the cost at more than \$4 trillion to maintain and build a 21st century water system; and

WHEREAS, the bipartisan Infrastructure Investment and Jobs Act of 2021 provided federal funding for lead service line replacement projects, and additional federal funding is needed to fully replace all lead service lines in the country.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls on Congress and the Administration to support robust funding for all water infrastructure financing mechanisms, including the Clean Water and Drinking Water State Revolving Loan Fund programs and the Water Infrastructure Finance and Innovation Act (WIFIA); and

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to support other mechanisms of infrastructure financing, including protecting the tax-exempt status of municipal bonds and reinstating the tax exemption for advance refunding bonds; and

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to provide direct grants to local governments, as well as school systems and daycare centers, for the replacement of lead service lines, testing, inventories, planning, corrosion control and public education campaigns, and to assist small and disadvantaged communities in complying with the Safe Drinking Water Act; and

BE IT FURTHER RESOLVED that NLC urges EPA to provide communities with a longer compliance schedules for meeting the requirements of the LCRI, particularly in cases where system operators employ proper corrosion control to prevent direct human exposure, and to provide additional flexibility for communities to maintain water affordability for residents.

⁵ Clean Watershed Needs Survey, U.S. Environmental Protection Agency (April 2024); *available at*: <https://www.epa.gov/cwns> and 7th Drinking Water Infrastructure Needs Survey and Assessment, U.S. Environmental Protection Agency (April 2023); *available at*: <https://www.epa.gov/dwsrf>

⁶ Bridging the Gap: Economic Impacts of National Infrastructure Investment, 2024-2043, American Society of Civil Engineers (May 2024); *available at*: <https://bridgingthegap.infrastructurereportcard.org/>

1 NLC RESOLUTION 2025-12

2
3 INCREASE FEDERAL INVESTMENT IN WATER INFRASTRUCTURE

4
5 [NLC STAFF RECOMMENDATION: Renew with edits]

6
7 **WHEREAS**, the nation’s water infrastructure systems, both built and natural, are significant
8 assets that protect public health and the nation’s water resources and well-maintained systems are
9 essential to the general welfare of communities and residents and the nation’s prosperity; and
10

11 **WHEREAS**, with much of our nation’s physical water infrastructure built in the post-World War
12 II period – and some of it more than 100 years old – there are an estimated 240,000 water main
13 breaks each year;¹ and
14

15 **WHEREAS**, cities, towns and villages nationwide are finding that decentralized water solutions
16 such as water use efficiency measures and green stormwater installations can effectively and
17 affordably serve many of the same functions as conventional water infrastructure and can
18 supplement and extend their existing centralized systems;² and
19

20 **WHEREAS**, local governments fund over 98 percent of all capital, operations and maintenance
21 investment in drinking water, wastewater and sewer infrastructure, investing over \$2.38 trillion
22 between 1993-2019 (not adjusted for inflation) and over \$150 billion in 2022 alone;³ and
23

24 **WHEREAS**, tax-exempt municipal bonds are the primary funding mechanism for state and local
25 government infrastructure projects with three-quarters of the total United States investment in
26 infrastructure being accomplished with tax-exempt financing⁴; and
27

28 **WHEREAS**, an economic analysis by the American Society of Civil Engineers shows a water-
29 related infrastructure investment gap of \$1 trillion over 10 years for drinking water, wastewater
30 and stormwater combined;⁵ and
31

¹ 2025 Report Card for America’s Infrastructure, American Society of Civil Engineers; available at:
<https://infrastructurereportcard.org/wp-content/uploads/2025/03/Full-Report-2025-Natl-IRC-WEB.pdf>

² Koehler, Cynthia and Caroline Koch, Public Water Utilities Deploy 21st Century Water Infrastructure to Build a Resilient Future (2019); available at: <https://tapin.waternow.org/resources/innovation-in-action-21st-century-water-infrastructure-solutions/>

³ 2022 Annual Surveys of State and Local Government Finances, U.S. Census Bureau (October 2024); available at: <https://www.census.gov/programs-surveys/gov-finances.html>

⁴ Tax Tools for Local Economic Development (Aug. 2024); available at: https://gfoaorg.cdn.prismic.io/gfoaorg/ZuJwlxoQrfVKl_7Q_GFR0824-TaxTools.pdf

⁵ Bridging the Gap: Economic Impacts of National Infrastructure Investment, 2024-2043, American Society of Civil Engineers (May 2024); available at: <https://bridgingthegap.infrastructurereportcard.org/>

32 **WHEREAS**, this funding gap does not include anticipated expenditures to comply with new
33 Clean Water Act and Safe Drinking Water Act mandates, consent decrees, new responsibilities
34 and costs relating to water security and source water protection, additional needs for re-use of
35 treated effluent, or impacts due to climate change; and
36

37 **WHEREAS**, the bipartisan Infrastructure Investment and Jobs Act of 2021 (IIJA) provided a
38 significant boost in federal funding for drinking water and wastewater infrastructure, but not
39 enough to close the needs gap; and
40

41 **WHEREAS**, aside from the IIJA, federal spending on loan and grant assistance to local
42 governments to assist in maintaining and upgrading water infrastructure systems has continued to
43 decline in real dollars over the past decades;⁶ and
44

45 **WHEREAS**, a significant portion of municipal water infrastructure financial resources are spent
46 to comply with new complex federal mandates and are therefore unavailable for critical
47 maintenance, repair and rehabilitation needs; and
48

49 **WHEREAS**, public-private partnerships can provide options for communities to access sources
50 of private capital to meet water infrastructure needs, but are not viable for all communities or all
51 types of projects; and
52

53 **WHEREAS**, private activity bonds or tax-exempt facility bonds are a form of tax-exempt
54 financing that can be used for water infrastructure projects that utilize private capital instead of
55 public debt and shift the risk and long-term obligation from the municipality to the private equity
56 partner; and
57

58 **WHEREAS**, Congress provides to states a capped annual allocation (“volume cap”) of tax-
59 exempt bonds private activity bonds, based on population, but historically, most of the tax-
60 exempt private activity bonds are issued to short-term projects such as housing and education
61 loans;⁷ and
62

63 **WHEREAS**, Congress has previously enacted legislation eliminating the state volume cap for
64 such municipal infrastructure projects such as airports, landfills, and ports; and
65

⁶ Public Spending on Transportation and Water Infrastructure, 1956-2023, Congressional Budget Office (Feb. 2025); *available at*:

<https://www.cbo.gov/system/files/2025-02/60874-InfrastructureSpending.pdf>

⁷ CDFA Annual Volume Cap Report, Council of Development Finance Agencies (March 2021); *available at*:
<https://www.cdfa.net/cdfa/cdfaweb.nsf/ordredirect.html?open&id=VolumeCapReport-2019-2020.html>

66 **WHEREAS**, eliminating the state volume cap for water is estimated to make available up to \$5
67 billion in private capital for water projects, while the cost in foregone revenue to the federal
68 government is nominal.⁸
69

70 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) continues
71 to urge Congress and the Administration to reverse the decline in federal financial participation in
72 funding municipal water infrastructure needs, particularly in disadvantaged communities that
73 have historically been under-invested in, by developing a financial option that strikes the right
74 balance between local responsibility and federal assistance; and
75

76 **BE IT FURTHER RESOLVED** that NLC calls on Congress and the Administration to support
77 robust funding for water infrastructure financing through the Clean Water and Drinking Water
78 State Revolving Loan Fund programs; and
79

80 **BE IT FURTHER RESOLVED** that Congress should provide full appropriation to the Water
81 Infrastructure Finance and Innovation Act (WIFIA) for loans and loan guarantees for water
82 infrastructure projects; and
83

