NLC CITYSUMMIT
NATIONAL LEAGUE OF CITIES NASHVILLE | NOVEMBER 19–21, 2026

Energy, Environment and Natural Resources Federal Advocacy Committee

THE HONORABLE JAN KULMANN, CHAIR
MAYOR, CITY OF THORNTON, COLORADO

WEDNESDAY, NOVEMBER 18, 2:30-4:30 PM

OMNI NASHVILLE | Broadway Boardroom (Level Two)

NLC NATIONAL LEAGUE OF CITIES CITYSUMMIT NASHVILLE PRECONFERENCE & EXEC. ED NOV. 18 NOVEMBER 19–21 2026

Memorandum

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

FROM: The Honorable Jan Kulmann, Chair
Mayor, City of Thornton, Colorado

RE: 2026 EENR Federal Advocacy Committee Report

The EENR Federal Advocacy Committee will meet in Nashville, Tennessee during City Summit on Wednesday, November 18, 2026 from 2:30 to 4:30 p.m. in the Omni Nashville (headquarters hotel), Broadway Ballroom ABC (Level Two).

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, committee members 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 on the reauthorization of water infrastructure funding and financing programs to support local drinking water, wastewater and stormwater projects, as well as continued advocacy for municipal liability protection for PFAS contamination. Additionally, NLC and Committee members advocated for opportunities to reduce greenhouse gas emissions through energy efficiency and clean energy programs to protect public health, save taxpayer dollars, and make communities more resilient in the face of extreme weather events.

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.

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Energy, Environment and Natural Resources Committee Agenda

Wednesday, November 18, 2:30 – 4:30 p.m.
Omni Nashville, Broadway Boardroom (Level Two)

2:30 – 2:35 p.m. **WELCOME AND INTRODUCTIONS**

The Honorable Jan Kulmann, Chair
Mayor, City of Thornton, Colorado

The Committee chair will provide introductions and meeting overview.

2:35 – 2:40 p.m. **NLC PRESIDENT'S REMARKS**

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

2:40 – 2:55 p.m. **EENR COMMITTEE CHAIR'S REPORT**

The Honorable Jan Kulmann, Chair
Mayor, City of Thornton, Colorado

The Committee chair will provide a summary of the committee's work this year.

2:55 – 3:15 p.m. **FEDERAL ADVOCACY UPDATE**

Carolyn Berndt
Legislative Director for Sustainability, Federal Advocacy, NLC

Committee members will hear an update on NLC's 2026 federal action agenda and priorities for the Lame Duck session, as well as take aways from the mid-term elections and a look ahead to the new Congress in 2027.

3:15 – 3:25 p.m. **STRENGTHENING THE FEDERAL-LOCAL INTERGOVERNMENTAL PARTNERSHIP**

John Eunice
Principal Deputy Associate Administrator for Intergovernmental Affairs, U.S. Environmental Protection Agency

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.

3:25 – 3:55 p.m. **MANAGING PFAS WASTE THROUGH DISPOSAL AND DESTRUCTION**

David Goldwater
Senior Vice President, Public Policy, Stantec

Committee members will learn about technologies and processes for disposing of materials from wastewater treatment plants that may contain PFAS. Committee members learn about EPA's recent destruction and disposal guidance, including EPA's draft guidance for reducing risk of PFAS in biosolids.

3:55 – 4:25 p.m. **DISCUSSION: THE FUTURE OF CLIMATE ACTION AND ENERGY INVESTMENTS IN COMMUNITIES**

David Eichenthal
Research Consultant, America Is All In and Former Senior Adviser for Policy Implementation and Delivery, Biden Administration

Shannen Maxwell
Research Consultant, America Is All In

America Is All In is interviewing local leaders and others to assess the relationship between the federal government and local governments in support of climate action. This discussion will help identify what has worked, what could have worked better, and what a future federal role could look like. *See "Local Lessons on Federal Support for Climate Action" in this packet for additional information.*

4:25 – 4:30 p.m. **WRAP UP AND ADJOURN**

The Honorable Jan Kulmann, Chair
Mayor, City of Thornton, Colorado

Enclosures

- City Summit Infrastructure, Sustainability and Climate Highlights
- NLC Procedures for the Adoption of National Municipal Policy and Resolutions
- Proposed EENR Policy Amendments and Resolutions
- Energy and Environment Legal Update
- Local Lessons on Federal Support for Climate Action
- 2026 Energy, Environment and Natural Resources Committee Roster

Next EENR Committee Meeting
NLC Congressional City Conference
March 13-17, 2027
Washington, DC

City Summit Infrastructure, Sustainability and Climate Highlights

Wednesday, Nov. 18

- Solution Session – Beyond Recycling: Building the Circular City, 2:15-3:00 pm, Music City Center Room 207AB (Sponsored by WM)

