Paying people for their vote in the midterms was one of those bizarre ideas that Trump floated and even some Republicans dismissed. But there is actually an incentivized Get Out the Vote effort happening right now that makes more sense (and is legal).

Patagonia, a longtime corporate supporter of environmental activism, is offering customers a financial incentive if they encourage friends and family to make a plan to vote in the midterm elections. Not to vote for any particular candidate or party, mind you — just to vote. The Ventura-based outdoor apparel company says it will give up to 112,000 customers a $100 discount on Patagonia merchandise if they enroll three people in a program to encourage registered voters to cast a ballot in the midterms. The 11.2 million Vote Project kicked off last weekend.

If the number 11.2 million seems a little random — it's not. That's the number of environmental voters who did not vote in the 2024 election.

Ayana Elizabeth Johnson explains: "That jarring number is per analysis by the **Environmental Voter Project**, a nonpartisan organization I've been a fan and supporter of since day one. EVP's entire reason for being is to get non-voting environmentalist to become super voters," she writes. "That would give the environmental movement so much more political power, and with that power comes the ability to shape the policies we need to accelerate the clean energy transition,

improve agriculture, and protect and restore ecosystems.” Hence this 11.2 million Vote Project.

While I’m not a huge fan of sweater fleeces or puffer coats or corporate gimmicks for that matter, I’m happy to see any effort to propel action from climate voters. Time to hit the phones.

I’ve been thinking about climate action all week thanks to a powerful presentation by renowned atmospheric scientist and climate talker **Katharine Hayhoe** who came to UCLA for a Luskin Lecture. Her Talking Climate Collaborative is using new research to help climate communicators improve.

The focus of Hayhoe’s talk, “Keeping Climate in the Conversation” was the argument that facts and fear are not enough to motivate people to act on climate change. Hayhoe, who also runs a newsletter called **Talking Climate**, made her case with an anatomy metaphor: Head + heart + hands = action. In other words, successful climate communicators are able to appeal not only to people’s logic and emotions but also to their inevitable question of “So what should I do?” After she ticked through public opinion polling and social science to explain why appeals to our heads and hearts alone don’t work, Hayhoe gave an answer to “So what should I do?”

Go to Project Drawdown’s SHIFT tool, fill in who you are and where you live and it’ll give you a checklist, she said. She gave her personal checklist:

> “The most important thing I can do according to social science has nothing to do with my personal carbon footprint… [It’s] using my voice. Using my voice to have a conversation about what? The fact that others care and there is hope; solutions work. Number 2: Join a climate action group with other people, make your voices louder. Number 3 talk about it where you go to school, where you go to work, whatever other organization you’re part of, about what your school, what your college, what your place of work, what your church, what your group could do together, because together you’re more powerful than you are by yourself. Number 4: use your voice with your politicians. Not only voting – but telling them what you think… Having conversations with elected officials is so important.”

I agree with that. Which is why we need many more than 11.2 million people to do much more than just vote. But that's a good place to start! If you'd like to volunteer with the Environmental Voter Project, they're also running plenty of phone bank campaigns ahead of the midterms.

Welcome to The Drain, a roundup of environmental and climate news from Legal Planet. Our song this week is "Wake-Up" by Kelly Lee Owens, which is one of 500+ songs on my climate playlist (on Spotify and Apple Music).

POLITICS + LEGISLATION

BAAJA Fresh? Get to know the new "Bipartisan American Affordability and Jobs Act." Senate negotiators reached a bipartisan deal on a permitting package, which is long-sought legislation to speed up approvals for new energy projects in the U.S. that finally got an endorsement from key Senate Democrats on Wednesday afternoon. **Heatmap News** unpacks the bill in a comprehensive, 5-byline explainer.

The bipartisan deal, struck by Sens. Shelley Moore Capito (R-WV), Sheldon Whitehouse (D-RI), Mike Lee (R- Utah) and Martin Heinrich (D-NM), gets closer to permitting reform than we've been in years. "If we can pass this bill, we will flood the grid with clean, affordable energy and make data centers start paying their fair share," Whitehouse said in a statement.

Speaking of Dems… It's a mistake for Democratic politicians to climate hush — to not to talk about climate change — and the reason they don't is "because they don't know how to talk about it," California Governor Gavin Newsom said last week in a NYCW interview with The Guardian and Covering Climate Now.

