November 16, 2016

The Honorable Orrin Hatch
U.S. Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Ron Wyden
U.S. Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Hatch and Ranking Member Wyden:

On behalf of the undersigned member companies and organizations, we request that Congress extend and strengthen the Section 45Q Tax Credit for Carbon Dioxide Sequestration in any year-end legislative vehicle for tax provisions. Section 45Q provides a tax credit for each ton of carbon dioxide (CO2) stored underground through enhanced oil recovery (EOR) and other geologic storage. It is the most important benefit in the tax code for incentivizing carbon capture utilization, and storage (CCUS) at power plants and industrial facilities.

On July 13 of this year Senators Heitkamp, Whitehouse and Capito introduced S. 3179, the Carbon Capture Utilization and Storage Act, which has eight Republican and ten Democratic co-sponsors. Additional Senators have expressed an interest in cosponsoring the bill as the Senate reconvenes post-election. GOP Majority Leader Mitch McConnell (R-KY), Assistant Democratic Leader Dick Durbin (D-IL), Senate Energy Committee Chair Lisa Murkowski (R-AK) and three members of the Senate Finance Committee, Bob Casey (D-PA), Rob Portman (R-OH), and Sherrod Brown (D-OH), all co-sponsor the bill.

In the House, Congressman Conaway introduced H.R. 4622, the Carbon Capture Act, to extend and strengthen the 45Q tax credit; the House bill has 30 Republican and 15 Democratic co-sponsors representing 25 states.

Given the remarkable breadth of our coalition, which is virtually unprecedented in national energy policy, and the strength of the bipartisan support for both the Senate and House bills, we believe this opportunity is a genuine win-win for our nation’s economy and environment.

Capturing power plant and industrial CO2 and utilizing it through EOR yields additional American oil from existing wells that would otherwise not be accessed, thereby expanding domestic reserves and reducing imports. The U.S. independent oil and gas industry is the world leader in CO2-EOR and could produce billions of barrels of additional domestic oil from existing fields, while safely and permanently storing billions of tons of CO2. Realizing our full oil production and carbon storage potential requires more CO2 available for the industry to purchase and put to productive use. Fortunately, four decades of commercial experience show that many industries—coal gasification, natural gas processing, chemicals, fertilizer, refining, ethanol and others—can become valued partners in supplying that additional CO2.

CCUS also represents a critical component of our nation’s strategy for achieving greenhouse gas emissions reductions. Widespread deployment of carbon capture technologies will help meet
global mid-century goals for mitigating carbon emissions from electric power generation and a wide range of industrial activities.

As you know, the Omnibus Appropriations Act of 2016 extended expiring tax benefits for the wind and solar industries. Inadvertently, some other energy credits, such as geothermal and fuel cell technologies, were not provided with a similar extension and are scheduled for expiration in the near future. Similarly, Section 45Q will expire the year in which the currently authorized 75 million tons of CO2 are stored, and over half those credits have been claimed as of 2016. Due to long lead times for construction of such projects, the Section 45Q credit has, for practical purposes, already expired because the lack of financial certainty regarding future availability of credits deters private investment in new commercial CO2 capture projects.

The Senate bill makes important improvements to the 45Q tax credit to drive private sector innovation and investment in commercial deployment of carbon capture projects. First, to extend 45Q, S. 3179 provides a seven-year window for developers to commence construction on carbon capture projects. Second, the bill increases the value of the credit per ton of CO2 captured. Third, the bill lowers the threshold to allow industrial facilities to qualify for the tax credit. Fourth, the bill makes other technical improvements such as enhancing flexibility in utilization of the tax credit to enable a range of CCUS business models and facilitate accelerated investment in carbon capture technology.

We respectfully urge your inclusion of measures to extend and strengthen the 45Q tax credit in any year-end legislative vehicle for energy tax provisions. Our coalition stands ready to provide any additional information you might need on this issue and we very much appreciate your consideration of this request.