Thursday, Nov. 19

- Solution Session – Powering Growth: Aligning Energy and Development Plans, 8:15-9 am, Music City Center Room 209AB (Sponsored by Enbridge Gas)
- Solution Session – Municipal Strategies for Housing Stability and Infrastructure Resiliency, 9:15-10:00 am, Music City Center Room 209AB (Sponsored by Oncourse Home Solutions)
- Solution Session – Exploring and Understanding Data Center Development, 11:00-11:45 am, Music City Center Room 207AB (Sponsored by Google)
- Workshop – Lessons from the Front Lines of Disaster Recovery, 3:30-5:00 pm, Music City Center Room 209ABC
- Workshop – How to Build Transit Hubs to Catalyze Economic Development, 3:30-5:00 pm, Music City Center Room 205ABC

Friday, Nov. 20

- Booth – Ask the Experts (Infrastructure, Sustainability, Innovation), 9:00-10:00 am, Music City Center Level 2 Lobby East
- Workshop – Smart Growth: Strategies for Housing Development and Infrastructure, 10:30 am-12:00 pm, Music City Center Room 202ABC
- Report Release – City Fiscal Conditions 2026, 12:30-1:30 pm, Music City Center Room 204
- Workshop – Rethinking Climate Preparedness and Resilience, 1:30-3:00 pm, Music City Center Room 207AB

- Networking – Sustainability Sips, 5:00-6:00 pm, Music City Center Room 203AB

Saturday, Nov. 21

- Workshop – Data Center Development: Questions, Strategies and Community Benefits, 9:00-10:30 am, Music City Center Room 202ABC

- Workshop – Weathering Change: Building Resilient Water Systems, 10:45am-12:15 pm, Music City Center Room 208AB

- Governance – Annual Business Meeting, 2:30-4:30 pm, Music City Center Davidson Ballroom

NLC NATIONAL LEAGUE OF CITIES
A CENTURY OF STRENGTHENING CITIES

Procedures for the Adoption of National Municipal Policy and Resolutions

City Summit
Nashville, TN
November 2026

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 26, 2026 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 Committee Meetings: Wednesday, November, 18

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 26, 2026 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 19

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 19 at 10:15 AM in the Omni Nashville, Broadway Ballroom F (Level Two).** 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 26, 2026 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 12th Edition shall govern the conduct of the meeting.

Annual Business Meeting: Saturday, November 21

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 21 at 2:30 PM in the Music City Center, Davidson Ballroom (Level 1M).**

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 Music City Center, Room 105A (Level One).** 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. The Official Rules of Conduct, which will be published alongside the Annual Business Meeting Book in the City Summit conference app and the NLC website, will include procedures for making motions from the floor related to NMP amendments and resolutions. In the event that procedural matters arise that are not addressed by the Official Rules or Bylaws, Robert's Rules of Order Newly Revised 12th 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.

During City Summit, please contact the Federal Advocacy staff at the Federal Advocacy Policy Office located in the Music City Center, Room 105A (Level One).

Proposed EENR Policy Amendments

Only sections of the *NLC National Municipal Policy* (*NMP*) where modifications are proposed are reproduced in this report. The complete text of the current *NMP*, divided into seven policy chapters, can be found at nlc.org/national-municipal-policy

Please note:

- Proposed new language is underlined;
- Proposed language for deletion is struck out; and
- Existing, unchanged language is shown as plain text.

Policy:

- New Section – 2.06 Toxic Substances Policies

2.06 Toxic Substance Policies

NLC supports provisions in the 2016 amendments to the Toxic Substances Control Act (TSCA) which mandates review and monitoring of toxic chemicals both before and after they enter the market. TSCA gives the U.S. Environmental Protection Agency (EPA) the authority and responsibility to monitor, test, report, evaluate and regulate industrial and commercial chemicals that cause harm to human health and the environment, including PFAS chemicals. TSCA pertains to chemicals already being manufactured and used, as well as newly developed chemicals awaiting review before manufacture starts. Recent rules have banned or restricted cancer-causing chemicals such as trichloroethylene, methylene chloride, and asbestos—protecting millions of workers and families.

NLC supports EPA's authority to collect fees from chemical manufacturers and processors to support the costs of TSCA implementation. Congress should ensure that the authority to collect fees to support implementation is continuously authorized.