84 **BE IT FURTHER RESOLVED** that Congress should provide direct funding to local
85 governments through grant programs such as for sewer overflow and stormwater management,
86 lead service line replacement, water infrastructure resilience/sustainability to protect and reduce
87 risk to extreme weather events, recycled water, new/emerging technologies for cybersecurity
88 improvements and water efficiency, workforce development in the water sector, and other
89 programs; and
90

91 **BE IT FURTHER RESOLVED** that Congress should exempt from federal taxation rebates
92 issued to consumers by local governments to pay for consumer-installed decentralized water
93 infrastructure that benefits their communities; and
94

95 **BE IT FURTHER RESOLVED** that NLC supports legislation removing the federal volume cap
96 on tax-exempt private activity bonds for water and wastewater infrastructure projects; and
97

98 **BE IT FURTHER RESOLVED** that NLC calls on Congress and the Administration to support
99 other mechanisms of infrastructure financing, including protecting the tax-exempt status of
100 municipal bonds and reinstating the tax exemption for advance refunding bonds; and
101

⁸ Testimony of Stephen L. Johnson, Administrator, U.S. Environmental Protection Agency, before the Senate Appropriations Committee, March 4, 2008; available at: <https://www.congress.gov/event/110th-congress/senate-event/LC7251/text>

102 **BE IT FURTHER RESOLVED** that Congress and the Administration should enact new
103 legislation which provides adequate and reliable long-term funding for municipal water
104 infrastructure needs to help close the funding gap.

1 NLC RESOLUTION 2025-13

2
3 SUPPORT FOR INTEGRATED PLANNING AND NEW AFFORDABILITY
4 CONSIDERATION FOR WATER

5
6 [NLC STAFF RECOMMENDATION: Renew]
7

8 **WHEREAS**, in 2012 the U.S. Environmental Protection Agency (EPA) issued its *Integrated*
9 *Municipal Stormwater and Wastewater Planning Approach Framework* (“Integrated Planning
10 Framework”), which was intended to help local governments seek more efficient and affordable
11 solutions to stormwater and wastewater issues and meet the requirements of the Clean Water Act
12 (CWA) in a more flexible, affordable and cost-effective manner; and
13

14 **WHEREAS**, in 2014 EPA issued its *Financial Capability Assessment Framework for Municipal*
15 *Clean Water Act Requirements* (“Financial Capability Framework”), which allows the
16 consideration of additional information, such as socio-economic factors, in determining the
17 financial capability of residents and a community when developing compliance schedules for
18 municipal projects necessary to meet CWA obligations; and
19

20 **WHEREAS**, these two policy frameworks demonstrate an awareness by EPA of the challenges
21 local governments face in meeting CWA requirements, as well as the conflicts they face in
22 balancing environmental protection with economic feasibility; and
23

24 **WHEREAS**, a 2017 report from the National Academy of Public Administration found that
25 EPA’s reliance on two percent of Median Household Income to determine a community’s
26 financial capability puts an unfair and oppressive financial burden on low and middle-income
27 residents, and recommend changes to EPA’s procedure for evaluating ratepayer affordability and
28 utility financial capability;¹ and
29

30 **WHEREAS**, in 2023 EPA issued revised Financial Capability Assessment Guidance to replace
31 the “Combined Sewer Overflows—Guidance for Financial Capability Assessment and Schedule
32 Development” (Feb. 1997), which leaves the two percent Median Household Income metric in
33 place;² and
34

¹ Developing a New Framework for Community Affordability of Clean Water Services, National Academy of Public Administration (Oct. 2017); available at: <https://napawash.org/academy-studies/developing-a-new-framework-for-community-affordability-of-clean-water-servi>

² Understanding the New EPA Financial Capability Assessment Guidance, National League of Cities (March 9, 2023); available at: <https://www.nlc.org/article/2023/03/09/understanding-the-new-epa-financial-capability-assessment-guidance/>

35 **WHEREAS**, taking a One Water approach to water resource management means that “all water
36 has value and should be managed in a sustainable, inclusive, integrated way” and requires
37 balancing water equity, water access and water affordability;³ and
38

39 **WHEREAS**, at a time where local financial resources are increasingly limited and the ability of
40 local governments to raise revenue is also limited, local governments are facing costly unfunded
41 federal and state regulatory requirements forcing them to make tough decisions about the services
42 and maintenance that they can afford; and
43

44 **WHEREAS**, local water and sewer rates and stormwater fees are rapidly becoming unaffordable
45 for many fixed- and low-income citizens, placing a disproportionate financial burden on these
46 vulnerable populations who live at or below the poverty level; and
47

48 **WHEREAS**, the current reliance on two percent of median household income for wastewater
49 and combined sewer overflows controls is a misleading indicator of a community’s ability to pay,
50 and often places a particularly high burden on residents at the lower end of the economic scale;
51 and
52

53 **WHEREAS**, green infrastructure, such as constructed swales, wetlands, green roofs, infiltration
54 planters, rain gardens, cisterns, and enhanced floodplains and riparian buffers through nature-
55 based solutions, augmented by permeable pavers, rain barrels and trees, is a valuable part of
56 water infrastructure systems and provides a multitude of community benefits such as helping
57 local governments manage runoff, extending the life of local infrastructure, saving the city and
58 taxpayers money, providing outdoor recreation opportunities through parks and green spaces and
59 promoting the joint use of city and school facilities, and serve as an economic development tool;
60 and
61

62 **WHEREAS**, National Pollutant Discharge Elimination System (NPDES) permits are
63 increasingly stringent, the treatment technologies and approaches necessary to meet permit limits
64 have become exceedingly expensive and time-intensive to implement, and project construction
65 timelines for clean water infrastructure projects can extend more than a decade.
66

67 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) calls on
68 EPA to work with local governments to develop local integrated plans through the permit process
69 to comprehensively and collectively manage wastewater and stormwater needs, prioritize
70 investments in wet weather overflows and flooding, incorporate green infrastructure components,
71 and to ease the burden of unfunded mandates; and
72

³ One Water Roadmap: The Sustainable Management of Life’s Most Essential Resource, US Water Alliance (2016);
available at: <https://uswateralliance.org/resources/one-water-roadmap-the-sustainable-management-of-lifes-most-essential-resource/>

BE IT FURTHER RESOLVED that NLC calls on EPA to share integrated planning best management practices, including those that take a regional watershed approach, from across the country with all communities that are interested in pursuing an integrated planning approach; and

BE IT FURTHER RESOLVED that NLC calls on Congress to modernize the NPDES permitting process and pass legislation to allow states with delegated authority to administer the NPDES permitting program to issue permits of up to ten years; and

BE IT FURTHER RESOLVED that NLC calls on EPA to work with local governments to revise the February 2023 Financial Capability Assessment Guidance to eliminate reliance on median household income as the critical metric for determining investment level and to allow for the consideration of additional information, such as socio-economic factors, consistent with the Agency's 2014 Financial Capability Framework; and

BE IT FURTHER RESOLVED that NLC calls on the federal government to assess the effectiveness and consider extending the Low Income Home Water Assistance program, which provides ratepayer assistance to offset water bills and arrearages of qualifying customers, as a means of addressing water affordability.

