



# **Energy, Environment & Natural Resources (EENR) Federal Advocacy Committee**

**Nov. 19, 2025 - 3 p.m.**



# Memorandum

**TO:** Energy, Environment and Natural Resources (EENR) Federal Advocacy Committee Members

**FROM:** The Honorable Katrina Thompson, Chair  
Mayor, Village of Broadview, Illinois

**RE:** 2025 EENR Federal Advocacy Committee Report

**The EENR Federal Advocacy Committee will meet in Salt Lake City, Utah during City Summit on Wednesday, November 19, 2025 from 3:00-5:00 p.m. in the Salt Palace Convention Center, Grand Ballroom E (Level One).**

The primary role of NLC's Federal Advocacy committees is to oversee the regular review and updating of the [National Municipal Policy](#) to ensure that it reflects the view of local officials on current and emerging federal policy issues. Adopted positions are used to guide NLC's federal advocacy efforts, shape public policy debates and communicate positions with the media, Congress, the Administration and other stakeholders. In addition to developing federal policy, the committees serve as advocates on behalf of cities, towns and villages and lead on finding solutions to local challenges.

The EENR Committee worked diligently to recommend policy changes, engage in advocacy efforts and pursue initiatives under the Committee's jurisdiction. NLC and Committee members focused advocacy efforts around preserving the Direct Pay tax credits established under the Inflation Reduction Act for local clean energy and electric vehicle/charging infrastructure and water infrastructure appropriations and reauthorization of key funding and financing programs. NLC and Committee members also continued to advocate for municipal liability protection for PFAS contamination.

The Committee finalized its recommendations for policy amendments and resolutions virtually prior to the start of City Summit. If you have any questions about the proposals, please feel free to contact me, any member of the Committee, or the NLC staff contact for the Committee – Carolyn Berndt.

It has been an honor to serve as the EENR Committee Chair this year. I look forward to seeing you soon.

## Energy, Environment and Natural Resources Committee Agenda

WEDNESDAY, NOVEMBER 19, 3:00 – 5:00 P.M.

SALT PALACE CONVENTION CENTER – GRAND BALLROOM E (LEVEL ONE)

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3:00 –<br>3:05 p.m. | <b>WELCOME AND INTRODUCTIONS</b><br><br><b>The Honorable Katrina Thompson, Chair</b><br><i>Mayor, Village of Broadview, Illinois</i><br><br>The Committee chair will provide introductions and a meeting overview and summary of the committee's work this year.                                                                                                                                                                           |
| 3:05 –<br>3:10 p.m. | <b>NLC PRESIDENT'S REMARKS</b><br><br><b>The Honorable Steve Patterson, President, National League of Cities</b><br><i>Mayor, City of Athens, Ohio</i>                                                                                                                                                                                                                                                                                     |
| 3:10 –<br>3:25 p.m. | <b>EENR COMMITTEE CHAIR'S REPORT</b><br><br><b>The Honorable Katrina Thompson, Chair</b><br><i>Mayor, Village of Broadview, Illinois</i><br><br>The Committee chair will provide a summary of the committee's work this year.                                                                                                                                                                                                              |
| 3:25 –<br>3:50 p.m. | <b>FEDERAL ADVOCACY UPDATE AND NLC RESOURCES FOR LOCAL LEADERS</b><br><br><b>Carolyn Berndt</b><br><i>Legislative Director for Sustainability, Federal Advocacy and Interim Director, Sustainability and Infrastructure, Center for Municipal Practice</i><br><br>Committee members will hear an update on NLC's 2025 federal action agenda and learn about new resources from the NLC Infrastructure, Sustainability and Innovation team. |
| 3:50 –<br>4:00 p.m. | <b>SOLSMART DESIGNATION IN COMMUNITIES</b><br><br><b>Kelly Aves Dharani</b><br><i>Senior Program Specialist, Sustainability, Center for Municipal Practice</i>                                                                                                                                                                                                                                                                             |

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                | <p>Committee members will hear about best practices and lessons learned from the SolSmart designation and technical assistance program.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>4:00 – 4:05 p.m.</b></p> | <p><b>STRENGTHENING THE FEDERAL-LOCAL INTERGOVERNMENTAL PARTNERSHIP</b></p> <p><b>John Eunice</b><br/> <i>Principal Deputy Associate Administrator for Intergovernmental Affairs, U.S. Environmental Protection Agency</i></p> <p>Committee members will make connections with the Office of Intergovernmental Affairs within the U.S. Environmental Protection Agency and hear an overview of agency priorities.</p>                                                                                                                                                                                                                                                                                           |
| <p><b>4:05 – 4:30 p.m.</b></p> | <p><b>WATER INFRASTRUCTURE: PFAS LITIGATION AND SETTLEMENTS</b></p> <p><b>Ken Sansone</b><br/> <i>Senior Partner, SL Environmental Law Group</i></p> <p>Committee members will hear an update on PFAS litigation, including upcoming timelines for participating and testing requirements. Committee members will learn how some communities are using settlements from PFAS litigation to fund water infrastructure projects and meet federal drinking water requirements.</p>                                                                                                                                                                                                                                 |
| <p><b>4:30 – 4:55 p.m.</b></p> | <p><b>CLIMATE AND ENERGY: UTILIZING LEED FOR CITIES AND DIRECT PAY TAX CREDITS</b></p> <p><b>Hilari Varnadore</b><br/> <i>Vice President, Sustainable Cities, U.S. Market Transformation and Development, U.S. Green Building Council</i></p> <p><b>Jennifer Gunby</b><br/> <i>Associate Director, Advocacy and Policy, U.S. Green Building Council</i></p> <p>Committee members will learn about the LEED for Cities framework and cohort group that helps local governments measure and manage sustainability performance across municipal operations. Speakers will also share examples of cities utilizing direct pay tax credits to advance sustainability, climate resilience and clean energy goals.</p> |
| <p><b>5:00 p.m.</b></p>        | <p><b>WRAP UP AND ADJOURN</b></p> <p><b>The Honorable Katrina Thompson, Chair</b><br/> <i>Mayor, Village of Broadview, Illinois</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

**Enclosures**

- City Summit Infrastructure, Sustainability and Climate Highlights
- NLC Procedures for the Adoption of National Municipal Policy and Resolutions
- Proposed EENR Resolutions
- Energy and Environment Legal Update
- 2025 Energy, Environment and Natural Resources Committee Roster

**Next EENR Committee Meeting:**  
***NLC Congressional City Conference***  
***March 14-18, 2026***  
***Washington, DC***

# City Summit Infrastructure, Sustainability and Climate Highlights

## Tuesday, Nov. 18

- Networking: **Cities for Smart Surfaces Reception** – 5:30-7:30 p.m., Squatters Pub Brewery, 147 W Broadway