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 2026 resolutions that originated in the EENR Committee to determine recommendations for 2027. 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 2026 at the City Summit with recommendations for 2027 are:

Resolution	EENR Committee Recommendation
NLC RESOLUTION 2026-11: Supporting Local PACE Programs	Renew with edits
NLC RESOLUTION 2026-12: Supporting and Advancing Resilient Communities to Prepare for Changing Climate and Extreme Weather Events	Renew with edits
NLC RESOLUTION 2026-13: Supporting Urgent Action to Reduce Carbon Emissions and Mitigate the Effects of Climate Change	Renew with edits
NLC RESOLUTION 2026-14: Addressing Lead Contamination and Calling for Nationwide Federal Support for Water Infrastructure	Renew with edits
NLC RESOLUTION 2026-15: Increase Federal Investment in Water Infrastructure	Renew with edits
NLC RESOLUTION 2026-16: Support for Integrated Planning and New Affordability Consideration for Water	Renew with edits
NLC RESOLUTION 2026-17: Calling on the Federal Government to Take Action to Address PFAS Contamination	Renew with edits

Proposed EENR Resolutions

NLC RESOLUTION 2026-18: Improve the Benefit-Cost Analysis for Federally Funded Flood Control Projects and Support Beneficial Reuse of Dredged Material	Renew with edits
NLC RESOLUTION 2026-19: Increase Funding for Border Water Infrastructure Projects	Renew with edits
NLC RESOLUTION 2026-20: Support and Advance Cities Impacted by Federal Facilities and Infrastructure through Community Benefit Programs	Renew with edits
NLC RESOLUTION 2026-21: Protecting Federal Scientific Data and Resources to Support Local Preparedness to Extreme Weather Events	Renew with edits

NLC RESOLUTION 2026-11

SUPPORTING LOCAL PACE PROGRAMS

[EENR Committee Recommendation: Renew with edits]

WHEREAS, ~~utility bills represent a major part of operating~~ high energy costs and affordability concerns are becoming an increasing burden for residents and businesses~~ owners~~; 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, representing one of the largest, most accessible opportunities for deep emission cuts in the United States; and

WHEREAS, investing in cost-effective energy efficiency and renewable energy improvements to homes and businesses saves energy, cuts utility bills, creates local jobs, reduces reliance on fossil fuels, and dramatically reduces greenhouse gas emissions; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NLC RESOLUTION 2026-12

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, wildfires 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 2023 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

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

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

WHEREAS, municipal water treatment and distribution infrastructure in communities represent critical public health infrastructure that is acutely vulnerable to the effects of flooding, storm surge, sea level rise, drought and extreme weather events; and

WHEREAS, digital-twin modeling platforms, which create real-time virtual replicas of water distribution and treatment systems to enable predictive failure analysis, emergency scenario planning and continuous operational monitoring, represent a critical by under-recognized category of climate resilience infrastructure for municipal water systems; and

WHEREAS, the United States has seen 42603 separate billion-dollar-plus weather and climate disasters from 1980 to 20254, including 238 in 20253 and 27 in 2024, with a cumulative cost ofexceeding $3.12.918 trillion (CPI-adjusted) and a total death toll of 16,94117,194; and

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

WHEREAS, in 2005 Hurricane Katrina led to 1,833 deaths and more than $2070 billion (CPI-adjusted) in losses and in 2012 Hurricane Sandy led to 159 deaths and more than $9188.5 billion in damages (CPI-adjusted); and

WHEREAS, in 2017 three Category 4 hurricanes—Harvey, Irma and Maria—made landfall in Texas, Florida and Puerto Rico, respectively totaling more than $339 billion (CPI-adjusted) in damages and a death toll of 3,167, including 2,981 from Hurricane Maria alone and in 2024 Hurricane Helene caused $81.978.7 billion (CPI-adjusted) in damages and resulted in 219 deaths; and

WHEREAS, in 2022 historic flooding brought devastating damage to eastern Kentucky and eastern Missouri homes, businesses and infrastructure, resulting in 42 deaths and $1.6 billion (CPI-adjusted) in economic costs and in 2023 drought and heatwave conditions impacted numerous southern and midwestern states, resulting in 247 deaths and $14.815.3 billion (CPI-adjusted) in economic losses; and

WHEREAS, rising temperatures are lengthening the wildfire season and increasing drought risks, causing more radical fire behavior and increasing wildfire risks throughout the United States due to earlier snow melts and forests that are drier longer, the costs of putting out wildfires has increased dramatically, from approximately $673.4 million in 1985 to over $3.1 billion in 2023 (2023 dollars), and the economic losses associated with wildfire continues to grow, with the

2018 western wildfires costing over $310 billion (CPI-adjusted), ~~and~~ the 2020 western wildfires, the most active fire season on record, costing over $2019.9 billion (CPI-adjusted), and the 2025 Los Angeles wildfire costing over $61 billion (CPI-adjusted); and

WHEREAS, Congress approved over $100 billion in disaster supplemental funding in 2005, over $50 billion in disaster supplemental funding in 2018, 2020 and 2021 each, and ~~a total of over~~approximately $3041 billion in disaster relief in FY2523 ~~(FY23 dollars)~~; and

WHEREAS, several insurance companies have increased existing premiums, cancelled homeowner policies or stopped offering new policies in some states because of rising costs and 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 (20165-20254) are the ten warmest years on record, with 2024 being the warmest year on record, followed by 2023 (second warmest) 202516 (third warmest)~~, 2020 (fourth warmest), and 2019 (fifth warmest)~~; and