1 **NLC RESOLUTION 2025-14**

2
3 **CALLING ON THE FEDERAL GOVERNMENT TO TAKE ACTION TO ADDRESS**
4 **PFAS CONTAMINATION**

5
6 **[NLC STAFF RECOMMENDATION: Renew with edits]**
7

8 **WHEREAS**, Per- and polyfluoroalkyl substances (PFAS) are a class of nearly 5,000 man-made
9 chemicals that includes PFOA, PFOS, PFBS and GenX manufactured and used in a variety of
10 industries; and
11

12 **WHEREAS**, PFAS chemicals are known as “forever” chemicals because they are persistent in
13 the environment and in the human body; and
14

15 **WHEREAS**, PFAS chemicals have been known to cause adverse health outcomes in humans
16 including effects on prenatal development, low infant birth weights, early onset of puberty,
17 negative effect on the immune system, cancer, liver damage and thyroid disruption;¹ and
18

19 **WHEREAS**, while science predicts that the entire class of PFAS chemical may be associated
20 with adverse health effects and many such chemicals are in industrial and commercial use, only a
21 small fraction of these chemicals have been investigated sufficiently to establish quantitative
22 measures of toxicity; and
23

24 **WHEREAS**, in 2021 the U.S. Environmental Protection Agency (EPA) announced a PFAS
25 Strategic Roadmap that outlines a comprehensive nationwide action plan for addressing PFAS,
26 including identifying both short-term solutions for addressing these chemicals and long-term
27 strategies that will help states, tribes and local communities provide clean and safe drinking water
28 to residents and address PFAS at the source—before it gets into the water;² and
29

30 **WHEREAS**, in April 2024, EPA finalized a National Drinking Water Regulation and set an
31 enforceable Maximum Contaminant Level (MCL) for PFOA and PFOS of 4 parts per trillion, set
32 a MCL of 10 parts per trillion for three other PFAS chemicals and established a hazard index for
33 four additional PFAS chemicals under the Safe Drinking Water Act³; and
34

¹ Fact Sheet: PFOA & PFOS Drinking Water Health Advisories, U.S. Environmental Protection Agency (Nov. 2016); available at: https://www.epa.gov/sites/default/files/2016-06/documents/drinkingwaterhealthadvisories_pfoa_pfes_updated_5.31.16.pdf

² PFAS Strategic Roadmap: EPA’s Commitments to Action 2021-2024, U.S. Environmental Protection Agency (Oct. 2021); available at: <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>

³ Final PFAS National Primary Drinking Water Regulation, U.S. Environmental Protection Agency; available at: <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

35 **WHEREAS**, PFAS contamination is found in local water supplies obtained from both rivers and
36 groundwater and in soil at and around military bases, airports, manufacturing sites, landfills and
37 farmland; and

38
39 **WHEREAS**, the Environmental Working Group maintains an interactive map of known
40 contamination of communities from PFAS, which as of June 2025 shows 9,323 locations in 50
41 states, DC and four territories with known contamination;⁴ and

42
43 **WHEREAS**, in October 2024, the United States Geological Survey published results on analysis
44 for 24 PFAS compounds from 1,238 groundwater samples across the continental U.S. that
45 detected PFAS in 37 percent of groundwater samples, indicating that more than 20 percent of the
46 country's population may rely on groundwater that contains detectable amounts of PFAS for their
47 drinking water supplies;⁵ and

48
49 **WHEREAS**, PFAS chemicals were widely used in firefighting foams, particularly for airports,
50 and were used in frequent training exercises at military air bases; and

51
52 **WHEREAS**, PFAS chemicals were required in firefighting foams used at airports to meet federal
53 performance standards for extinguishing agents, but in September 2023 the Federal Aviation
54 Administration announced that fluorine-free foam products had become available that met
55 Military Specification,⁶ providing an option for airports to discontinue their use of PFAS-
56 containing aqueous film-forming foam; and

57
58 **WHEREAS**, the 2020 National Defense Authorization Act requires the U.S. Department of
59 Defense (DOD) to phase out its use of the foam by October 2024,⁷ but the DOD exercised a one-
60 year waiver to extend the deadline to October 2025;⁸ and

61
62 **WHEREAS**, local governments are responsible for protecting the health, safety and welfare of
63 residents, including providing clean and safe water; and

⁴ PFAS Contamination in the U.S., Environmental Working Group; available at: <https://www.ewg.org/interactive-maps/pfas-contamination/>

⁵ Predictions of groundwater PFAS occurrence at drinking water supply depths in the United States, Science, Volume 386, Issue 6723 (October 2024); available at: <https://www.usgs.gov/news/national-news-release/millions-us-may-rely-groundwater-contaminated-pfas-drinking-water>

⁶ National Part 139 CertAlert, Federal Aviation Administration; available at: https://www.faa.gov/sites/faa.gov/files/part_139_cert_alert_23_07_F3_Release.pdf

⁷ Insight: Congress Confronts PFAS in National Defense Authorization Act – What You Need to Know, Bloomberg Law (March 20, 2020); available at: <https://news.bloomberglaw.com/environment-and-energy/insight-congress-confronts-pfas-in-national-defense-authorization-act-what-you-need-to-know>

⁸ Briefing on the Waiver of the Prohibition on the Use of Fluorinated Aqueous Film-Forming Foams at Military Installations, U.S. Department of Defense (June 2024), available at: https://www.acq.osd.mil/eie/ee/ecc/pfas/docs/reports/AFFF%20Brief%20508_APOPJ.pdf

WHEREAS, there are significant technical challenges in detecting, measuring and removing PFAS in water and other environmental media at the levels set by EPA, and analytical methodologies are still under development or are not yet generally available; and

WHEREAS, while treatment technology for removing PFAS from water is not well-developed, the more effective methods use technologies that are not conventionally available in existing water treatment plants, so removing these PFAS chemicals from water could require costly investments by local governments and other local water suppliers, which would be passed onto ratepayers; and

WHEREAS, in April 2024 EPA finalized a rulemaking to designate PFOS and PFOA as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA),⁹ which will have huge cost and liability implications for local governments, and is undergoing a separate rulemaking to designate additional PFAS chemicals under CERCLA;¹⁰ and

WHEREAS, PFAS contamination not only poses health risks, but also economic impacts on communities, including in the agriculture and fishing industries by contamination of food sources; and

WHEREAS, a number of states have adopted PFAS policies pertaining to prohibiting use, monitoring, notification and reporting, cleanup, health studies, testing, liability provisions and contamination limits; and

WHEREAS, a number of bills have been introduced in both the U.S. House of Representatives and U.S. Senate to address PFAS contamination by providing new resources at the federal, state and local levels for the detection, reduction, destruction and remediation of PFAS chemicals; and

WHEREAS, local governments are owners and operators of airports, landfills and water utilities and employ firefighters, some of whom may have been exposed to PFAS chemicals on the job through inhalation or skin absorption, and therefore present a pension and liability concern for local budgets.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls on Congress and the Administration to holistically examine PFAS contamination and to take

⁹ Designation of PFOA and PFOS as CERCLA Hazardous Substances, U.S. Environmental Protection Agency; available at: <https://www.epa.gov/superfund/designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos-cercla>

¹⁰ Advanced Notice of Proposed Rulemaking on Potential Future Designations of PFAS as CERCLA Hazardous Substances, U.S. Environmental Protection Agency; available at: <https://www.epa.gov/superfund/advanced-notice-proposed-rulemaking-potential-future-designations-and-polyfluoroalkyl>

comprehensive action to address the problem and reduce public health risk, including through nationwide testing, monitoring, mapping, public education and water supply treatment; and

BE IT FURTHER RESOLVED that NLC calls on the federal government to ensure that the parties responsible for PFAS contamination, including the federal government but excluding local governments, are held fully liable for costs of cleanup and mitigation and to ensure that sites are cleaned up in a timely manner and to standards sufficiently stringent to permit reuse of the site and to obviate the need for additional cleanup and mitigation costs by affected local governments; and

BE IT FURTHER RESOLVED that NLC calls on Congress to pass legislation that provides local governments that did not cause or contribute to PFAS contamination with liability protection under CERCLA; and

BE IT FURTHER RESOLVED that the federal government should incentivize and support research and development for extended producer responsibility programs to prevent pollution of waterways, drinking water and soil contamination and to address the life cycle environmental impacts of PFAS chemicals; and