## Wednesday, Nov. 19

- Solution Session: **Community-Powered Fundraising: How GoFundMe Supports Local Resilience** (hosted by GoFundMe) – 4-4:45 p.m., Salt Palace Convention Center – check app for location
- Solution Session: **Smart Fuel Strategies for Municipalities** (hosted by National Propane Gas Association) – 2-2:45 p.m., Salt Palace Convention Center – check app for location
- Networking: **Sustainability Sips** – 7-8 p.m., Salt Palace Convention Center, Room 150 DE (Level One)

## Thursday, Nov. 20

- Solution Session: **Cleaner Cities through Waste Innovation** (hosted by WM) – 9-9:45 a.m., Salt Palace Convention Center – check app for location
- Solution Session: **Upgrading Municipal Fleets with Smarter Vehicle Solutions** (hosted by Enterprise Mobility) – 9-9:45 a.m., Salt Palace Convention Center – check app for location
- Governance: **Resolutions Committee Meeting** – 10:15-11:30 a.m., Hyatt Regency Salt Lake City, Salt Lake Ballroom CDE (Level Two)
- Workshop: **Financing the Future: Strategies for Local Investment** – 4-5:30 p.m., Salt Palace Convention Center, Grand Ballroom B (Level One)

## Friday, Nov. 21

- Workshop: **Funding the Future: Unlocking Creative Capital** – 10:30 a.m.-12 p.m., Salt Palace Convention Center, Grand Ballroom A (Level One)
- Workshop: **Designing for a Cooler Future: How Cities are Tackling Extreme Heat** – 10:30 a.m.-12 p.m., Salt Palace Convention Center, Grand Ballroom C (Level One)

- Technical Assistance: **Ask the NLC Experts** – 1-2 p.m., Salt Palace Convention Center, Lower Concourse (Level One)
- Workshop: **Local Leadership in Utility Innovation** – 2:15-3:45 p.m., Salt Palace Convention Center, Grand Ballroom E (Level One)

## Saturday, Nov. 22

- Workshop: **Data Centers, Local Impact: Balancing Innovation with Sustainability** – 9-10:30 a.m., Salt Palace Convention Center, Grand Ballroom B (Level One)
- Governance: **Annual Business Meeting** – 2:30-4:30 p.m., Salt Palace Convention Center, Grand Ballroom FHJ (Level One)



## **Procedures for the Adoption of National Municipal Policy and Resolutions**

### **City Summit Salt Lake City, UT November 2025**

The [National Municipal Policy](#) (NMP) is NLC's comprehensive, standing statement of goals, principles, policies and program objectives on federal policy issues directly affecting or of concern to cities, towns and villages. The NMP serves as the basis for NLC's federal advocacy efforts on behalf of the nation's cities, towns and villages. The policy is subject to annual modification by delegates from direct member cities and state municipal leagues at the Annual Business Meeting during City Summit.

Since membership amends the NMP once each year, amendments to the policy typically do not endorse or oppose specific congressional bills, current presidential positions or technical aspects of federal regulations. Instead, positions on such timely matters – which are subject to major changes during the annual legislative and administrative processes – are the subject of NLC resolutions that stand for one year, from their time of passage until the adjournment of the next City Summit.

Direct member cities of NLC and state municipal leagues were invited to submit policy amendments and resolutions by June 27, 2025 for consideration by one of the seven Federal Advocacy Committees. The designated committee has the option of endorsing, amending or rejecting the submittal.

At least two weeks prior to the City Summit, proposed policy amendments and resolutions for 2026 are published on the NLC website and an announcement is sent to all NLC members. The proposed resolutions book for 2026 can be found [here](#). These proposals are subject to change by the Resolutions Committee at City Summit prior to the Annual Business Meeting.

### **Federal Advocacy Committees**

NLC's seven Federal Advocacy Committees manage NLC's National Municipal Policy and Resolutions. At the Congressional Cities Conference (CCC) in March, the Federal Advocacy Committees set agendas for the year. The Committees meet routinely, during the course of the year, to explore topics within their portfolio, engage in advocacy efforts, share best practices and develop policy and resolutions recommendations.

NLC's Federal Advocacy Committees met in person and virtually prior to City Summit to finalize their recommendations for policy amendments and resolutions. During these Federal Advocacy Committee meetings, any policy amendments or resolutions submitted to NLC by the June 27, 2025 submission deadline were considered. Committees had the option of endorsing or rejecting those submittals. Adoption of recommendations is by a majority vote of Federal Advocacy Committee members present and voting. Proxies are not permitted.



### **Resolutions Committee Meeting: Thursday, November 20**

Proposals approved by the Federal Advocacy Committees are forwarded to the NLC Resolutions Committee for consideration. The Resolutions Committee will meet during City Summit on **Thursday, November 20 at 10:15 AM in the Hyatt Regency Salt Lake City, Salt Lake Ballroom CDE, 2<sup>nd</sup> Floor**. The Federal Advocacy Committee chairs will report the recommendations of their respective committees to the Resolutions Committee members. The Resolutions Committee consists of the NLC Board of Directors plus representatives appointed by state municipal leagues whose states are not represented on the Board of Directors.

The Resolutions Committee will also consider any appeals from sponsors of proposals that were previously rejected by a Federal Advocacy Committee, as long as these were submitted by the June 27, 2025 deadline. Proposals introduced by members of the Resolutions Committee are also eligible for review.

Only members of the Resolutions Committee can participate and vote in this meeting. Speakers recognized during the meeting by the Chair may include Resolutions Committee members, Federal Advocacy Committee chairs or their designees, and sponsors of appealed policy recommendations. Decisions will be made by a majority vote of the members present. Proxies are not permitted.

The Resolution Committee Official Rules of Conduct and the NLC Bylaws shall govern the conduct of the Resolutions Committee meeting. In the event that procedural matters arise that are not addressed by the Official Rules or Bylaws, Robert's Rules of Order Newly Revised 12<sup>th</sup> Edition shall govern the conduct of the meeting.

### **Annual Business Meeting: Saturday, November 22**

Resolutions Committee actions are referred to the Annual Business Meeting for consideration and adoption by the voting delegates. The report of the Resolutions Committee will include only recommended policy amendments and resolutions. The Annual Business Meeting will be held during City Summit on **Saturday, November 22 at 2:30 PM in the Salt Palace Convention Center, Grand Ballroom FHJ (Level One)**.

To cast a vote at the Annual Business Meeting, all voting or alternate delegates must be present and registered with the Credentials Committee and must have official voting materials. Each direct member city has a certified voting delegate, or alternate, who is entitled to vote at the Annual Business Meeting. The delegate may cast a certain number of votes based upon the direct member city's population, determined by the 2020 U.S. Census; member cities may not split their votes. Each state municipal league is entitled to cast a total of 20 votes by its delegate or delegates, and those votes may be split and distributed at the discretion of each state municipal league. Voting delegates must be present to vote. Proxies are not permitted.

After a brief presentation of the Resolutions Committee's report, the Annual Business Meeting's Presiding Officer will call for adoption of NMP amendments and resolutions as proposed by the Resolutions Committee. Amendments to each chapter will be considered in the order in which those chapters appear in the NMP. Motions from the floor to amend the Resolutions Committee's recommendations require a majority vote for passage. Final adoption of amendments to the NMP requires a two-thirds vote of voting delegates.