WHEREAS, heat-related deaths have nearly doubled over the past 25 years, rising from approximately 1,069 in 1999 to 2,394 in 2024; 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 madekes 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~~ ensure that federal programs and grants include climate resilience strategies and action as key components or eligible uses, including the FEMA BRIC program, which should explicitly recognize municipal water utility infrastructure as an eligible resilience investment; 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 and ~~,~~ 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

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

NLC RESOLUTION 2026-13

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 2023 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 20265 ~~5~~ State of the Air report, ~~nearly~~ 446 ~~6~~ percent or 152.36.1 ~~6.1~~ 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 is expected to ~~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 helped local governments make~~s~~ significant progress toward reducing greenhouse gas emissions throughout the transportation sector and invest~~ing~~ in clean energy and energy efficiency and conservation and the Inflation Reduction Act of 2022 provide~~d~~s additional funding, tax credits and incentives for climate and clean energy goals, ~~and~~ but additional federal policies, funding and resources are needed to support local governments; and

WHEREAS, because of these investments and the decline in capital costs, ~~renewable energy~~clean energy installations accounted for approximately 90 percent of new installed generation capacity in the U.S. in 2025~~4~~, accounting for nearly 56 gigawatts of added solar, wind and battery storage, with 26 percent of all electricity generation coming from renewable sources; ~~bringing the total renewable energy capacity up to 358.9 gigawatts – representing 30 percent of the country's large-scale power generating capacity and 25 percent of power supply;~~ and

WHEREAS, while renewable electricity generation capacity in the U.S. is projected to grow continuously in the coming decades, market and other economic and political conditions may impact the rate at which renewable electricity generation comes online~~is variable depending on market developments~~; and

WHEREAS, U.S. data center power demand is forecasted to more than double by 2035, rising from almost 35 gigawatts in 2024 to 78 gigawatts and energy consumption growth is project to rise at an even steeper rate, with average hourly electricity demand nearly tripling from 16 gigawatt-hours in 2024 to 49 gigawatt hours by 2035.

NOW, THEREFORE, BE IT RESOLVED that NLC calls on Congress and the Administration to partner with local governments, to support local action on climate change mitigation, and to provide essential tools, research, technology development, data and funding, as well as workforce development, job training and community assistance, to help local governments achieve their greenhouse gas reduction targets and transition to a clean energy economy; 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 urges Congress and the Administration to take urgent action to reduce carbon emissions across a broad sector of the economy and become carbon neutral to mitigate the effects of climate change; and

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

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

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

BE IT FURTHER RESOLVED that NLC calls on Congress to pass a national renewable portfolio standard that increases the use of carbon neutral energy and promotes energy efficiency,

with the goal of at least 50 percent carbon neutral energy by 2030 and 100 percent by 2050 or sooner; and

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 2026-14

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~~ 4 million lead service lines across the country, not including lead connectors or goosenecks; 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~~ 4 million lead service lines to be ~~upward of $100~~approximately $50 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~~ Value of Water Campaign estimates ~~put~~ the cost at more than $3.44 ~~4~~ trillion over the next 20 years to ~~maintain~~ repair and build a 21st century water system; and

WHEREAS, the bipartisan Infrastructure Investment and Jobs Act of 2021, which expires on Sept. 30, 2026, provided federal funding for lead service line replacement projects, and additional federal funding is needed to fully replace all lead service lines in the country.

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

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

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

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

NLC RESOLUTION 2026-15

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 systems that are feasible to upgrade, replace or integrate into existing utilities; 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 overapproximately $183.47.1 billion in 20243 alone in ratepayer funds and municipal bonds; 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 the Value of Water Campaign estimates that at current spending levels, the country will face a capital investment gap of $1.8 trillion by 2044—an annual shortfall of $88 billion; 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, small municipal water systems are particularly constrained in their financial and staff capacity, which impacts their ability to comply with federal regulations and fund water infrastructure projects, and small systems—including those that provide regional water service to

significantly larger populations—face structural barriers to accessing federal water infrastructure financing programs; and

WHEREAS, the bipartisan Infrastructure Investment and Jobs Act of 2021 (IIJA), which expired on Sept. 30, 2026, 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~~long-term capital project 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~~ $5-6 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 reauthorize and 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 reauthorize and 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 NLC calls on Congress to ensure that federal water infrastructure financing programs, such as the State Revolving Funds and WIFIA, provide meaningful access to small water systems, including those that serve populations significantly larger than their jurisdictional boundaries, through subsidized loans, principal forgiveness or target grants; 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

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

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

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

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

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

NLC RESOLUTION 2026-16

SUPPORT FOR INTEGRATED PLANNING AND NEW AFFORDABILITY CONSIDERATION FOR WATER

[EENR Committee Recommendation: Renew with edits]