Speaking of hush… Democrat Xavier Becerra, the likely next governor of California, and Republican Steve Hilton faced off in their only scheduled debate before voters cast their ballots, and on CNN no less. Becerra clearly won the debate but has "made a campaign out of saying nothing," LA Times writers noted.

In Sacramento, some important clean energy bills passed that are real opportunities for ratepayer protections! The governor signed the **Home Energy Choice**, which AB 2313 gives Californians the option to install non-polluting, electric appliances with the help of funds that would otherwise have been used to replace the old gas line to their home, as NRDC notes. SB 1359, the Natural Gas Ratepayer Protection Act also passed. (Here's why these were key.)

Solar Balcony also passed with Newsom's signature. SB 868 will make it easier for renters to save money on electricity by buying a few solar panels and plugging them directly into a wall — aka "balcony solar" or "plug-in solar," as **Sammy Roth** notes.

Right-wing organizations are filing a record-number of open records requests at public universities, demanding emails, research drafts, correspondence with law firms and other documents from academics studying climate change. A POLITICO investigation by **Chelsea Harvey, Lesley Clark,** and **Corbin Hair** "uncovered more than 100 open records requests filed at 19 public universities across the country, targeting at least 30 researchers over the past five years."

LITIGATION

It was almost an October Surprise: Justice Samuel Alito will *not* participate in the climate blockbuster that heads to the Supreme Court next week. (Here's everything you need to catch up on Suncor v. Boulder.)

Lawyers for Exxon and Suncor were informed on Sept. 28 of Alito's recusal in a letter from Scott Harris, clerk of the Supreme Court who did not provide a rationale, stating only, "I am writing to inform the parties that Justice Alito has determined that he will not continue to participate in this case." Recent financial disclosure

reportedly show Alito's holdings include stock in ConocoPhillips and Phillips 66 — defendants in separate but similar climate-related lawsuits.

But his recusal may be "too little too late," Inside Climate News notes. Alito's participation in accepting the Boulder case in the first place "may have been pivotal, and his continued stock holdings—including in fossil fuels—keep an ethics cloud over the Supreme Court."

No, the Trump administration cannot withhold emergency preparedness grants from states that do not change how they conduct elections, a federal judge ruled this week.

A Missouri jury heard opening arguments this week in the first Roundup cancer trial since the U.S. Supreme Court weighed in on the matter last term. Law360 reports that a lawyer for three plaintiffs argued that Monsanto minimized decades of ominous testing, ghostwrote scientific papers and engineered a dubious EPA approval.

MEDIA NEWS

The San Francisco Chronicle just gave us a good example of not-so-good climate journalism. Backstory: The Bay Area Air District is moving toward requiring

homeowners to upgrade to electric, non-polluting water heaters when their outdated gas water heaters break down. It's the zero-NOx residential water heater requirement under Air District Rule 9-6. Draft amended language shows the board will vote in November on potential exemptions and a delay.

But this week's SF Chron story frames the air rule as a purity test for public officials: "The mandate has become one of the most controversial environmental policies in the Bay Area, so we set out to ask: Do the 24 board members of the agency have direct experience with such replacements?" Now, this premise might make sense if regulators were outright banning gas appliances. They are not. Like anyone else covered by such a rule, these board members would have no reason to replace their old water heater until it breaks, which is when the rule would eventually kick in. So if the Chron asked 24 board members if their water heaters have broken down recently, the premise would make more sense.

I understand the instinct for accountability reporting but this ain't it. **Tony Sirna** at Evergreen Action further explains the logic problem in a LinkedIn post. "I wish the Chronicle had instead focused on this recent RMI analysis that shows that 95% of single-family homes, and 99% of low-income families, in the Bay Area will have lower utility bills with a heat pump water heater — to the tune of $30/month on average." Truly.

In better media news… A new service called Emergency Mode for News will help journalists cover extreme weather disasters. It is built on lessons from newsroom editors around the country during disasters and aims to tame the chaos, Nieman Labs reports. "Emergency Mode's website has pre-made checklists for various kinds of extreme weather disasters, like hurricanes, wildfires, or extreme heat, written by journalists who have experience covering those types of disasters."

Gov. Newsom on Wednesday signed AB 2222, a landmark bill that would give a financial boost to California's struggling newsrooms.

MIT and the Solutions Journalism Network announced the SJN/MIT Climate Journalism Fellowship will provide workshops, editorial support, stipends, and other resources to 10 staff and freelance journalists in local and regional newsrooms, to help them develop and publish stories that connect climate change and its solutions to local concerns, values, and perspectives. Applications are now open until October 26.