Voting delegates may submit a petition for policy proposals to the NLC Federal Advocacy team by **10:00 AM on the day of the Annual Business Meeting** to the **Federal Advocacy Policy Office in the Salt Palace Convention Center, Room 255 B (Level Two)**. Petitions must carry the text of the proposal and printed names, titles and signatures of 10 certified voting delegates with their respective cities and states. The petition must receive a majority vote of the voting delegates to be accepted for floor consideration and require a two-thirds vote for final approval. Petitioners should complete the packet that can be found [here](#).

The Official Rules of Conduct and the NLC Bylaws shall govern the conduct of the Annual Business Meeting. In the event that procedural matters arise that are not addressed by the Official Rules or Bylaws, Robert's Rules of Order Newly Revised 12<sup>th</sup> Edition shall govern the conduct of the meeting.

**For further information about this process prior to City Summit or to contact the NLC staff for a Federal Advocacy Committee, contact Dion Taylor at 202-626-3064 or [taylor@nlc.org](mailto:taylor@nlc.org).**

**During City Summit, please contact the Federal Advocacy staff at the Federal Advocacy Policy Office located in the Salt Palace Convention Center, Room 255 B (Level Two).**

## *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:

| <b>Resolution</b>                                                                                                                       | <b>EENR Committee Recommendation</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>NLC RESOLUTION 2025-8:</b> Supporting Local PACE Programs                                                                            | Renew with Edits                     |
| <b>NLC RESOLUTION 2025-9:</b> Supporting and Advancing Resilient Communities to Prepare for Changing Climate and Extreme Weather Events | Renew with Edits                     |
| <b>NLC RESOLUTION 2025-10:</b> Supporting Urgent Action to Reduce Carbon Emissions and Mitigate the Effects of Climate Change           | Renew with Edits                     |
| <b>NLC RESOLUTION 2025-11:</b> Addressing Lead Contamination and Calling for Nationwide Federal Support for Water Infrastructure        | Renew with Edits                     |
| <b>NLC RESOLUTION 2025-12:</b> Increase Federal Investment in Water Infrastructure                                                      | Renew with Edits                     |
| <b>NLC RESOLUTION 2025-13:</b> Support for Integrated Planning and New Affordability Consideration for Water                            | Renew                                |
| <b>NLC RESOLUTION 2025-14:</b> Calling on the Federal Government to Take Action to Address PFAS Contamination                           | Renew with Edits                     |

|                                                                                                                                                               |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>NLC RESOLUTION 2025-15:</b> Improve the Benefit-Cost Analysis for Federally Funded Flood Control Projects and Support Beneficial Reuse of Dredged Material | Renew with Edits                    |
| <b>NLC RESOLUTION 2025-16:</b> Increase Funding for Border Water Infrastructure Projects                                                                      | Renew with Edits                    |
| <b>NLC RESOLUTION 2025-17:</b> Support for the Outdoor Recreation Legacy Partnership Program and the Outdoors for All Act                                     | Expire (legislation passed in 2024) |
| <b>NLC RESOLUTION 2025-18:</b> Support and Advance Cities Impacted by Federal Facilities and Infrastructure through Community Benefit Programs                | Renew with Edits                    |
| <b>NEW EENR RESOLUTION 1:</b> Protecting Federal Scientific Data and Resources to Support Local Preparedness to Extreme Weather Events                        | Adopt                               |

1 NLC RESOLUTION 2025-8

2  
3 SUPPORTING LOCAL PACE PROGRAMS

4  
5 EENR Committee Recommendation: Renew with Edits

6  
7 **WHEREAS**, utility bills represent a major part of operating costs for residents and business  
8 owners; and  
9

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

15 **WHEREAS**, investing in cost-effective [energy efficiency and renewable energy improvements](#)  
16 to homes and businesses saves energy, cuts utility bills, creates local jobs, reduces reliance on  
17 fossil fuels, and dramatically reduces greenhouse gas emissions; and  
18

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

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

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

32 **WHEREAS**, the PACE program removes many of the financial barriers of energy efficiency and  
33 renewable energy retrofits that otherwise exist for residential homeowners and businesses,  
34 particularly the high upfront cost of making such an investment and the long-term ability to reap  
35 the benefits of cost savings; and  
36

37 **WHEREAS**, 40 states plus the District of Columbia have [passed laws](#) enabling local  
38 governments to develop PACE programs; and  
39

40 **WHEREAS**, locally-administered PACE programs are an exercise of the traditional authority of  
41 local governments to utilize the tax code for public benefit; and  
42

43 **WHEREAS**, PACE programs can help local governments meet a core obligation to their citizens  
44 to maintain housing stock and improve housing opportunities for all citizens; and  
45

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

49  
50 **WHEREAS**, PACE holds the potential to unlock private capital and jumpstart economic growth  
51 backed by the marketplace certainty of the federal government; and

52  
53 **WHEREAS**, in communities that have enabled PACE, investments have had significant effects  
54 on local job creation and economic activity, energy savings and carbon abatement. Over the  
55 lifetime of the measures installed to date, [estimates show](#) that those PACE projects will result in  
56 \$29 billion in economic impact, 214,000 job-years created, 14 million metric tons CO2 emissions  
57 avoided and 53 billion kWh energy saved; and

58  
59 **WHEREAS**, despite PACE’s great promise, in July 2010 the Federal Housing Finance Agency  
60 (FHFA), as conservator of the government-sponsored enterprises (GSEs) following the 2008  
61 financial crisis, [issued guidance](#) that directed the GSEs not to purchase mortgages with a PACE  
62 assessment, which immediately slowed the advancement of PACE residential programs across  
63 the country; and

64  
65 **WHEREAS**, despite the FHFA directive, many commercial and a few residential PACE  
66 programs are operating or are in development in hundreds of municipalities across the country;  
67 and

68  
69 **WHEREAS**, in 2010 the U.S. Department of Energy dedicated \$150 million to assist in the  
70 development of local PACE programs and in 2016 issued [Best Practice Guidelines for](#)  
71 [Residential PACE Financing Programs](#) to help state and local governments develop and  
72 implement programs and recommended protections that PACE programs should put in place for  
73 consumers and lenders; and

74  
75 **WHEREAS**, in July 2016, the U.S. Department of Housing and Urban Development [released](#)  
76 [guidance](#) allowing the Federal Housing Administration to insure mortgages on properties that  
77 include PACE assessments, which has since been withdrawn; and

78  
79 **WHEREAS**, in 2018, Congress passed the Economic Growth, Regulatory Relief, and Consumer  
80 Protection Act banking reform bill that recognizes PACE as a tax assessment and directs the  
81 Consumer Financial Protection Bureau (CFPB) to develop rules in consultation with state and  
82 local governments that ensure consumers have the ability to pay their residential PACE financing  
83 obligations; and

84  
85 **WHEREAS**, in December 2024, CFPB [finalized the rule](#), which applies existing residential  
86 mortgage protections to PACE loans, failing to recognize that locally-administered Residential  
87 PACE programs differ from traditional creditor-borrower relationships and should therefore be  
88 treated differently.

