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Federal Government Shutdown Continues

As most Washington Wire readers are aware, the federal government has been shut down for more than three weeks with no end in sight.

The shutdown began just after midnight on October 1 when Congress failed to approve spending measures for the 2026 fiscal year. Republicans, who hold majorities in both chambers, have sought to pass a short-term funding bill to allow appropriators more time to finalize various spending packages.

Typically, when lawmakers fail to pass all appropriations bills before the start of the new fiscal year, a continuing resolution (CR) is passed to maintain current funding levels to keep the government operating.

While the House passed a CR in September, the Senate failed to advance the measure because of largely Senate Democrats, who are seeking to extend the Affordable Care Act (ACA) health insurance subsidies, which are set to expire at the end of the year.

In response, Senate Republicans have pressed their Democratic colleagues to first reopen the government, then work on healthcare negotiations dealing with extending subsidies and potential eligibility reforms.

While the impact of the shutdown differs for individuals and sectors that rely on government agencies, NAED is interested in knowing if and how our members are being impacted. If your company has a specific example of how the government shutdown is impacting your business, please reach out to Bud DeFlaviis at bud@naed.org.

Potential Opportunities for Rural America

The Treasury Department recently identified [more than 3,300 rural Opportunity Zones](#) eligible for new incentives aimed at spurring investment outside major cities. Under the “One Big Beautiful Bill Act,” investors in rural zones now only need to make half as many improvements to qualify for the program’s tax breaks. For example, someone purchasing a \$1 million property in a designated rural zone would now only need to invest \$500,000 in upgrades, rather than matching the purchase price as previously required.

The adjustment seeks to address long-standing concerns that rural areas have benefited far less from the Opportunity Zone program than urban ones. Originally established under the 2017 Tax Cuts and Jobs Act, the program was designed to drive economic development in roughly 8,700 low-income areas. Treasury’s latest notice applies to the existing Opportunity Zones, while forthcoming guidance will clarify how the new incentives apply to additional zones authorized under the latest law.

Comments - Extended Producer Responsibility (EPR) Laws – Oregon and California

Following NAED's [comments](#) submitted last month to the Department of Justice on the proliferation of Extended Producer Responsibility (EPR) laws, NAED raised similar concerns with the states of Oregon and California.

In short, EPR laws are meant to encourage a “circular economy”, which proponents claim will reduce environmental impact of packaging materials for various consumer goods. The underlying framework for these EPRs is to hold the producer responsible for the lifecycle impact of these packaging materials.

In Oregon, the Department of Environmental Quality sought public comment on an amended implementation by the Circular Action Alliance (CAA), the Producer Responsibility Organization (PRO) selected to manage the program.

In the comments submitted, we note that the CAA's activities raise major concerns about classification, oversight, and fairness. For example, electrical distributors are being misclassified as “producers,” despite not manufacturing goods. In addition to creating regulatory confusion, the PRO’s authority to levy mandatory fees without transparency, public oversight, or judicial review poses serious due process issues. Given the compliance burden, especially for small businesses, and a pending lawsuit challenging the program’s legality, we urged the Department of Environmental Quality to delay implementation until the court rulings are finalized.

For California, NAED joined 13 organizations to urge CalRecycle and the Circular Action Alliance (CAA) to delay the initial producer reporting requirement under California’s Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54) until the agency finalizes permanent regulations. Because CalRecycle only submitted the draft regulations in August 2025 and the public comment period extends beyond the current November 15 reporting deadline, businesses lack the clarity needed to determine whether they are covered, what data to report, or how to build compliant systems. Imposing reporting obligations before rules are finalized risks inaccurate submissions, wasted compliance costs, and undermines the integrity of the program.

FERC Seeks to Hasten Buildout of New Energy Projects

The Federal Energy Regulatory Commission (FERC) has repealed a rule that barred pipeline and natural gas construction from starting while certain appeals were pending, a move celebrated by the Trump administration's National Energy Dominance Council. The rescinded regulation, known as Order 871 adopted in 2020, was designed to protect landowners and provide regulatory clarity, but over time it drew criticism from energy developers who saw it as a procedural delay tactic. Environmental groups defended the rule as a critical safeguard for communities affected by pipeline projects.

Supporters of the repeal argue that the change will speed up project timelines, increase investment certainty, and reduce the ability of environmental or landowner groups to delay construction through rehearing requests. FERC Chair David Rosner called the repeal part of the agency's broader effort to accelerate all types of energy development while maintaining statutory protections and opportunities for public input.

Critics condemned FERC's decision as a setback for transparency and community engagement. While FERC acknowledged Trump-era directives promoting U.S. energy expansion, it emphasized that its decision was based on legal and market factors, including the need to support orderly natural gas development and rising energy demand.

States Scramble for EV Charger Funds

Despite the Trump administration's rollback of most federal electric vehicle (EV) initiatives, including ending the \$7,500 EV tax credit and loosening emissions rules, more than 40 states are rushing to unlock billions in federal funds to build EV charging networks.

The funding, from the National Electric Vehicle Infrastructure (NEVI) program established under the 2021 bipartisan infrastructure law, had been frozen after the administration suspended new obligations and sought to rewrite the rules.

A summer court ruling forced the administration to release the funds, and the Transportation Department's August guidance gave states new flexibility, dropping the requirement that chargers be placed every 50 miles. Since then, at least 44 states have submitted new plans, with 30 already approved, allowing states to access hundreds of millions for new charging stations.

The rush to access charger funding reflects both pent-up demand and recognition that EV adoption will continue to grow even as federal incentives fade. Industry officials say states are moving quickly to build more strategically located charging stations that are likely to see higher use. However, uncertainty remains over other funding sources, such as the \$635 million Charging and Fueling Infrastructure (CFI) program awarded by the Biden administration but now under review.

Analysts say the expected slowdown in EV sales may actually help the charging industry catch up, as the gap between vehicles and chargers narrows. Still, with only one charger for every 30 EVs on U.S. roads, experts believe the private sector will ultimately drive most future buildout.