BE IT FURTHER RESOLVED that local governments, including municipal airports and fire departments, were required by federal law to use firefighting foam containing PFAS chemicals, and therefore should not be held liable for PFAS contamination or cleanup costs; and

BE IT FURTHER RESOLVED that local governments, including drinking water and wastewater utilities and municipal landfills, serve as passive receivers of PFAS chemicals and did not cause or contribute to contamination, and therefore should not be held liable for PFAS contamination or cleanup costs; and

BE IT FURTHER RESOLVED that NLC calls on the federal government to accelerate research and technology development to advance the science needed to understand the health consequences of exposure to PFAS chemicals, detect and measure PFAS chemicals in water and other environmental media, treat water supplies to remove these substances, and find safe substitutes for PFAS chemicals; and

BE IT FURTHER RESOLVED that NLC calls for the federal government to avoid passing costs onto local ratepayers and to provide direct grants and technical assistance to communities for testing, monitoring, treatment, infrastructure improvements, mapping, public education and pursuit of alternative water supplies if necessary; and

BE IT FURTHER RESOLVED that NLC calls on the federal government to provide funding to farms and farmers for PFAS testing and remediation of property, wells, surface water,

141 livestock and crops, as well as liability protection, related to application of biosolids from
142 wastewater treatment operations; and

143
144 **BE IT FURTHER RESOLVED** that NLC calls on the federal government to aggressively
145 prevent further pollution, contamination and exposure to PFAS through multiple means, including
146 promoting and funding the development and use of non-toxic fire retardant alternatives, banning
147 PFAS-containing aqueous film-forming foam and the phasing out the use of PFAS and other
148 long-chain chemicals in products as soon as possible; and

149
150 **BE IT FURTHER RESOLVED** that the federal government should thoroughly study and test
151 current and future alternative PFAS and other long-chain chemicals before they are put into
152 circulation to make sure they are safe; and

153
154 **BE IT FURTHER RESOLVED** that NLC should update the “Assessing the State Firefighter
155 Cancer Presumption Laws and Current Cancer Firefighter Cancer Research” that it conducted in
156 2009 to determine what linkages there are between firefighting and an elevated incidence of
157 cancer.

1 NLC RESOLUTION 2025-15

2
3 **IMPROVE THE BENEFIT-COST ANALYSIS FOR FEDERALLY FUNDED FLOOD**
4 **CONTROL PROJECTS AND SUPPORT BENEFICIAL REUSE OF DREDGED**
5 **MATERIAL**
6

7 **[NLC STAFF RECOMMENDATION: Renew with edits]**
8

9 **WHEREAS**, the U.S. Army Corps of Engineers (Army Corps) at the U.S. Department of
10 Defense has responsibilities for development and maintenance of waterways and harbors and for
11 other water resource projects across the nation, and is the primary federal agency associated with
12 the design and construction of flood risk reduction projects across the country; and
13

14 **WHEREAS**, the White House Office of Management and Budget (OMB) works with the Army
15 Corps to determine what water resource projects are funded with the budget allocation for the
16 Army Corps enacted by Congress each year; and
17

18 **WHEREAS**, the Army Corps and OMB rely heavily on a benefit-cost analysis to determine
19 which projects receive federal funding each year; and
20

21 **WHEREAS**, since Congress traditionally provides the Army Corps with far fewer resources than
22 are necessary to fund the significant backlog of projects under their jurisdiction, the benefit-cost
23 analysis has become a de facto filter for the Army Corps and OMB; and
24

25 **WHEREAS**, as a result, projects that have a benefit-cost ratio below a certain level are often not
26 considered for funding at all; and
27

28 **WHEREAS**, the current system used by the Army Corps for determining benefit-cost ratios is
29 narrowly focused on traditional economic and financial costs and benefits, largely overlooking
30 environmental costs and benefits, social equity and potential for secondary benefits of interest to
31 local communities; and
32

33 **WHEREAS**, the current system used by the Army Corps for determining benefit-cost ratios does
34 not effectively reflect the potential value of projects for low-income communities, including the
35 benefits of replacement of structures that protect low-income, low-cost of living communities;
36 and
37

38 **WHEREAS**, the current system used by the Army Corps for determining benefit-cost ratios does
39 not adequately consider the impacts of the loss of a community's livelihood associated with
40 agricultural land; and

41
42 **WHEREAS**, the current system used by the Army Corps for determining benefit-cost ratio at the
43 U.S. Army Corps of Engineers does not consider the value of federal lands; and
44

45 **WHEREAS**, dredged materials produced from Army Corps waterway and harbor maintenance
46 activities may be suitable for beneficial reuse, but often are disposed as waste; and
47

48 **WHEREAS**, there is a lack of sediment available for the habitat restoration and flood protection
49 needed along our coasts and waterways, and the restoration of seasonal and tidal wetlands are
50 considered “engineering with nature” approaches to reductions of local and coastal flooding; and
51

52 **WHEREAS**, the Water Resources and Development Act of 2024 codified the Army Corps’ goal
53 of increasing the quantity of dredged materials put to environmentally beneficial use to 70
54 percent by 2030 and established the Beneficial Use of Dredge Material as a permanent program.¹
55

56 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) calls on
57 the U.S. Army Corps of Engineers and the White House Office of Management and Budget to
58 revise the benefit-cost analysis system used for projects to reflect the values of the nation to
59 protect communities from flooding in ways that are environmentally protective and foster social
60 equity; and
61

62 **BE IT FURTHER RESOLVED** that NLC calls on the Army Corps and OMB to add a
63 quantitative indexed value to life and safety to determine the benefit of federal investments in
64 flood control projects; and
65

66 **BE IT FURTHER RESOLVED** that NLC calls on the Army Corps and OMB to add a
67 quantitative indexed value to agricultural land value and the impacts of crop flooding to
68 determine the benefit of federal investments in flood control projects; and
69

70 **BE IT FURTHER RESOLVED** that NLC calls on the Army Corps and OMB to add a
71 quantitative indexed value to protection of low-income communities and environmental benefits
72 to determine the benefit of federal investments in water resources projects, including projects for
73 flood control; and
74

75 **BE IT FURTHER RESOLVED** that NLC calls on the Army Corps and OMB to add a
76 quantitative indexed value to potential benefits of projects on federal properties, as well as
77 benefits to military readiness when developing coastal storm risk reduction projects in the
78 adjacent community; and

¹ Water Resources Development Act of 2024 Section-by-Section Summary, *available at*:
<https://transportation.house.gov/wrda-2024/>

79
80 **BE IT FURTHER RESOLVED** that NLC supports the Army Corps effort to increase the
81 quantity of dredged materials put to environmentally beneficial uses, especially related to marsh
82 restoration and sea level rise protection, to 70 percent by 2030 by establishing a national
83 beneficial reuse policy that allows dredged materials to function as a resource (instead of a waste
84 product) and establishes a realistic economic value of environmentally-suitable dredged material
85 that takes into account its use for storm or flood risk reduction and habitat restoration;² and
86

87 **BE IT FURTHER RESOLVED** that NLC encourages the Army Corps to seek partnerships,
88 including with local governments, to beneficially reuse dredge materials; and
89

90 **BE IT FURTHER RESOLVED** that the cost of offshore disposal of dredged materials should
91 include the full future economic value of that sediment that would be lost if it is deposited
92 offshore; and
93

94 **BE IT FURTHER RESOLVED** that federal investments in communities must prioritize those
95 communities that have been left behind and Black, Indigenous and People of Color (BIPOC) who
96 are disproportionately impacted by flood risk.