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

93  
94 **BE IT FURTHER RESOLVED** that locally-administered PACE programs represent an  
95 essential contribution of local governments to reduce greenhouse gas emissions and promote  
96 renewable energy; and

97  
98 **BE IT FURTHER RESOLVED** that the National League of Cities (NLC) urges FHFA to  
99 reconsider the 2010 guidance that prohibits government-sponsored entities from purchasing  
100 mortgages with a PACE assessment and to work with local governments seeking to establish  
101 PACE programs that benefit from the same senior lien status of all other projects that are funded  
102 through municipal assessments that improve private property and meet public policy objectives;  
103 and

104  
105 **BE IT FURTHER RESOLVED** that NLC urges the CFPB to work with local governments to  
106 revise regulations to clearly reaffirm the right of state and local governments to exercise liens or  
107 assess special taxes or other property obligations to protect and improve housing stock for the  
108 public good, including energy efficiency improvements, and establish underwriting standards that  
109 are consistent with guidelines previously issued by the U.S. Department of Energy for PACE  
110 financing programs or by implementing any other appropriate measure.

NLC RESOLUTION 2025-9

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

**EENR Committee Recommendation:** Renew with Edits

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

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

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

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

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

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

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

**WHEREAS**, climate change and extreme weather events pose an especially pressing threat to persons with disabilities, economically disadvantaged households, the elderly, Black, Indigenous and People of Color (BIPOC), and other vulnerable and underrepresented populations because these populations are often most affected by and least able to prepare in advance, respond to or 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; 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; and  
62

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); 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 and in [2024](#)  
70 [Hurricane Helene](#) caused \$78.7 billion (CPI-adjusted) in damages and resulted in 219 deaths; and  
71

72 **WHEREAS**, in [2022 historic flooding](#) brought devastating damage to eastern Kentucky and  
73 eastern Missouri homes, businesses and infrastructure, resulting in 42 deaths and \$1.6 billion (CPI-  
74 adjusted) in economic costs and in [2023 drought and heatwave conditions](#) impacted numerous  
75 southern and midwestern states, resulting in 247 deaths and \$14.8 billion (CPI-adjusted) in  
76 economic losses; and  
77

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

of residents and local governments to recover and rebuild from disasters and increases insurance costs for residents and businesses; and

**WHEREAS**, the [past ten years \(2015-2024\) are the ten warmest years on record](#), with [2024 being the warmest year on record](#), followed by 2023 (second warmest) 2016 (third warmest), 2020 (fourth warmest), and 2019 (fifth warmest); and

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

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

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

**WHEREAS**, taking action now to adapt to a changing environment and create community resilience will help save lives, strengthen local economies, save taxpayer dollars and build preparedness for future events; 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 strengthening infrastructure and communities against extreme weather events by investing in pre-disaster mitigation and flood, wildfire and drought mitigation and the Inflation Reduction Act of 2022 provides additional funding and incentives for climate and clean energy goals, and additional federal policies, funding and resources are needed to support local governments.

**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

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

**BE IT FURTHER RESOLVED** that federal investments in communities must prioritize those communities that have been historically neglected or are economically constrained, which are disproportionately impacted by the effects of climate change; and

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

185 **BE IT FURTHER RESOLVED** that NLC urges the federal government to develop a national  
186 pilot project initiative to conduct detailed assessments and designs for resilient city energy  
187 system retrofit and redesign across a range of different regions and city sizes.  
188  
189

NLC RESOLUTION 2025-10

**SUPPORTING URGENT ACTION TO REDUCE CARBON EMISSIONS AND  
MITIGATE THE EFFECTS OF CLIMATE CHANGE**

**EENR Committee Recommendation:** Renew with Edits

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

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

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

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

**WHEREAS**, these same vulnerable populations also face dramatically [higher energy burdens](#)—spending a greater portion of their income on energy bills—than the average household; and

**WHEREAS**, according to the [American Lung Association’s 2025 State of the Air report](#), nearly 46 percent or 156.1 million people live in communities with unhealthy levels of ozone or particle pollution; and

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

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

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

**WHEREAS**, improving energy efficiency, increasing energy conservation and deploying renewable energy systems will save taxpayer dollars, boost the national and local economy,

enhance national security, increase our nation’s energy independence and improve environmental quality; and

**WHEREAS**, technology exists and continues to be developed that will help families, businesses and communities reduce energy use, such as through the Energy Star program, but without standards or incentives to encourage domestic manufacturing or adoption of new technology, many of these options will be unavailable or unaffordable; and

**WHEREAS**, the [transportation sector](#) generates the largest share of direct greenhouse gas emissions, 28 percent of 2022 greenhouse gas emissions, in the United States; and

**WHEREAS**, the building sector accounts for nearly 37 percent of the nation’s [total energy consumption](#) in 2023, 75 percent of all [electricity used](#) in the U.S. and 31 percent of the nation’s 2022 [indirect greenhouse gas emissions](#), which includes electricity end-use; and

**WHEREAS**, [indoor and outdoor lighting](#) account for 6 percent of electricity consumed in the nation, 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

93 **WHEREAS**, because of these investments and the decline in capital costs, [renewable energy](#)  
94 accounted for approximately 90 percent of new installed generation capacity in the U.S. in 2024,  
95 bringing the total renewable energy capacity up to 358.9 gigawatts—representing 30 percent of  
96 the country’s large-scale power generating capacity and 25 percent of power supply; and  
97

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; and  
100 **WHEREAS**, [U.S. data center power demand](#) is forecasted to more than double by 2035, rising  
101 from almost 35 gigawatts in 2024 to 78 gigawatts and energy consumption growth is project to  
102 rise at an even steeper rate, with average hourly electricity demand nearly tripling from 16  
103 gigawatt-hours in 2024 to 49 gigawatt hours by 2035.  
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 federal investments in communities must prioritize those  
112 communities that have been historically neglected or are economically constrained, which are  
113 disproportionately impacted by the effects of climate change; and  
114

115 **BE IT FURTHER RESOLVED** that NLC urges Congress and the Administration to take urgent  
116 action to reduce carbon emissions across a broad sector of the economy and become carbon  
117 neutral to mitigate the effects of climate change; and  
118

119 **BE IT FURTHER RESOLVED** that NLC supports the U.S.’s engagement in the Paris Climate  
120 Agreement and calls on Congress to position the U.S. as a climate leader and adopt nationwide  
121 greenhouse gas emission goals and policies that exceed the IPCC 1.5°C targets of 45 percent  
122 emissions reduction from 2010 levels by 2030 and net zero by 2050, and to encourage other  
123 countries to adopt these same goals; and  
124