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's ~~issued~~ revised Financial Capability Assessment Guidance (finalized in 2023 and revised in 2024) ~~to~~ replaces the "Combined Sewer Overflows—Guidance for Financial Capability Assessment and Schedule Development" (Feb. 1997), but~~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 long-term maintenance and capital projects that they can afford; and

WHEREAS, water utilities rely on a ratepayer funding model, and 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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that NLC calls on EPA to work with local governments to revise the ~~February~~ 2024~~3~~ Financial Capability Assessment Guidance to eliminate reliance on median household income as the critical metric for determining investment level and to allow for the consideration of additional information, such as socio-economic factors, consistent with the Agency's 2014 Financial Capability Framework; and

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

NLC RESOLUTION 2026-17

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 found in many consumer products; 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 effects 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 Primary Drinking Water Regulation (NPDWR) 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~~March 2026 shows ~~9,323~~9,728 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 has~~exercised a one-year waiver to~~ extended the deadline to October 2026~~5~~; 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 will~~could~~ require costly investments by local governments and other local water suppliers, which would be passed onto ratepayers; and

WHEREAS, small municipal water systems—generally those serving fewer than 60,000 residents but often providing water to significantly larger populations—face a structurally disproportional burden under the NPDWR for PFAS because their limited ratepayer base and constrained capital access make full-scale PFAS treatment compliance (estimated at $200-250 million for a single aging regional treatment facility) economically unsustainable without targeted federal intervention; 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

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

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

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls on Congress and the Administration to holistically examine PFAS contamination and to take comprehensive action to address the problem and reduce public health risk, by providing new resources for federal, state and local governments for the detection, reduction, destruction and remediation of PFAS chemicals, including through nationwide testing, monitoring, mapping, public education and water supply treatment; and

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to establish a federal grant program to support small and mid-sized municipal water systems in implementing full-scale PFAS advanced treatment infrastructure and source water protection measures; 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 and/or reuse water 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, particularly consumer 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 2026-18

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the cost of offshore disposal of dredged materials should include the full future economic value of that sediment that would be lost if it is deposited offshore.~~; 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 flood risk.~~

NLC RESOLUTION 2026-19

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

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

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

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

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

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

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

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

WHEREAS, the BWIP program was initially funded at $100 million per year, but the program has been significantly reduced to $35 million in FY245 and FY2~~5~~6; and

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

WHEREAS, Mexico has identified multiple priority projects and pledged $144 million in short-term capital contributions; and

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

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

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

WHEREAS, the IBWC Minute Order 333 recognizes the long-term issue of untreated sewage and commits to planning for operations and maintenance of critical systems to account for future population growth in Tijuana; and

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

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

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

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

NLC RESOLUTION 2026-20

SUPPORT AND ADVANCE CITIES IMPACTED BY FEDERAL FACILITIES ~~AND INFRASTRUCTURE~~ THROUGH DIRECT FUNDING AND COMMUNITY BENEFIT PROGRAMS

[EENR Committee Recommendation: Renew with edits]

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls on Congress and the Administration to authorize and fund a ~~grant~~ program similar to the DoD DCIP to ~~for communities that~~ support DOE host and adjacent communities' ~~facilities or transmission~~ infrastructure, services and workforce to help alleviate the special impacts ~~on local infrastructure, services and workforce~~borne by these communities, such as through the Energizing Our Communities Act of 2025~~4~~; and

BE IT FURTHER RESOLVED that NLC calls on Congress and the Administration to require DOE facilities to prepare a Community Benefits Plan that meets the agency's previous standards and expectations for community engagement, workforce development, diversity, and issues relating to the environment of impacted communities.

NLC RESOLUTION 2026-21

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

[EENR Committee Recommendation: Renew with edits]

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~~should provide 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~~should ensure that federal agencies have sufficient funding to provide timely,

accurate, scientifically reliable weather and other data, as well as climate, geological and disaster-monitoring services ~~to pre-DOGE levels for all federal agencies providing weather and other scientific data~~ to support extreme weather and natural disaster research and monitoring ~~in a timely and accurate manner~~, and ~~s well as~~ to support other industries and sectors related to agriculture, fishing and aquaculture, aviation, transportation and logistics, tourism, and resource extraction; and

BE IT FURTHER RESOLVED to protect the general welfare, federal agencies should ~~must restore~~maintain ~~full~~ sufficient staffing ~~to pre-DOGE levels~~ of federal personnel with the knowledge, expertise and experience to respond to extreme weather and natural disasters.

ENERGY AND ENVIRONMENT LEGAL UPDATE

1. Texas v. EPA – DC Circuit

Update since Congressional City Conference: *The case has been held in abeyance since July 2025, noting that EPA has proposed rules to repeal all GHG standards for light-duty, medium-duty, and heavy-duty vehicles and engines. The court has the case on hold until American Public Health Association v. EPA (the Endangerment Finding case) is decided by the DC Circuit.*

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. 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.