² Beneficial Uses of Dredged Sediment, U.S. Army Corps of Engineers; *available at*:
<https://budm.el.erdc.dren.mil/index.html>

1 NLC RESOLUTION 2025-16

2
3 INCREASE FUNDING FOR BORDER WATER INFRASTRUCTURE PROJECTS

4
5 [NLC STAFF RECOMMENDATION: Renew with edits]

6
7 **WHEREAS**, international transboundary rivers on the southern border of the United States are a
8 major source of sewage, trash, chemicals, heavy metals and toxins; and

9
10 **WHEREAS**, transboundary flows threaten the health of 18 million residents in the United States
11 and Mexico, harm important estuarine land and water of international significance, force closure
12 of beaches, damage farmland, compromise border security, and directly affect U.S. military
13 readiness;¹ and

14
15 **WHEREAS**, a significant amount of untreated sewage, sediment, hazardous chemicals and trash
16 have entered United States waters via the Tijuana and New Rivers in southern California, the
17 Santa Cruz and San Pedro Rivers in Arizona and the Rio Grande in Texas, eventually draining
18 into coastal waterways, waterbodies and inland waters, such as the Salton Sea; and

19
20 **WHEREAS**, the presence of pollution on state and federal public lands is creating unsafe
21 conditions for visitors and residents—these lands are taxpayer supported and intended to be
22 managed for recreation, resource conservation and the enjoyment by the public; and

23
24 **WHEREAS**, the current insufficient and degrading infrastructure in the border zone poses a
25 significant risk to the public health and safety of residents and the environment on both sides of
26 the border, and places economic stress on communities struggling to mitigate the negative
27 impacts of pollution; and

28
29 **WHEREAS**, the 1944 treaty between the United States and Mexico regarding *Utilization of*
30 *Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on transborder
31 rivers between Mexico and the United States, and provides that the nations, through their
32 respective sections of the International Boundary Water Commission (IBWC) shall give control
33 of sanitation in cross border flows the highest priority; and

34
35 **WHEREAS**, in 1993, the United States and Mexico entered into the *Agreement Between the*
36 *Government of the United States of America and the Government of the United Mexican States*
37 *Concerning the Establishment of a North American Development Bank* which created the North

¹ Memorandum, “Tijuana River Pollution Crisis in San Diego County,” California Coastal Commission (Sept. 29, 2023); available at: <https://documents.coastal.ca.gov/reports/2023/10/W6b/W6b-10-2023-appendix.pdf>

American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, on November 30, 2018 the United States, Mexico and Canada entered into the *Agreement Between The United States of America, The United Mexican States, And Canada* to replace the *North American Free Trade Agreement*, and on December 10, 2019 the United States, Mexico and Canada agreed to a protocol of amendment to the U.S.-Mexico-Canada Agreement (USMCA), which became effective in the United States on January 29, 2020; and

WHEREAS, the implementing language of USMCA authorizes and allocates funding for grants under the U.S.-Mexico Border Water Infrastructure Program (BWIP), the Trade Enforcement Trust Fund and recapitalization of the NADB, including \$300 million to address the problem of toxic sewage flowing from the Tijuana River watershed; and

WHEREAS, an increase in commerce and traffic across the border has resulted in economic benefits for both the U.S. and Mexico; and

WHEREAS, the ease of trade and commerce has resulted in increased vehicle and factory emissions, which negatively impact water quality, land quality and air quality along the southern border; and

WHEREAS, border communities need modernized and innovative water infrastructure to provide clean and sanitary drinking water to improve the quality of living and support the expanding communities; and

WHEREAS, the adverse environmental impact will worsen existing environmental issues and strain aging infrastructure, while also creating new environmental issues in the future; and

WHEREAS, the widespread threat to public health and safety, damage to fish and wildlife resources and degradation to the environment caused by transboundary pollution in the border states requires urgent action by the federal and state governments; and

WHEREAS, Congress authorized funding under the Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program in 1996 to provide grants for high-priority water, wastewater, and stormwater infrastructure projects within 100 kilometers of the southern border; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) administers the STAG and BWIP, and coordinates with the NADB to allocate BWIP grant funds to projects in the border zone; and

79 **WHEREAS**, since its inception, the BWIP has provided funding for projects in California,
80 Arizona, New Mexico and Texas that would not have been constructed without the grant
81 program; and

82
83 **WHEREAS**, the BWIP program was initially funded at \$100 million per year, but the program
84 has been significantly reduced to \$35 million in FY24 and FY25;² and

85
86 **WHEREAS**, EPA and the U.S. section of the IWBC identified high-priority wastewater collection
87 and treatment facilities needed in the border area;³ and

88
89 **WHEREAS**, Mexico has identified multiple priority projects and pledged \$144 million in short-
90 term capital contributions;⁴ and

91
92 **WHEREAS**, Mexico is proceeding with its proposed new projects to address transboundary
93 sewage flows but is awaiting United States approval and funding of the \$600 million United
94 States infrastructure projects previously identified by both countries to fully address the
95 transboundary pollution in the border states; and

96
97 **WHEREAS**, the United States, has not paid necessary IBWC operating and maintenance costs
98 for the last several years, causing the breakdown of existing infrastructure and a backlog of \$150
99 million in overdue maintenance at just one project site;⁵ and

100
101 **WHEREAS**, the pollution from transboundary sewage flows were spread even farther north in
102 the Pacific Ocean by Hurricane Hilary on August 19-20, 2023 because the infrastructure has not
103 been maintained and new needed facilities have not been built;⁶ and

104
105 **WHEREAS**, without federal partnership through the BWIP and state support to address
106 pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with

² U.S. Environmental Protection Agency (EPA) Water Infrastructure Programs and FY2024 Appropriations, Congressional Research Service (March 27, 2025); available at: <https://www.congress.gov/crs-product/IF12950>

³ Final Programmatic Environmental Impact Statement, U.S. Environmental Protection Agency and International Boundary and Water Commission (Nov. 2, 2022); available at: <https://www.epa.gov/system/files/documents/2022-11/Programmatic%20Environmental%20Impact%20Statement.pdf>

⁴ Statement of Intent and Minute 328, U.S. Environmental Protection Agency; available at: <https://www.epa.gov/system/files/documents/2022-10/Summary%20of%20Agreements.pdf>

⁵ More Funding Needed to Address Tijuana Sewage; Lawmakers Appeal to Biden and Mexico for Support, The Coronado Times (June 29, 2023); available at: <https://coronadotimes.com/news/2023/06/29/more-funding-needed-to-address-tijuana-sewage-lawmakers-appeal-to-biden-and-mexico-for-support/>

⁶ Pump Failure Pushes 20,000 Gallons of Tijuana River Valley Sewage into South Bay Streets, The Coronado Times (Aug. 31, 2023); available at: <https://coronadotimes.com/news/2023/08/31/pump-failure-pushes-20000-gallons-of-tijuana-river-valley-sewage-into-south-bay-streets/>

107 limited resources to address a critical pollution and public health issue and limited legal remedies
108 to address the problem; and

109
110 **WHEREAS**, Mexico benefits from the bi-national funding program and relies on the NADB to
111 assist in funding projects on the Mexico side of the border, which have an immediate and long-
112 term environmental impact along the border in the U.S. due to the upstream, transboundary flows
113 of the major rivers; and

114
115 **WHEREAS**, local governments and the public support the State's primary objectives in
116 complying with environmental laws including the Clean Water Act and Endangered Species Act,
117 and their state law analogues, and are supported by substantial public investments at all levels of
118 government to maintain a healthy and sustainable environment for the future.

119
120 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities urges the Federal
121 government to continue to fund the Border Water Infrastructure Program, and to recommit to
122 working bi-nationally to develop and implement long-term solutions to address serious water
123 quality and contamination issues, such as discharges of untreated sewage and polluted sediment
124 and trash-laden transboundary flows originating from Mexico, resulting in significant health,
125 environmental, and safety concerns of affected communities.