Sincerely,

Vicki A. Hollub
President and Chief Executive Officer
Occidental Petroleum Corporation

Bob Perciasepe
President
Center for Climate and Energy Solutions
National Enhanced Oil Recovery Initiative

Bryan D. Anderson
Senior Vice President, Government Relations
Southern Company

Brad Crabtree
Vice President for Fossil Energy
Great Plains Institute
National Enhanced Oil Recovery Initiative
Shannon Angielski  
Executive Director  
Coal Utilization Research Council

Deck Slone  
Senior Vice President, Strategy and Public Policy  
Arch Coal

Michael Flannigan  
Senior Vice President, Global Government Affairs  
Peabody Energy

David Goldston  
Director of Government Affairs  
Natural Resources Defense Council

Jeff Erikson  
Americas Manager  
Global Carbon Capture and Storage Institute

Mark Calmes  
Vice President, Environmental  
Archer Daniels Midland Company

Jay Faison  
Chief Executive Officer  
ClearPath Action

Kurt Waltzer  
Managing Director  
Clean Air Task Force

Brad Markell  
Executive Director  
AFL-CIO Industrial Union Council

D. Michael Langford  
National President  
Utility Workers Union of America, AFL-CIO
Richard Reavey  
Vice President Public Affairs  
Cloud Peak Energy

Ann Banks  
Chief Operating Officer  
Summit Power Group LLC

Cecil E. Roberts  
International President  
United Mine Workers of America

Tom Willis  
Chief Executive Officer  
Conestoga Energy Partners, LLC

Richard R. Lancaster  
Vice President and Chief Generation Officer  
Great River Energy

Bill Rase  
Executive Director  
Port of Lake Charles, Louisiana

Josh Freed  
Vice President for Clean Energy  
Third Way

John Risch  
National Legislative Director  
SMART-TD (UTU)

Robert G. Mannes  
President & C.E.O.  
Core Energy, LLC

Hunter Johnston  
Counsel  
Lake Charles Methanol, LLC
Cecile Conroy  
Director, Government Affairs  
International Brotherhood of Boilermakers

Jon Wood  
President  
CoalBlue Project

David Wendt  
President  
Jackson Hole Center for Global Affairs

Eric Mork  
Principal  
EBR Development, LLC

NEORI Participants

AFL-CIO | AIR PRODUCTS, INC. | ARCH COAL, INC. | ARCHER DANIELS MIDLAND CO. | C12 ENERGY | CLEAN AIR TASK FORCE | CLOUD PEAK ENERGY, INC. | CONESTOGA ENERGY PARTNERS, LLC | EBR DEVELOPMENT, LLC | ENERGY INNOVATION REFORM PROJECT | ENHANCED OIL RECOVERY INSTITUTE, UNIVERSITY OF WYOMING | GE OIL & GAS | GLOBAL CCS INSTITUTE | GREAT RIVER ENERGY | INTERNATIONAL BROTHERHOOD OF BOILERMAKERS | INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS | JACKSON HOLE CENTER FOR GLOBAL AFFAIRS | JUPITER OXYGEN CORPORATION | LAKE CHARLES METHANOL | LI-COR BIOSCIENCES | LINDE LLC. | NATURAL RESOURCES DEFENSE COUNCIL | NRG ENERGY | OCCIDENTAL PETROLEUM CORPORATION | PEABODY ENERGY | PRAXAIR, INC. | SMART TD-UTU | SUMMIT POWER GROUP, LLC | TENASKA ENERGY | UNITED MINE WORKERS OF AMERICA | UTILITY WORKERS UNION OF AMERICA | WYOMING OUTDOOR COUNCIL

NEORI Observers

CHAPARRAL ENERGY LLC | CORE ENERGY, LLC | INTERSTATE OIL AND GAS COMPACT COMMISSION | MITSUBISHI HEAVY INDUSTRIES AMERICA, INC. | TELLUS OPERATING GROUP, LLC