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 Virgina v. EPA – DC Circuit – Greenhouse Gas Emissions from Power Plants

Update since Congressional City Conference: *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.*

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 Congressional City Conference: *Oral argument was held before the Maryland Supreme Court in Oct. 2025. In March 2026, the court ruled that the case was preempted by federal law, bringing an end to this litigation.*

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.

In January 2025, 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 2025. The case was consolidated for briefing and argument with the Annapolis and the Arundel County cases.

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 no frustrate federal efforts. Other state laws also figure in this important state and local interest such as nuisance laws. For example, if a factory on one side of a state border spews pollutants that the wind carries into a municipality in another state, there is no federal common law or CAA preemption of the ensuing cause of action.

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

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

Update since Congressional City Conference: *The case has been held in abeyance since March 2025, noting that EPA is undertaking a rulemaking to repeal the challenged rule. The court has the case on hold until American Public Health Association v. EPA (the Endangerment Finding case) is decided by the DC Circuit.*

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.

The case is held in abeyance, as of March 4, 2025, noting that the agency is going through notice-and-comment rulemaking to repeal the challenged rule.

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

Update since Congressional City Conference: *The case has been held in abeyance since March 2025, noting that EPA is undertaking a rulemaking to repeal the challenged rule. The court has the case on hold until American Public Health Association v. EPA (the Endangerment Finding case) is decided by the DC Circuit.*

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).[1] 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***

Update since Congressional City Conference: *NLC filed an amicus brief in this case in November 2025. Oral arguments were held in Jan. 2026. On June 30, the court upheld both New York State and New York City's electrification laws as not preempted by EPCA. With a split circuit decision (Ninth Circuit's decision in California Restaurant Association v. City of Berkeley), the U.S. Supreme Court could hear this case. The deadline to petition for the Supreme Court to take up the case is later in November. Read more here.*

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

[1] Texas filed a petition for review separately on April 29, 2024.

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* 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.

7. Climate United Fund v. Citibank – DC Circuit – Greenhouse Gas Reduction Fund

Update Since Congressional City Conference: *NLC filed an amicus brief in this case for an en banc hearing on Feb. 9, 2026. On Aug. 4, the court affirmed the injunction, confirming the venue was proper in the District Court (as opposed to Court of Federal Claims).*

Facts: On March 11, 2025, the U.S. Environmental Protection Agency (EPA) sent awardees under the Inflation Reduction Act's National Clean Investment Fund (NCIF) and Clean Communities Investment Accelerator (CCIA) programs a Notice of Termination, purporting to terminate all NCIF and CCIA grants because of alleged "substantial concerns regarding program integrity, the award process, programmatic fraud, waste, and abuse, and misalignment with the Agency's priorities."

Litigation Background: *Climate United Fund v. Citibank*, filed on March 8, 2025, is a consolidated lawsuit brought by all NCIF and CCIA awardees, plus some sub-awardees, to challenge the grant terminations as unlawful under the Administrative Procedure Act (APA), federal regulation, and the Constitution. On April 15, 2025, the D.C. District Court issued a preliminary injunction barring EPA and Citibank from giving effect to the termination notices and requiring Citibank to disburse grant funds. On April 16, 2025, EPA and Citibank appealed the preliminary injunction to the D.C. Circuit Court of Appeals. The Court of Appeals immediately took the temporary measure of partially staying the preliminary injunction as to its requirement that Citibank continue to disburse funds.

On September 2, 2025, the D.C. Circuit Court of Appeals issued a full decision and set aside the preliminary injunction. The court found that the district court abused its discretion in issuing it because (1) the court lacks jurisdiction over the APA and regulatory claims, which are actually contract claims that belong in the Court of Federal Claims; and (2) the plaintiffs are not likely to succeed on the merits of their constitutional claim. Thereafter, the plaintiffs filed a petition for a rehearing *en banc*. In granting the petition, the court fully vacated its September 2nd decision, leaving only the April 16th partial administrative stay in effect. Oral arguments in the *en banc* hearing were held on Feb. 24, 2026.

Impact to Local Government: While local governments are not plaintiffs in this case (eight big "green banks" were the awardees, and they are the plaintiffs), it is possible that some local governments would have taken advantage of the awardees' financing. The biggest impact to cities, however, would have been financing for private clean energy, clean vehicle, and green retrofit programs at the local scale within communities. The amicus brief here, generally speaking, would highlight how the Greenhouse Gas Reduction Fund (GGRF) program termination harms local governments by causing less of that local climate and clean energy work to happen, hampering cities' climate, clean energy, and equity objectives.