NLC RESOLUTION 2025-17

**SUPPORT FOR THE OUTDOOR RECREATION LEGACY PARTNERSHIP
PROGRAM AND THE OUTDOORS FOR ALL ACT**

[NLC STAFF RECOMMENDATION: Expire]

WHEREAS, access to outdoor recreational activities is crucial for the physical and mental well-being of individuals, fostering healthier lifestyles and stronger communities; and

WHEREAS, the Outdoor Recreation Legacy Partnership (ORLP) program, funded through the Land and Water Conservation Fund, helps communities create and improve parks and other outdoor recreation areas to improve public access, particularly in disadvantaged or low-income communities; and

WHEREAS, the Outdoors for All Act would codify the ORLP and establish a dedicated, mandatory funding source; and

WHEREAS, the Outdoors for All Act seeks to enhance accessibility to outdoor spaces and activities for all Americans, regardless of age, ability, or background; and

WHEREAS, the Outdoors for All Act aims to invest in outdoor infrastructure, expand recreational opportunities, and protect public lands and waters for future generations; and

WHEREAS, the Outdoors for All Act also recognizes the importance of promoting diversity, equity, and inclusion in outdoor spaces, ensuring that all Americans have equal opportunities to enjoy nature and its benefits; and

WHEREAS, the Outdoors for All Act seeks to create jobs and boost local economies through increased outdoor tourism and recreational activities.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) supports the Outdoor Recreation and Legacy Partnership program, recognizing its potential to significantly improve access to outdoor spaces and activities for all Americans; and

BE IT FURTHER RESOLVED that NLC urges Congress to pass the Outdoors for All Act, ensuring that outdoor recreation is accessible and inclusive for everyone.

1 NLC RESOLUTION 2025-18

2
3 **SUPPORT AND ADVANCE CITIES IMPACTED BY FEDERAL FACILITIES AND**
4 **INFRASTRUCTURE THROUGH COMMUNITY BENEFIT PROGRAMS**

5
6 **[NLC STAFF RECOMMENDATION: Renew with edits]**
7

8 **WHEREAS**, across the country local governments experience special impacts to their
9 infrastructure, services and workforce as a result of the location of a large national security
10 laboratory, U.S. Department of Energy (DOE) facility or transmission infrastructure in the
11 region; and

12
13 **WHEREAS**, these special impacts include land use and transportation impediments associated
14 with high-security facilities, as well as local responsibility for providing transportation
15 infrastructure, law enforcement and related public services for complexes that are tax-exempt in
16 many instances; and

17
18 **WHEREAS**, in most cases there is no accompanying financial offsets from DOE or transmission
19 developers to help mitigate these special impacts on local communities; and

20
21 **WHEREAS**, the impacts that communities face also affects the ability of DOE to attain their
22 missions; and

23
24 **WHEREAS**, the U.S. Department of Defense (DoD) has recognized the special impacts their
25 facilities place on communities, which have a negative impact on their mission, by establishing a
26 Defense Community Infrastructure Program (DCIP) grant program; and

27
28 **WHEREAS**, the DCIP has provided communities with over \$300 million in grants to alleviate
29 the impacts of its facilities on local infrastructure, services and workforce;¹ and

30
31 **WHEREAS**, DOE and other federal agencies have previously recognized the potential positive
32 and negative impacts that facility operations have on adjacent communities and have
33 incorporated requirements in federal grant programs to prepare and implement a Community
34 Benefits Plan that includes community stakeholders to ensure local interests are heard, issues are
35 identified, and concerns are addressed to both optimize benefits and minimize negative impacts
36 on the community.²

¹ Defense Community Infrastructure Program, U.S. Department of Defense; *available at:* <https://oldcc.gov/defense-community-infrastructure-program-dcip>

² Guide to DOE Evaluation of Community Benefits Plan Costs, U.S. Department of Energy; *available at:* <https://www.energy.gov/sites/default/files/2024-10/Guide%20to%20DOE%20Evaluation%20of%20CBP%20Costs.pdf>

37
38 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) calls on
39 Congress and the Administration to authorize and fund a grant program similar to the DoD DCIP
40 for communities that support DOE facilities or transmission infrastructure to help alleviate the
41 special impacts on local infrastructure, services and workforce, such as through the Energizing Our
42 Communities Act of 2024; and
43
44 **BE IT FURTHER RESOLVED** that NLC calls on Congress and the Administration to require
45 DOE facilities to prepare a Community Benefits Plan that meets the agency’s previous standards
46 and expectations for community engagement, workforce development, diversity, Justice40 and
47 issues relating to the environment of impacted communities.

ENERGY AND ENVIRONMENT LEGAL UPDATE

1. Texas v. EPA – DC Circuit

Update since Congressional City Conference: *On February 6, 2025, the private petitioners filed a motion to hold the case in abeyance while EPA reviews the Heavy-Duty Vehicle Rule and complies with Trump's Executive Order 14154, Unleashing American Energy. The Court has not yet ruled on the motion. EPA has been ordered to submit a motion expressing its views on the question by July 12, 2025.*

On December 30, 2021, EPA issued a final rule under Section 202(a) of the Clean Air Act, updating the vehicle emissions standards applicable to cars produced in model years 2022-2026. These updated standards reduced the permissible greenhouse gases ("GHGs") "tailpipe emissions" from these vehicles. For 40 years, these standards have been set, not by per-vehicle measurements, but by "fleetwide averaging" - that is, by averaging the emissions of all vehicles produced by a manufacturer. EPA's new thresholds assume that electric vehicle ("EV") use will continue to increase, and for the purpose of averaging EPA treats EVs as though they have no tailpipe emissions. This rule was immediately challenged by a coalition of several Republican-controlled states (the "State Petitioners"), joined by a number of individual plaintiffs, private sector businesses, and nonprofits (together, the "Private Petitioners"). This coalition has broadly attacked EPA's regulatory authority and cost-benefit methodology and argues that the new rule presents a "major question" that requires express Congressional authorization.

NLC filed an [amicus brief](#) in this case in March 2023. Oral argument was heard in September 2023. At the Court's request, a supplemental briefing was submitted in August and September 2024 on the impact of the Supreme Court's decision in *Ohio v. EPA* on this case.

Local government impact: The local government position in the amicus addresses the familiar climate concerns we have addressed in previous briefs: the impacts climate has on cities nationwide, and the role of cities as climate innovators dependent, to some degree, on federal regulation to provide a predictable and helpful context to reduce GHGs. NLC's *amicus* brief focuses on two narrow legal issues of particular concern to local governments.

First, it addresses Private Petitioners' argument that EPA acted arbitrarily by regulating "tailpipe" emissions rather than considering the full "lifecycle emissions" of EVs (which would include emissions from power plants that charge EVs). This is particularly important to local governments because tailpipe emissions are a major source of air pollution in municipalities across the country. The Clean Air Act prevents state and local governments from regulating tailpipe emissions on their own, and so municipalities have no tools to restrain these emissions except federal regulation. While EPA's rule focuses on GHG emissions, it will also save American communities more than \$12 billion in public health benefits by reducing non-GHG tailpipe emissions that cause asthma, heart attacks, respiratory illnesses and premature death. Private Petitioners ignore these benefits in their brief.

Second, the amicus brief addresses petitioners' proposed expansion of the "Major Questions Doctrine." Petitioners argue that EPA's rule will cause more EVs to be produced, and that more EVs may strain electrical grids, which are largely regulated by states. Petitioners argue that this causal chain means that any EPA action that might encourage EV use must be specifically approved by Congress. However, if the Major Questions Doctrine is expanded in the way that

Petitioners ask, it could cause chaos in local governments. Many federal regulations overlap with and affect important areas of state and local policy; barring any federal regulation that would affect an area of state interest ignores the reality of American federalism and would cripple municipalities' ability to rely on and respond to federal regulation.

