

Insights

WHITE HOUSE CEQ LAUNCHES TASK FORCES TO PROMOTE BENEFICIAL CCUS PROJECTS

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The White House Council on Environmental Quality (CEQ) announced on March 24, 2023 membership in two new task forces to inform responsible development of Carbon Capture, Utilization, and Sequestration (CCUS). The task forces are required by the Utilizing Significant Emissions with Innovative Technologies (USE IT) Act. They have a broad mandate to provide recommendations that ensure CCUS projects – including carbon dioxide pipelines – are permitted in an efficient manner, reflect the input and needs of a wide range of stakeholders, and deliver benefits rather than harms to local communities.

CEQ noted that one task force will focus on CCUS permitting and development issues on Federal lands and the Outer Continental Shelf. The other will focus on CCUS permitting and development issues on non-Federal lands.

Section 102(d) of the USE IT Act directs establishment of these CCUS Task Forces to develop specific means for improving “the performance of the permitting process and regional coordination for the purpose of promoting the efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.” Specifically, the Act directs that the Task Forces

- Identify permitting and other challenges and successes that permitting authorities and project developers and operators face in permitting projects in an efficient, orderly, and responsible manner, and
- Improve the performance of the permitting process and regional coordination for the purpose of promoting the efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

CEQ provided greater specificity on the missions of these Task Forces in its published invitations for nominations, stating the duties of the Non-Federal Task Force will be to:

- Inventory existing or potential Federal and state approaches to facilitate reviews associated with the deployment of CCUS projects and carbon dioxide pipelines, including best practices

that avoid duplicative reviews to the extent permitted by law; engage stakeholders early in the permitting process; and make the permitting process efficient, orderly, and responsible;

- Develop common models for state level carbon dioxide pipeline regulation and oversight guidelines that can be shared with states in the geographical area covered by the Non-Federal Task Force;
- Provide technical assistance to states in implementing regulatory requirements and models developed by the Non-Federal Task Force;
- Inventory current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value;
- Identify any priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of CCUS projects at increased scale;
- Identify gaps in the current Federal and state regulatory framework and in existing data for the deployment of CCUS projects and carbon dioxide pipelines;
- Identify Federal and state financing mechanisms available to project developers; and
- Develop recommendations for relevant Federal agencies on how to develop and research technologies that can capture carbon dioxide and would be able to be deployed within the region covered by the Non-Federal Task Force including any projects that have received technical or financial assistance for research under section 103(g)(6) of the Clean Air Act (42 U.S.C. 7403(g)).

87 Fed. Reg. 45306-07 (July 28, 2022).

For the Federal and OCS Task Force, the mission will be to:

- Inventory existing or potential Federal and state approaches to facilitate reviews associated with the deployment of CCUS projects and carbon dioxide pipelines, including best practices that avoid duplicative reviews to the extent permitted by law; engage stakeholders early in the permitting process; and make the permitting process efficient, orderly, and responsible;
- Develop common models for state-level carbon dioxide pipeline regulation and oversight guidelines that can be shared with states in the geographical area covered by the Federal and OCS Task Force;
- Provide technical assistance to states in implementing regulatory requirements and models developed by the Federal and OCS Task Force;

- Inventory current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value;
- Identify any priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of CCUS projects at increased scale;
- Identify gaps in the current Federal and state regulatory framework and in existing data for the deployment of CCUS projects and carbon dioxide pipelines;
- Identify Federal and state financing mechanisms available to project developers; and
- Develop recommendations for relevant Federal agencies on how to develop and research technologies that can capture carbon dioxide and would be able to be deployed within the region covered by the Federal and OCS Task Force including any projects that have received technical or financial assistance for research under section 103(g)(6) of the Clean Air Act (42 U.S.C. 7403(g)).

87 Fed. Reg. 45304, 45305 (July 28, 2022).

The individuals [announced as members](#) of the task forces will be formally appointed once the task forces are chartered under the Federal Advisory Committee Act.

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