8. ***American Public Health Association v. EPA – DC Circuit – Endangerment Finding***

Update Since Congressional City Conference: *NLC will file an amicus brief in this case. The briefing schedule has not yet been set.*

Background: On February 12, 2026, the U.S. Environmental Protection Agency (EPA) finalized a rulemaking that rescinds the agency's 2009 Greenhouse Gas Endangerment Finding and repeals the greenhouse gas emissions (GHG) standards for all motor vehicle types. The endangerment finding was issued under Section 202(a)(1) of the Clean Air Act, which requires EPA to regulate emissions from new motor vehicles that "cause, or contribute to," dangerous air pollution. In 2009, EPA concluded that GHG pollution endangers human health and requires federal regulation, providing the scientific and legal basis for regulating GHG emissions both from motor vehicle tailpipe emissions *and* other sources, like powerplants. Instead of relying on a scientific basis for rescinding the finding, EPA now argues that the agency lacks statutory authority to regulate GHG emissions from new motor vehicles. EPA contends that GHG emissions from vehicles do not contribute to "air pollution," that any regulation of those emissions would not "materially affect" global climate change, that regulation of GHG emissions is a "major question" requiring clearer Congressional approval, and that regulating GHG emissions is "costly and futile." If EPA lacks the authority to regulate GHG emissions from motor vehicles as it now suggests, its legal basis for regulating other sources of emissions vanishes as well.

Litigation Summary: On February 18, 2026, a group of nonprofit petitioners, including the American Public Health Association, Earthjustice, Environmental Defense Fund, Sierra Club, and Union of Concerned Scientists, filed a petition for review in the United States Court of Appeals for the D.C. Circuit. The group petitioned the Court to review a final agency action taken by EPA and its Administrator Lee Zeldin, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*. It is likely that other parties, including a coalition of State Attorneys General and several cities, will file petitions for review. It is very likely that the D.C. Circuit will consolidate those petitions challenging EPA's action. A briefing schedule will be set over the next several months, and that schedule may include briefing on motions for a preliminary injunction prior to briefing the merits of the petition.

Amicus Stance: Petitioners will likely argue that the Court should vacate EPA's rulemaking as violative of the Administrative Procedure Act. The local government amicus brief would support the petitioners by providing the local government perspective with respect to EPA's rescission of the endangerment finding. We expect that support will include describing the harms that local governments have already and will continue to experience from GHG emissions from vehicles and other sources, and that the brief will address the climate mitigation and adaptation actions that local governments have taken in partnership with the federal government prior to this recission.

9. Suncor Energy Inc. v. County Commissioners of Boulder County – U.S Supreme Court

Update Since Congressional City Conference: *NLC filed an amicus brief in this case via the Local Government Legal Center. Oral argument was held on Oct. 6.*

Facts: This case is one of more than three dozen litigations instituted by state and local governments seeking to hold the fossil fuel industry accountable for the deleterious effects of greenhouse gas emissions and resulting injuries to persons and property. Here, the City of Boulder and Boulder County (Boulder) brought state law claims against Suncor and ExxonMobil for public nuisance, private nuisance, trespass, unjust enrichment, and civil conspiracy, seeking damages for "the substantial role that their production, promotion, refining, marketing and sale of fossil fuels played and continues to play in causing, contributing to and exacerbating alteration of the climate, thus damaging Plaintiffs' property, and the health, safety and welfare of their residents."

Boulder alleges that it has incurred and will continue to incur millions of dollars in costs to protect its property and residents from the impacts of climate change, and that these costs should be shared by defendants "because they knowingly caused and contributed to the alteration of the climate by producing, promoting, refining, marketing and selling fossil fuels at levels that have caused and continue to cause climate change, while concealing and/or misrepresenting the dangers associated with fossil fuels' intended use." These expenses include costs associated with wildfire response, management, and mitigation; repair and replacement of existing flood control and drainage measures and to repair flood damage; managing and responding to increased drought conditions; and repairing physical damage to Boulder's buildings. Boulder does not seek to enjoin oil and gas operations or sales in Colorado or elsewhere, nor does it seek to enforce emissions controls.

Litigation Summary: The defendants first sought to remove the case to federal court, an effort that was ultimately rejected by the Tenth Circuit. Remanded to state court, they moved to

dismiss on the grounds that Boulder's claims were preempted--first, via federal common law, and second, under the terms of the Clean Air Act (CAA). The Colorado Supreme Court affirmed the lower court's holdings in favor of Boulder:

Federal Common Law: Although there has been no generalized federal common law since 1938 (per the Supreme Court's determination in *Erie R.R. v. Tompkins*), the Court originally recognized narrower, more specialized areas of federal common law such as "suits brought by one State to abate pollution emanating from another State." But while that exception initially covered air pollution and water pollution, both of those have now been superseded by express statutory provisions—relevant here, "since AEP [American Electric Power Co. v. Connecticut, 564 U.S. 410 (2011)] was decided, courts have consistently reaffirmed its holding that the CAA displaced the federal common law of nuisance." (citing, among other decisions, another climate case where NLC has filed as an amicus: *Mayor & City Council of Baltimore v. BP P.L.C*.