2. *West Virginia v. EPA – DC Circuit – Greenhouse Gas Emissions from Power Plants*

Update since Congressional City Conference: *NLC filed an [amicus brief](#) in this case in October 2024. On February 5, 2025, EPA submitted an unopposed motion to hold the case in abeyance to “provide new [EPA] leadership with sufficient time to familiarize themselves with these issues and determine how they wish to proceed.” The court granted that motion on February 19, 2025. The case is held in abeyance as of April 25, 2025. The parties are required to file status reports at 90-day intervals starting July 24, 2025. EPA has proposed to repeal the underlying rules.*

Litigation Summary: On May 9, 2024, an assemblage of states (Petitioners) challenged a final rule promulgated by the U.S. Environmental Protection Agency (EPA) that (1) repeals the Trump administration's Affordable Clean Energy (ACE) Rule and (2) sets new source performance standards for greenhouse gas (GHG) emissions for new and existing fossil fuel-fired electric generating units (EGUs) (i.e., coal and natural gas-fired power plants).

The rule comprises several actions under Section 111 of the Clean Air Act to “reduce the significant quantity of GHG emissions from fossil fuel-fired [power plants] by establishing emission guidelines and new source performance standards (NSPS) that are based on cost-effective technologies that directly reduce GHG emissions from these sources.” Specifically, the rule addresses climate pollution from existing coal-fired power plants and is intended to ensure that new combustion turbines are constructed to minimize GHG emissions by requiring those plants to achieve emissions reductions through the use of carbon capture and sequestration (CCS), among other pathways.

The petition for review contends that the final rule “exceeds [EPA's] statutory authority, and otherwise is arbitrary and capricious, an abuse of discretion, and not in accordance with law.” One of their main arguments against the NSPS is that, in their view, CCS as a viable technology has not been “adequately demonstrated” and must be broadly available before the EPA can determine it is the BSER. See 42 U.S.C. § 7411(a)(1).

On May 13, 2024, the Petitioners filed a [motion to stay](#) the rule during the pendency of the litigation. On July 19, 2024, a three-judge panel of the D.C. Circuit unanimously [denied the request for a stay](#), stating:

“[P]etitioners have not shown they are likely to succeed on [their claims]. Nor does this case implicate a major question under *West Virginia v. EPA* . . . because EPA has claimed the power to ‘set emissions limits under Section 111 based on the application of measures that would that would reduce pollution by causing the regulated source to operate more cleanly[,]’ a type of conduct that falls well within EPA's bailiwick.”

Accordingly, the rules will remain in effect during the litigation; the U.S. Supreme Court did not grant an emergency application seeking an immediate stay. The outcome of this case will directly impact how electricity is generated and the future of fossil fuel-fired power plants, especially with regard to CCS and co-firing requirements.

This case builds on previous *amicus* briefs: in 2016 supporting the Obama Administration’s Clean Power Plan ([West Virginia v. EPA](#)); in 2020 challenging the Trump Administration’s repeal of the Clean Power Plan and issuance of the Affordable Clean Energy Rule ([New York v. EPA](#)); and in 2022 pertaining to the scope of EPA’s authority to regulate greenhouse gas emissions from existing fossil fuel power plants under Section 11(d) of the Clean Air Act ([West Virginia v. EPA](#)).

3. Mayor and City Council of Baltimore v. BP et. al – Maryland Supreme Court

Update Since Congressional City Conference: *In January, NLC filed an [amicus brief](#) in this case before the Appellate Court of Maryland. The case was transferred to the Maryland Supreme Court before it was heard in the appellate court. By rule, the [amicus brief](#) had to be refiled, which was done in June. The case has been consolidated for briefing and argument with the Annapolis and the Arundel County cases. No briefing schedule has been set at this time.*

On June 10, 2019, the U.S. District Court for Maryland granted the City of Baltimore’s motion to remand to Maryland state court the City’s case against fossil fuel companies for climate change related damages. In a lengthy and comprehensive opinion, the judge rejected each of defendants’ “proverbial ‘laundry list’ of grounds for removal.” The court held that the City’s public nuisance claim was not governed by federal common law, and that its claims did not necessarily raise substantial and disputed federal issues and were not completely preempted. The court also held that there was no federal enclave jurisdiction, no jurisdiction under the Outer Continental Shelf Lands Act, no federal officer removal jurisdiction, and no bankruptcy removal jurisdiction. The decision follows a similar order granting remand in the San Mateo County appeal currently pending in the Ninth Circuit.

Federal law allows defendants to “remove” a case brought in state court into federal court if the federal court has jurisdiction over the case. BP claims that the federal court has jurisdiction to hear this case on eight grounds, including the federal officer removal statute. This statute allows federal courts to hear cases involving a private defendant who can show that it “acted under” a federal officer, has a “colorable federal defense,” and that the “charged conduct was carried out for [or] in relation to the asserted official authority.”

A federal district court rejected all eight grounds BP alleged supported removing this case to federal court. The federal district court remanded the case back to Maryland state court.

28 U.S.C. §1447(d) generally disallows federal courts of appeals to review federal district court orders remanding a case back to state court which was removed to federal court. The statute creates an exception for “an order remanding a case to the State court for which it was removed pursuant to” the federal officer removal statute or the civil-rights removal statute (not at issue in this case).

BP asked the Fourth Circuit to review all eight of its grounds for removing the case to federal court because one of the grounds it alleged—federal officer removal—is an exception allowing federal appellate court review.

The Fourth Circuit refused to review all eight grounds. It cited to a Fourth Circuit case decided in 1976, *Noel v. McCain*, holding that “when a case is removed on several grounds, appellate courts lack jurisdiction to review any ground other than the one specifically exempted from

§1447(d)'s bar on review." BP argued that a 1996 Supreme Court case and the Removal Clarification Act of 2011 "effectively abrogated" the 4th Circuit decision. The Fourth Circuit disagreed but acknowledged other courts have reached different conclusions.

NLC filed an amicus brief in this case in the Fourth Circuit. Oral arguments were held in December 2019. In March 2020, the Fourth Circuit upheld the district court's ruling to remand the case to state court, consistent with NLC's amicus brief. Later in March, the defendants filed a certiorari petition in the U.S. Supreme Court.

On July 31, 2020, the judge denied defendants' motion for a stay pending appeal of her remand order. The 4th Circuit declined to stay the district court's remand of the case to state court pending the appeal. This then caused the defendants to ask the district court to extend its stay of the remand, pending a petition for an emergency stay to the U.S. Supreme Court. The district court agreed, but also gave plaintiffs the opportunity to move to rescind the stay. The petition for an emergency stay was denied by the U.S. Supreme Court in October. The only precedent for anything like this would be the Supreme Court's stay of the Clean Power Plan.

In Oct. 2020, the U.S. Supreme Court decided to take up the case. The Court question before the court was whether a federal appellate court may review all the grounds upon which a defendant claims its case should not be sent back to state court when only one of the grounds the defendant alleges is specifically listed in federal statute as a basis for federal appellate court review. The U.S. Supreme Court heard oral argument in this case in January 2021. The State and Local Legal Center filed a [brief](#) in the case, with NLC participating.

In June 2021, the U.S. Supreme Court held that a federal court of appeals may review any grounds the district court considered for trying to remove a case to federal court where one of the grounds was federal officer or civil rights removal. In September 2021, NLC filed an [amicus brief](#) in the remand of the case by the U.S. Supreme Court back to the Fourth Circuit. The Fourth Circuit heard oral argument in this case in January 2022 on the question of jurisdiction. Read more [here](#). In April 2022, the Fourth Circuit remanded the case to state court. In May, the Fourth Circuit denied a petition for rehearing en banc. Defendants subsequently filed a cert petition with the U.S. Supreme Court, which was denied in April 2023. After remand from federal court in April 2023, the Maryland Circuit Court is proceeding with the case on its merits.