125 **BE IT FURTHER RESOLVED** that NLC supports efforts to increase the CAFE standards or  
126 fuel efficiency for all types of vehicles; and  
127

128 **BE IT FURTHER RESOLVED** that NLC urges the federal government to protect and promote  
129 other energy efficient consumer products, such as appliances, through incentives and labeling  
130 programs, such as Energy Star; and  
131

132 **BE IT FURTHER RESOLVED** that NLC calls on Congress to pass a national renewable  
133 portfolio standard that increases the use of carbon neutral energy and promotes energy efficiency,  
134 with the goal of at least 50 percent carbon neutral energy by 2030 and 100 percent by 2050 or  
135 sooner; and  
136



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

**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.



NLC RESOLUTION 2025-11

ADDRESSING LEAD CONTAMINATION AND CALLING FOR NATIONWIDE  
FEDERAL SUPPORT FOR WATER INFRASTRUCTURE

**EENR Committee Recommendation:** Renew with Edits

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

**WHEREAS**, the [U.S. Environmental Protection Agency \(EPA\)](#) estimates there are 9.2 million lead service lines across the country; and

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

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

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

**WHEREAS**, local governments are already taking action to address lead service lines in their communities and to comply with [EPA's Lead and Copper Rule Revisions](#), finalized in 2021, which required all community water systems and non-transient non-community water systems, such as schools, to complete an inventory of lead pipes by October 16, 2024; and

**WHEREAS**, the [LCRI](#), finalized in 2024, requires public water systems to replace all lead service lines by 2037 with limited exceptions, among other requirements; and

**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 [clean water](#) and [drinking water](#) infrastructure capital needs over the next 20 years to be approximately \$1.255 trillion in total, 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, and other estimates put the cost at more than \$4 trillion to maintain and build a 21<sup>st</sup> 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.

47  
48 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) calls on  
49 Congress and the Administration to support robust funding for all water infrastructure financing  
50 mechanisms, including the Clean Water and Drinking Water State Revolving Loan Fund  
51 programs and the Water Infrastructure Finance and Innovation Act (WIFIA); and  
52

53 **BE IT FURTHER RESOLVED** that NLC calls on Congress and the Administration to support  
54 other mechanisms of infrastructure financing, including protecting the tax-exempt status of  
55 municipal bonds and reinstating the tax exemption for advance refunding bonds; and  
56

57 **BE IT FURTHER RESOLVED** that NLC calls on Congress and the Administration to provide  
58 direct grants to local governments, as well as school systems and daycare centers, for the  
59 replacement of lead service lines, testing, inventories, planning, corrosion control and public  
60 education campaigns, and to assist small and disadvantaged communities in complying with the  
61 Safe Drinking Water Act; and  
62

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

NLC RESOLUTION 2025-12

INCREASE FEDERAL INVESTMENT IN WATER INFRASTRUCTURE

EENR Committee Recommendation: Renew with Edits

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

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

**WHEREAS**, many urban and rural communities have underserved or unserved areas, with no community water system or private system; and

**WHEREAS**, cities, towns and villages nationwide are finding that [decentralized water solutions](#) such as water use efficiency measures and green stormwater installations can effectively and affordably serve many of the same functions as conventional water infrastructure and can supplement and extend their existing centralized systems; and

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

**WHEREAS**, tax-exempt municipal bonds are the primary funding mechanism for state and local government infrastructure projects with [three-quarters](#) of the total United States investment in infrastructure being accomplished with tax-exempt financing; and

**WHEREAS**, an economic analysis by the [American Society of Civil Engineers](#) shows a water-related infrastructure investment gap of \$1 trillion over 10 years for drinking water, wastewater and stormwater combined; and

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

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

**WHEREAS**, aside from the IIJA, federal spending on loan and grant assistance to local governments to assist in maintaining and upgrading water infrastructure systems has [continued to decline](#) in real dollars over the past decades; and

**WHEREAS**, a significant portion of municipal water infrastructure financial resources are spent to comply with new complex federal mandates, leaving many critical maintenance, repair and rehabilitation needs unmet; and

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

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

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

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

**WHEREAS**, eliminating the state volume cap for water is [estimated](#) to make available up to \$5 billion in private capital for water projects, while the cost in foregone revenue to the federal government is nominal.

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

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

**BE IT FURTHER RESOLVED** that Congress should provide full appropriation to the Water Infrastructure Finance and Innovation Act (WIFIA) and the U.S. Department of Agriculture Rural Development programs for loans and loan guarantees for water infrastructure projects; and

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

93  
94 **BE IT FURTHER RESOLVED** that Congress should exempt from federal taxation rebates  
95 issued to consumers by local governments to pay for consumer-installed decentralized water  
96 infrastructure that benefits their communities; and  
97

98 **BE IT FURTHER RESOLVED** that NLC supports legislation removing the federal volume cap  
99 on tax-exempt private activity bonds for water and wastewater infrastructure projects; and  
100

101 **BE IT FURTHER RESOLVED** that NLC calls on Congress and the Administration to support  
102 other mechanisms of infrastructure financing, including protecting the tax-exempt status of  
103 municipal bonds and reinstating the tax exemption for advance refunding bonds; and  
104

105 **BE IT FURTHER RESOLVED** that Congressionally Directed Spending for water  
106 infrastructure projects through the State Revolving Funds should be in addition to the baseline  
107 amount, rather than off the top; and  
108

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

NLC RESOLUTION 2025-13

SUPPORT FOR INTEGRATED PLANNING AND NEW AFFORDABILITY  
CONSIDERATION FOR WATER

EENR Committee Recommendation: Renew

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

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

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

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

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

**WHEREAS**, taking a [One Water](#) approach to water resource management means that “all water has value and should be managed in a sustainable, inclusive, integrated way” and requires balancing water equity, water access and water affordability; and

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

**WHEREAS**, local water and sewer rates and stormwater fees are rapidly becoming unaffordable for many fixed- and low-income citizens, placing a disproportionate financial burden on these 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  
73 **BE IT FURTHER RESOLVED** that NLC calls on EPA to share integrated planning best  
74 management practices, including those that take a regional watershed approach, from across the  
75 country with all communities that are interested in pursuing an integrated planning approach; and

76  
77 **BE IT FURTHER RESOLVED** that NLC calls on Congress to modernize the NPDES  
78 permitting process and pass legislation to allow states with delegated authority to administer the  
79 NPDES permitting program to issue permits of up to ten years; and

80  
81 **BE IT FURTHER RESOLVED** that NLC calls on EPA to work with local governments to  
82 revise the February 2023 Financial Capability Assessment Guidance to eliminate reliance on  
83 median household income as the critical metric for determining investment level and to allow for  
84 the consideration of additional information, such as socio-economic factors, consistent with the  
85 Agency's 2014 Financial Capability Framework; and

86  
87 **BE IT FURTHER RESOLVED** that NLC calls on the federal government to assess the  
88 effectiveness and consider extending the Low Income Home Water Assistance program, which  
89 provides ratepayer assistance to offset water bills and arrearages of qualifying customers, as a  
90 means of addressing water affordability.