Clean Air Act: The *Boulder* defendants sought preemption based on a federal statute. The Colorado Supreme Court found none: Express preemption was not implicated because the CAA contains no provision expressly preempting state common law tort claims. Similarly, field preemption was inapplicable because "even if Boulder's claims could be construed as seeking to regulate emissions, which, as we explain below, they do not, Congress has not completely occupied the field of emissions regulation. To the contrary, under the CAA, states retain regulatory authority to implement, maintain, and enforce CAA emissions standards through state implementation plans." Lastly, Boulder's claims were not barred under conflict preemption principles—the defendants did not cite any facts "to indicate that it is impossible to comply with both the CAA and state tort law, that state tort law penalizes what the CAA requires, or that state tort law directly conflicts with the CAA." And there was nothing in Boulder's claims for damages that would undermine the CAA's legislative declaration that one of the statute's principal purposes is "to protect and enhance the quality of this country's air resources in order to promote the public health and welfare, as well as the productive capacity of our population."

Questions Presented: The Supreme Court's cert grant was instigated in part by a circuit split on the issue of CAA preemption over state tort law claims, pitting *City & Cnty. of Honolulu v. Sunoco LP* (no preemption) against *City of New York v. Chevron Corp*., (claims like those this case are preempted). The Court presents the following issues:

> (1) Whether federal law precludes state-law claims seeking relief for injuries allegedly caused by the effects of interstate and international greenhouse-gas emissions on the global climate; and
> (2) Whether this court has statutory and Article III jurisdiction to hear this case.

Impacts to Local Governments: This case, which some observers predict will effectively end all state court climate change litigation against the oil companies if Suncor and ExxonMobil are successful, merits amicus participation on behalf of Boulder, on several fronts. First, principles of local autonomy and staving off unwarranted preemption are both central to NLC's mission. In this case, the companies' positions would undermine local government's ability to choose if and how they want to hold corporate wrongdoers accountable for damages local governments face as a result of climate change. Second, as with the other climate cases we've filed in, the costs to local government of responding to the negative effects of fossil fuels are immense and should be borne at least in part by an industry that has repeatedly understated or obscured the harms caused by their products where local governments seek to hold them accountable. Third, we should continue to seek resolution in state courts and resist defendants' reflexive arguments

that federal law preempts a state or local law. NLC has participated in all lower court cases in this case.

Local Lessons on Federal Support for Climate Action

A local-federal qualitative research project from America Is All In

NLC Energy, Environment and Natural Resources Committee · City Summit 2026 · November 18, 2026

Presenters: David Eichenthal, Research Lead · Shannen Maxwell, Research Lead

Session objective

This 30-minute session invites committee members to share their perspectives on the local-federal partnership to address climate action. America Is All In is conducting research on the effect of climate action funding and support for local governments under the American Rescue Plan Act (ARPA), the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA). The research examines what worked and what could have worked better. It also looks forward to ask how future federal support could better meet local needs.

David Eichenthal with Shannen Maxwell will give a brief overview of the local-federal research project led by America Is All In. The presenters will then facilitate a discussion on four topics emerging from the research so far: local capacity, federal program design, the impact of federal support and priorities for the years ahead.

Committee members' perspectives will directly inform the project's findings. The discussion will be driven by committee responses to a short questionnaire completed before the meeting.

About the research

Over the past five years, ARPA, IIJA, IRA and other federal programs sent an unprecedented level of funding to local governments, much of it supporting climate, energy and resilience work. Federal agencies also provided technical assistance and other support. This qualitative research captures lessons from both sides of the local-federal partnership, exploring what helped local governments design and deliver climate solutions, what got in the way and what needs remain.

- **Driving objective:** Understand how federal funding and support can be better designed and delivered to galvanize local climate action, so that the realities on the ground today shape federal climate policy tomorrow.

The process

The research team is conducting 20–30 interviews with local governments across five U.S. regions, ranging from communities of about 45,000 residents to counties of about 4.9 million. Four focus groups add further perspective, drawing on local government networks, technical assistance providers, former federal agency staff and former White House staff. Findings will be compiled into a shareable product in early 2027 that distills lessons for partners and decisionmakers.

Questions for discussion

Following a short presentation on the research, the following questions will be raised for attendees to weigh in on:

- What has worked, and what hasn't, in the local-federal partnership to support climate action?
- Where has working with federal agencies gone well, and where has it fallen short?
- What would make the next round of federal support more effective for local governments?

- What are your city's most pressing climate-related priorities where federal government support could make a difference?

Contacts

The full project team is listed below and welcomes follow-up questions:

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About America Is All In

America Is All In is a dynamic network of organizations supporting U.S. local governments, states, businesses, schools and civic institutions in delivering a healthy, prosperous and sustainable future. All In provides connections, resources and platforms to help partners scale their climate action and demonstrate U.S. non-federal climate leadership on the global stage, all while honoring the independent voices and distinct goals of its diverse participants. Founded in 2017 as We Are Still In, All In works to enable and amplify an all-of-society approach to U.S. climate action.

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