The case went to state court, where the defendants made a successful motion to dismiss on grounds that federal law preempted any state lawsuit as a matter of federal common law and the Clean Air Act. In addition, though not necessary to the court's conclusion, it found that the various state causes of action (public nuisance, trespass, strict liability, negligence, and the Maryland Consumer Protection law) did not apply. The essence of the preemption ruling is that regardless of how this was framed (as deceptive marketing that denied fossil fuels contributed to climate change), it really was about regulating air pollution globally — and that is a federal and not a state concern.

NLC's amicus brief in this case makes three interrelated arguments:

(1) the decision would render state, county, and municipal governments helpless in addressing deceptive marketing if it can be said that the marketing is nationwide or even greater and had the same effect throughout the nation. Yet, the federal scheme on consumer protection anticipates state and local government actions to assure that consumers are not deceived or subject to marketing fraud. From the enactment of "little FTC acts" and false advertising laws, state and local governments regularly protect consumers without harmful effect on federal efforts (and in many cases, coordinated attempts to enforce respective consumer laws).

(2) the decision fails to recognize that the same thing is true of environmental laws. States have significant responsibility to assure healthy environments in terms of clean water and air. State and local governments expend significant resources in furthering those interests, which complement and do not frustrate federal efforts. Other state laws also figure in this important state and local interest such as nuisance laws. For example, if a factory on one side of a state border spews pollutants that the wind carries into a municipality in another state, there is no federal common law or CAA preemption of the ensuing cause of action.

(3) the decision adopts the defendants' characterization of the complaint over what the city of Baltimore actually pleaded, denying the deceptive marketing focus in favor of calling it a climate-change lawsuit. Municipalities, like any other plaintiff, must be treated as the master of their complaints. If defendants could recharacterize it, then they are the masters of nothing. One can pursue a deceptive marketing claim without forcing anyone to change their product or business except to assure that they tell the truth about their products. Moreover, courts regularly restrict the remedy afforded a successful plaintiff to that which addresses what the case legitimately is about. That provides defendants with all the protection they require when they claim that the lawsuit improperly affects uniquely federal interests.

4. *Nebraska v. EPA – DC Circuit – Heavy Duty Vehicle Emissions Standards*

Update since Congressional City Conference: *In January, NLC filed an [amicus brief](#) in this case. On February 6, 2025, the private petitioners filed a motion to hold the case in abeyance while EPA reviews the Heavy-Duty Vehicle Rule and complies with Trump's Executive Order 14154, Unleashing American Energy. The case is held in abeyance, as of March 4, 2025. EPA filed a motion to govern in May stating that it is reconsidering the underlying rules. Parties are required to submit status reports every 90 days starting August 6, 2025.*

On May 13, 2024, Nebraska's Attorney General Mike Hilgers led a coalition of 24 states to file a [petition for review](#) in the U.S. Court of Appeals for the D.C. Circuit, seeking to declare the EPA's final rule concerning GHG Standards for Heavy-Duty Vehicles – Phase 3 (Phase 3) unlawful and vacate the EPA's action. See 89 Fed. Reg. 29,440 (April 22, 2024). The petition asserted that the rule "exceeds the agency's statutory authority and otherwise is arbitrary, capricious, an abuse of discretion, and not in accordance with the law." Similar to *Kentucky v. EPA*, this case may have significant impacts on heavy-duty vehicle transportation standards and emissions reductions in the transportation sector.

5. *Kentucky v. EPA – DC Circuit – Light/Medium Duty Vehicle Emissions Standards*

Update since Congressional City Conference: *In December 2024, NLC filed an [amicus brief](#) and [motion for leave](#) in this case. On February 6, 2025, the private petitioners filed a motion to hold the case in abeyance while EPA reviews the Light- and Medium-Duty Vehicle Emissions Standards and complies with President Trump's Executive Order 14154, Unleashing American Energy. The case is held in abeyance, as of March 4, 2025. EPA filed a motion to govern and is reconsidering the underlying rules. Parties are required to submit status reports every 90 days starting August 6, 2025.*

On April 18, 2024, Kentucky and 24 states filed a [petition for review](#) in the U.S. Court of Appeals for the D.C. Circuit, seeking to vacate the EPA's final rule on light- and medium-duty vehicle emissions standards for model years 2027-2032. See 89 Fed. Reg. 27,842 (Apr. 18, 2024)

(effective June 17, 2024).⁷⁹ The Petitioner's asserted that the final rule "exceeds the [EPA's] statutory authority, and otherwise is arbitrary and capricious, an abuse of discretion, and not in accordance with law." This case may have significant impacts on light- and medium-duty vehicle transportation standards and emissions reductions in the transportation sector.

⁷⁹ Texas filed a [petition for review](#) separately on April 29, 2024.

SPEAKER BIOS



Kristen Atha is the Director of Columbus Water and Power for the City of Columbus, Ohio. She leads an organization of nearly 1200 employees, including the Divisions of Water; Water Reclamation; and Power, along with the Mayor's Office of Sustainability. The Department provides safe, reliable drinking water and wastewater services for over 1.4 million customers in Central Ohio, serving the City along with 26 suburban partners, along with power to over 19,000 Columbus residents, businesses and approximately 60,000 streetlights in our community. As Director, Kristen oversees Ohio's largest municipal water, wastewater and power utility that treats over 50 billion gallons of drinking water and 70 billion gallons of wastewater from the City of Columbus and more than 25 suburban communities per year.

Prior to her appointment as Director in 2022, Kristen spent over 30-years building her career as an environmental engineering consultant, working with municipal water and wastewater utilities across the United States. She holds Bachelor's degrees in Civil/Environmental Engineering from the University of Cincinnati, and Business Administration from Miami University.

Because of her commitment to our community and the environment, Kristen serves on the Mid-Ohio Regional Planning Commission's Executive Committee and the Rapid 5 Board of Directors, providing strategic direction on goals, objectives, policy and budgetary issues that impact the region. Director Atha proudly serves on the National Association of Clean Water Agencies (NACWA) Board of Directors as an advocate for clean water issues that impact the community.



Andrew Chiki is the Deputy Service-Safety Director for the City of Athens, Ohio. Andrew has taken on the City's goal of reducing greenhouse gas emissions by 50% by 2030 and has been the lead on multiple projects to not only achieve this goal but far surpass it. Most recently Andrew created a way to install solar at some of the most energy intensive city-owned locations without upfront taxpayer money using a forward thinking solar power purchase agreement and leveraging solar renewable energy credits. Additionally, he participated in one of the National League of Cities' Local Infrastructure Hub bootcamps, eventually creating a coalition of regional partners in Ohio and partnering with electricity aggregation program Sustainable Ohio Public Energy Council to secure over \$12.5 million in Round 1A and an additional \$4.1 million in

Round 1B of the Charging and Fueling Infrastructure grant through the U.S. Department of Transportation Federal Highway Administration. He also assisted the City of Athens in becoming a Green Power Community in 2022, a Gold Level Recipient from the Ohio Environmental Protection Agency in 2024, and last month become the first city in the State of Ohio, fourth city in the US and seventh overall to become SolSmart Platinum.



Matt Stephens-Rich is the Director of Programs for the Electrification Coalition. Matt leads the implementation team at the Electrification Coalition, focused on leading new programs that lead to deploying transportation electrification at-scale, reducing American dependence on oil. This work encompasses coordination across local, state, and federal partners across fleet electrification, charging deployment, and consumer adoption. Overall focus remains on working with public and private partners at every step of planning, funding, and deployment to reduce barriers and drive project success.

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