NLC RESOLUTION 2025-14

CALLING ON THE FEDERAL GOVERNMENT TO TAKE ACTION TO ADDRESS  
PFAS CONTAMINATION

**EENR Committee Recommendation:** Renew with Edits

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

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

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

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

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

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

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

**WHEREAS**, the [Environmental Working Group](#) maintains an interactive map of known contamination of communities from PFAS, which as of June 2025 shows 9,323 locations in 50 states, DC and four territories with known contamination; and

**WHEREAS**, in October 2024, the [United States Geological Survey](#) published results on analysis for 24 PFAS compounds from 1,238 groundwater samples across the continental U.S. that detected PFAS in 37 percent of groundwater samples, indicating that more than 20 percent of the



country’s population may rely on groundwater that contains detectable amounts of PFAS for their drinking water supplies; and

**WHEREAS**, PFAS chemicals were widely used in firefighting foams, particularly for airports, and were used in frequent training exercises at military air bases, and [firefighter turnout gear](#) has been found to contain PFAS chemicals; and

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

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

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

**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), which will have huge cost and liability implications for local governments, and is undergoing a [separate rulemaking](#) to designate additional PFAS chemicals under CERCLA; 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

90 **WHEREAS**, a number of bills have been introduced in both the U.S. House of Representatives  
91 and U.S. Senate to address PFAS contamination by providing new resources at the federal, state and  
92 local levels for the detection, reduction, destruction and remediation of PFAS chemicals; and  
93

94 **WHEREAS**, local governments are owners and operators of airports, landfills and water utilities  
95 and employ firefighters, some of whom may have been exposed to PFAS chemicals on the job  
96 through inhalation or skin absorption, and therefore present a pension and liability concern for  
97 local budgets.  
98

99 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) calls on  
100 Congress and the Administration to holistically examine PFAS contamination and to take  
101 comprehensive action to address the problem and reduce public health risk, including through  
102 nationwide testing, monitoring, mapping, public education and water supply treatment; and  
103

104 **BE IT FURTHER RESOLVED** that NLC calls on the federal government to ensure that the  
105 parties responsible for PFAS contamination, including the federal government but excluding  
106 local governments, are held fully liable for costs of cleanup and mitigation and to ensure that  
107 sites are cleaned up in a timely manner and to standards sufficiently stringent to permit reuse of  
108 the site and to obviate the need for additional cleanup and mitigation costs by affected local  
109 governments; and  
110

111 **BE IT FURTHER RESOLVED** that NLC calls on Congress to pass legislation that provides  
112 local governments that did not cause or contribute to PFAS contamination with liability  
113 protection under CERCLA; and  
114

115 **BE IT FURTHER RESOLVED** that the federal government should incentivize and support  
116 research and development for extended producer responsibility programs to prevent pollution of  
117 waterways, drinking water and soil contamination and to address the life cycle environmental  
118 impacts of PFAS chemicals; and  
119

120 **BE IT FURTHER RESOLVED** that local governments, including municipal airports and fire  
121 departments, were required by federal law to use firefighting foam containing PFAS chemicals,  
122 and therefore should not be held liable for PFAS contamination or cleanup costs; and  
123

124 **BE IT FURTHER RESOLVED** that local governments, including drinking water and  
125 wastewater utilities and municipal landfills, serve as passive receivers of PFAS chemicals and did  
126 not cause or contribute to contamination, and therefore should not be held liable for PFAS  
127 contamination or cleanup costs; and  
128

129 **BE IT FURTHER RESOLVED** that NLC calls on the federal government to accelerate research  
130 and technology development to advance the science needed to understand the health  
131 consequences of exposure to PFAS chemicals, detect and measure PFAS chemicals in water and  
132 other environmental media, treat water supplies to remove these substances, and find safe  
133 substitutes for PFAS chemicals; and  
134

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

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

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

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

NLC RESOLUTION 2025-15

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

**EENR Committee Recommendation:** Renew with Edits

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

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

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

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

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

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

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

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

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

**WHEREAS**, dredged materials produced from Army Corps waterway and harbor maintenance 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.  
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  
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](#); 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 historically neglected or are economically constrained, which are  
96 disproportionately impacted by flood risk.

NLC RESOLUTION 2025-16

INCREASE FUNDING FOR BORDER WATER INFRASTRUCTURE PROJECTS

EENR Committee Recommendation: Renew with Edits

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

**WHEREAS**, [transboundary flows](#) threaten the health of 18 million residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, compromise border security, and directly affect U.S. military readiness; and

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

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

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

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

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



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

51  
52  
53 **WHEREAS**, border communities need modernized and innovative water infrastructure to  
54 provide clean and sanitary drinking water to improve the quality of living and support the  
55 expanding communities; and

56  
57 **WHEREAS**, the adverse environmental impact will worsen existing environmental issues and  
58 strain aging infrastructure, while also creating new environmental issues in the future; and

59  
60 **WHEREAS**, the widespread threat to public health and safety, damage to fish and wildlife  
61 resources and degradation to the environment caused by transboundary pollution in the border  
62 states requires urgent action by the federal and state governments; and

63  
64 **WHEREAS**, Congress authorized funding under the Safe Drinking Water Act and established  
65 the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water  
66 Infrastructure Program in 1996 to provide grants for high-priority water, wastewater, and  
67 stormwater infrastructure projects within 100 kilometers of the southern border; and

68  
69 **WHEREAS**, the U.S. Environmental Protection Agency (EPA) administers the STAG and  
70 BWIP, and coordinates with the NADB to allocate BWIP grant funds to projects in the border  
71 zone; and

72  
73 **WHEREAS**, since its inception, the BWIP has provided funding for projects in California,  
74 Arizona, New Mexico and Texas that would not have been constructed without the grant  
75 program; and

76  
77 **WHEREAS**, the BWIP program was initially funded at \$100 million per year, but the program  
78 has been significantly [reduced](#) to \$35 million in FY24 and FY25; and

79  
80 **WHEREAS**, EPA and the U.S. section of the IWBC [identified](#) high-priority wastewater collection  
81 and treatment facilities needed in the border area; and

82  
83 **WHEREAS**, [Mexico](#) has identified multiple priority projects and pledged \$144 million in short-  
84 term capital contributions; and

85  
86 **WHEREAS**, a [Memorandum of Understanding](#) signed by the United States and Mexico in July  
87 2025 sets a timeframe for Mexico to complete all projects by Dec. 31, 2027 and the United  
88 States, which has withheld additional funding to projects until Mexico fulfilled their obligations  
89 toward other projects, agreed to release BWIP funding to complete the rehabilitation of Pump  
90 Station 1 and the Tijuana River collection pipes; and



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

95  
96 **WHEREAS**, transboundary sewage flows release toxic gases causing unhealthy air quality in  
97 South San Diego County where “concentration of hydrogen sulfide...peaked at 4,500 ppb [parts  
98 per billion] for at least a minute and up to an average of 2,100 ppb for one hour—the latter  
99 exceeding the California Air Resources Board’s one hour standard [of 30 ppb] by nearly 70  
100 times;” and

101  
102 **WHEREAS**, without federal partnership through the BWIP and state support to address  
103 pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with  
104 limited resources to address a critical pollution and public health issue and limited legal remedies  
105 to address the problem; and

106  
107 **WHEREAS**, Mexico benefits from the bi-national funding program and relies on the NADB to  
108 assist in funding projects on the Mexico side of the border, which have an immediate and long-  
109 term environmental impact along the border in the U.S. due to the upstream, transboundary flows  
110 of the major rivers; and

111  
112 **WHEREAS**, local governments and the public support the State’s primary objectives in  
113 complying with environmental laws including the Clean Water Act and Endangered Species Act,  
114 and their state law analogues, and are supported by substantial public investments at all levels of  
115 government to maintain a healthy and sustainable environment for the future.

116  
117 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities urges the Federal  
118 government to continue to fund the Border Water Infrastructure Program, and to recommit to  
119 working bi-nationally to develop and implement long-term solutions to address serious water  
120 quality and contamination issues, such as discharges of untreated sewage and polluted sediment  
121 and trash-laden transboundary flows originating from Mexico, resulting in significant health,  
122 environmental, and safety concerns of affected communities.

1 NLC RESOLUTION 2025-17

2  
3 **SUPPORT FOR THE OUTDOOR RECREATION LEGACY PARTNERSHIP**  
4 **PROGRAM AND THE OUTDOORS FOR ALL ACT**

5  
6 **EENR Committee Recommendation:** Expire  
7

8 **WHEREAS**, access to outdoor recreational activities is crucial for the physical and mental well-  
9 being of individuals, fostering healthier lifestyles and stronger communities; and  
10

11 **WHEREAS**, the Outdoor Recreation Legacy Partnership (ORLP) program, funded through the  
12 Land and Water Conservation Fund, helps communities create and improve parks and other  
13 outdoor recreation areas to improve public access, particularly in disadvantaged or low-income  
14 communities; and  
15

16 **WHEREAS**, the Outdoors for All Act would codify the ORLP and establish a dedicated,  
17 mandatory funding source; and  
18

19 **WHEREAS**, the Outdoors for All Act seeks to enhance accessibility to outdoor spaces and  
20 activities for all Americans, regardless of age, ability, or background; and  
21

22 **WHEREAS**, the Outdoors for All Act aims to invest in outdoor infrastructure, expand  
23 recreational opportunities, and protect public lands and waters for future generations; and  
24

25 **WHEREAS**, the Outdoors for All Act also recognizes the importance of promoting diversity,  
26 equity, and inclusion in outdoor spaces, ensuring that all Americans have equal opportunities to  
27 enjoy nature and its benefits; and  
28

29 **WHEREAS**, the Outdoors for All Act seeks to create jobs and boost local economies through  
30 increased outdoor tourism and recreational activities.  
31

32 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) supports  
33 the Outdoor Recreation and Legacy Partnership program, recognizing its potential to  
34 significantly improve access to outdoor spaces and activities for all Americans; and  
35

36 **BE IT FURTHER RESOLVED** that NLC urges Congress to pass the Outdoors for All Act,  
37 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 **EENR Committee 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; 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.

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, and issues  
47 relating to the environment of impacted communities.

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**NEW EENR RESOLUTION 1**

**PROTECTING FEDERAL SCIENTIFIC DATA AND RESOURCES TO SUPPORT  
LOCAL PREPAREDNESS TO EXTREME WEATHER EVENTS**

**EENR Committee Recommendation: Adopt**

**WHEREAS**, protecting the health, safety and well-being of residents is the most important task of all levels of government, with [Article 1, Section 8 of the U.S. Constitution](#) stating that “Congress shall provide...for the general welfare of the United States;” and

**WHEREAS**, promoting and protecting public safety, especially during emergencies such as extreme weather events and natural disasters, is essential to providing for the general welfare; and

**WHEREAS**, while local leaders serve as first responders during extreme weather events and natural disasters, the federal government has the scale and reach to address extreme weather and natural disasters in a comprehensive way; and

**WHEREAS**, the research, monitoring, reporting and other scientific data, resources and tools are too expensive for any single local government or state to develop individually; and .

**WHEREAS**, because extreme weather and natural disasters do not respect city or state boundaries and their impacts are often regional, a federal approach is required; and

**WHEREAS**, the federal government is *the* trusted source of information for extreme weather events and natural disasters, and the availability of trusted information to protect lives, property and infrastructure requires specialized expertise, especially at the federal level; and

**WHEREAS**, it is imperative to keep residents, emergency personnel and news organizations informed of impending disasters because accurate warnings help facilitate disaster preparations, evacuations and pre-positioning of personnel and response assets; and

**WHEREAS**, agencies such as the National Aeronautics and Space Administration, National Oceanic and Atmospheric Administration (NOAA, including the National Weather Service), U.S. Geological Survey and Federal Emergency Management Agency (FEMA) have mandates to protect public safety, not to sell products and services or generate profit, and decades of consistent service during emergencies have built public trust in these institutions and information; and

**WHEREAS**, the federal government operates large networks of sensors, satellites, stream gauges and radar systems all focused exclusively on disaster prevention and response, which provide real-time, scientifically validated data; and

**WHEREAS**, although private sources do some of this as well, their reach is not as comprehensive, their data may not be as well trusted, and they lack an underlying mandate to

protect public safety; and

**WHEREAS**, the percentage of the federal budget dedicated to the agencies involved in extreme weather and natural disaster prediction, prevention, response and mitigation is miniscule. For example, the [annual budget for NOAA](#) represents 0.1% of the federal budget in FY2025, but helps save countless lives and protect billions in property, infrastructure, and crops – thus providing an outsize return on investment; and

**WHEREAS**, accurate weather and climate data is also essential for food security and our economy. For example, according to a survey by the [U.S. Chamber of Commerce](#), in 2023, agriculture, food, and related industries contributed approximately \$1.53 trillion to the US economy and in 2022, [U.S. fisheries](#) generated about \$321 billion in sales; and

**WHEREAS**, every dollar invested in disaster preparedness and early warning systems saves many more in damages. A study by the [National Institute of Building Sciences](#) found each \$1 invested by FEMA and similar agencies saved \$6 saved in damages from all types of emergencies. A [U.S. Chamber of Commerce](#) study found an even higher cost-benefit ratio, with each \$1 invested in resilience and disaster preparedness saving \$13 in economic impact, damage, and cleanup costs after the event; and

**WHEREAS**, the more warning people have before extreme events occur, the lower the probability of death, personal injury and damage to property and infrastructure. For example, a [2024 review of 66 studies](#) found expert estimates that roughly 20% of damages can be avoided with a 1-hour warning, rising to approximately 60% with a 12-hour warning; and

**WHEREAS**, in addition to the critical importance of information during extreme weather events and disasters, federal scientific data and resources provide value every day to communities, local governments and industry. The ability to predict and monitor weather conditions, climate patterns and changes over time is crucial for operations in industries such as agriculture, fishing and aquaculture, aviation, transportation and logistics, tourism, and resource extraction. These services are equally important for public agencies, from transportation planning to public health to utility management; and

**WHEREAS**, The federal apparatus for researching, modeling, preventing, planning and responding to extreme weather events and natural disasters now faces unprecedented challenges, such as workforce reductions, staff reallocation, budget cuts, reallocation of existing funding and withdrawal of key research and advisory programs.

**NOW, THEREFORE, BE IT RESOLVED** that to meet its obligation to protect the general welfare as described in Article I, Section 8 of the Constitution, Congress must approve investments to protect and enhance the corps of federal experts and technology to further scientific progress in meteorology, climate science, geological science and disaster prediction, response and mitigation programs; and

**BE IT FURTHER RESOLVED** to protect the general welfare, Congress must restore and maintain funding to pre-DOGE levels for all federal agencies providing weather and other

93 scientific data to support extreme weather and natural disaster research and monitoring in a  
94 timely and accurate manner, as well as to support other industries and sectors related to  
95 agriculture, fishing and aquaculture, aviation, transportation and logistics, tourism, and resource  
96 extraction; and

97  
98 **BE IT FURTHER RESOLVED** to protect the general welfare, federal agencies must restore  
99 full staffing to pre-DOGE levels of federal personnel with the knowledge, expertise and  
100 experience to respond to extreme weather and natural disaster.

## **ENERGY AND ENVIRONMENT LEGAL UPDATE**

### **1. Texas v. EPA – DC Circuit**

**Update since Summer Board and Leadership Meeting:** *On July 18, 2025, the court granted the private petitioner's motion to hold the case in abeyance. The court also ordered the private petitioners to file status reports at 60-day intervals, starting September 16, 2025, and directed the parties to file motions to govern further proceedings within 30 days of the conclusion of agency proceedings. Private petitioners timely submitted their first status report on September 16, 2025, noting that EPA has proposed rules to repeal all GHG standards for light-duty, medium-duty, and heavy-duty vehicles and engines.*

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.

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.

**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 Summer Board and Leadership Meeting:** *The case continues to be 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. EPA's next status report was due October 22, 2025, but due to the government shutdown, the court ordered the agency to file its status report within 10 days of appropriations being restored.*

**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. 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.

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 Summer Board and Leadership Meeting:** None—*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. Oral argument is tentatively scheduled for Oct. 2025.*

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 Summer Board and Leadership Meeting:** *The case is held in abeyance, as of March 4, 2025 and again as of May 8, 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. EPA submitted its required status report on August 6, 2025, stating that the agency is going through notice-and-comment rulemaking to repeal the challenged rule.*

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.

In January 2025, 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.

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

**Update since Summer Board and Leadership Meeting:** *The case is held in abeyance, as of March 4, 2025 and again as of May 8, 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. EPA submitted its required status report on August 6, 2025, stating that the agency is going through notice-and-comment rulemaking to repeal the challenged rule.*

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).<sup>1</sup> 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.

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.

## **6. *Association of Contracting Plumbers v. City of New York – Second Circuit***

**New:** NLC filed an [amicus brief](#) in this case on November 6, 2025.

**Summary:** This case involves one of the first federal appellate tests of local fossil fuel bans since *California Restaurant Association v. City of Berkeley*, which NLC filed an [amicus brief](#) supporting the City of Berkeley. In 2021, New York City passed Local Law 154, which prohibits fossil fuel combustion in most new buildings. Specifically, the [law](#) states that, "[n]o person shall permit the combustion of any substance that emits 25 kilograms or more of carbon dioxide per million British thermal units of energy, as determined by the United States energy information administration, within such building." The plaintiffs, who represent trade associations and a union, first brought suit in the federal District Court for the Southern District of New York, where Judge Ronnie Abrams ultimately [dismissed the lawsuit with prejudice](#). They've since appealed the decision to the Court of Appeals for the Second Circuit.

**Background:** Similar to other challenges against local 'natural gas bans,' at the district court the plaintiffs argued that the federal [Energy Policy and Conservation Act](#) (EPCA) preempted Local Law 154. On appeal, they do the same. EPCA sets federal energy-efficiency standards for certain appliances, such as refrigerators, furnaces, ranges, and ovens. The Act includes a provision that preempts state and local governments from setting standards "concerning the energy efficiency, energy use, or water use of" products regulated by EPCA. Plaintiffs' primary argument is that EPCA preempts Local Law 154 because the ordinance indirectly regulates energy use through a prohibition on fossil fuel equipment, which means that the energy use of any fossil fuel equipment will be zero. Plaintiffs rely heavily on the Ninth Circuit's *Berkeley*

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<sup>1</sup> Texas filed a [petition for review](#) separately on April 29, 2024.

decision, which held that Berkeley, California's ordinance prohibiting natural gas piping in new construction was preempted by EPCA because it concerned energy use by reducing energy use to zero for the appliances effectively prohibited by the ban. Plaintiffs use a variety of techniques to support their preemption argument, including a plain text analysis, a "structure, purpose, and history" analysis, and appeals to public policy. EPCA includes an exception provision, which the Plaintiffs argue Local Law 154 does not qualify for.

The city, by contrast, moved to dismiss the complaint at the district court, arguing that EPCA's preemption clause does not reach Local Law 154. The city argued that EPCA creates a nationwide regulatory framework to reduce the energy consumption of certain appliances, and that its narrow preemption provision does not reach Local Law 154 because the law does not regulate appliance energy consumption. It does not "reference energy conservation standards nor are energy conservation standards essential to the operation of Local Law 154." While this may prevent the use of some appliances, that outcome flows from emissions limits, not energy use regulation. In support, the city argued that the Plaintiffs (and the Ninth Circuit) misinterpret EPCA's preemption provision, including the terms "point of use" as used within the definition of "energy use" and the term "energy use" itself. Specifically, as one example, the city disputed that "point of use" refers to the place where something is used, arguing instead that it carries a specialized industry definition that refers to a covered product's energy use without adjusting for certain losses of energy, and fits into the broader definition of "energy use," which refers to a covered product's characteristics as manufactured. At the district court, Judge Abrams adopted the city's reasoning in dismissing the case.

**Local government argument:** The local government brief will add important context to the city's arguments in at least three ways: (1) explaining that New York State law delegates broad authority to local governments to protect residents' health, safety, and welfare, and that Local Law 154 is a proper exercise of that police power; (2) demonstrating that EPCA's history and scope confirm that its narrow preemptive reach cannot reach Local Law 154; and (3) urging the court to apply federalism principles when interpreting EPCA, emphasizing that extending EPCA preemption to prohibit Local Law 154 would mark a significant and unwarranted intrusion into local governance.



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