A new tool called Carbon Impacts Tracer can be used by journalists (and the general public) to estimate climate impact from emissions across eight metrics, including lost food production. It could be used to approve or deny projects, the Guardian reports.

Moving to the film world… Alejandro González Iñárritu's new film *Digger*, starring Tom Cruise, is definitely, explicitly a climate movie. It's a parable about a fossil fuel magnate. It's also a "a mess of shrieking and spittle that will leave even the most climate-conscious viewers reaching for an Advil," according to one climate reporter. **Jake Bittle** writes a review for Grist that says "The dialogue is full of jokes about climate change that will likely be catnip for the small minority of viewers who already spend most of their days thinking about it."

METHANE

For nearly a year, UCLA's STOP Methane Project has published reports and user-friendly rankings of top methane emitters in various sectors thanks to the satellite data of **Carbon Mapper**. Our ability to do this work is about to get a rocket boost. Literally. This morning, if weather cooperates, the Tanager-2 satellite will launch into orbit aboard the SpaceX Transporter-18 mission. Double the data is double the

fun.

A new analysis from the research group **Data Desk** finds that most of Europe will have access to large volumes of gas that will be compliant with the EU Methane Regulation. “If the future of Europe’s gas supply was a computer game — and amid all the charts, maps and data in the energy world it sometimes feels like it — then the hardest level would be at the start,” as Data Desk puts it. “Filling EU gas storage with compliant molecules will only get easier and cheaper as more of that supply comes online “

That means “little risk for Europe in implementing the rules, as the volume of available LNG that meets the regulation standards vastly exceeds what the region will need,” **Nicholas Cunningham** writes at Gas Outlook. Case in point: nearly 60% of Germany’s gas supply comes from Norway, which produces large quantities of gas that will be compliant with the EUMR in 2027.

There is strong support for methane transparency and accountability, according to new public opinion polling. That gives the new regulation a solid legitimacy base, despite low prior awareness of the policy, **Global Methane Hub** found.

And yet, the European Union is considering delaying the methane reporting rules for imported oil and gas by as much as a year, Oilprice.com reports.

Unraveling the gas supply chain is not simple, but policymakers do have options to get the transparency they need, according to a new report from RMI called “Unpacking the Pipeline.”

Meanwhile, Shell signed off on a $23 billion expansion of LNG Canada on Tuesday — the plan is to double liquefied natural gas exports from a terminal in western Canada.

DATA CENTERS + ENERGY

Fear and loathing in Data Center World: NYT’s **Hiroko Tubuchi** reports from a meeting held Sept. 21 to 23 at a sprawling conference center where she writes she “got a peek inside an industry grappling with the sudden eruption of community objections to data center projects across the country.”

My UCLA colleague **Megan Mullin** from UCLA Luskin has a new article and series of

videos on the economic and political calculations surrounding the growth of AI — and how communities can leverage their power. Mullin doesn't believe local resistance will actually stop data center construction nationwide — only redirect it.

A new dashboard from the Sustainable AI Group, reported on by Heatmap News, estimates the relative energy intensity of proprietary tools.

The DOE just ordered the release of 40 million barrels of oil from the Strategic Petroleum Reserve. This as diesel surpasses $6.50 per gallon and the Texas Governor proclaims a diesel price emergency.

Fervo Energy is producing clean power at Cape Station in Utah, **Maria Gallucci** reports for Canary Media. "It's a big milestone, but the industry must tackle high costs and other barriers in order to scale."

The Trump administration's policy to try to keep dirty, aging, polluting coal plants on life support at the expense of American taxpayers was an industry scheme, **Brad Plumer** and Claire Brown report for the NYT. "The trade group, America's Power, proposed an unusual remedy: The Energy Department could deploy rarely used emergency powers to force them to stay open longer. Two months later, the Trump administration began doing exactly that."

PJM Interconnection has declared a record number of energy emergencies this year, while California and Texas have declared zero — a difference that Bloomberg reports can be traced to the huge amounts of solar and batteries added in the latter states.

The U.S. now has enough solar panels in operation to power more than 50 million American homes, representing over a third of households, according to the latest market analysis conducted by the consultancy Wood Mackenzie.

CARS

The U.S. Department of Transportation issued new fuel economy standards. When first proposed, my UCLA Emmett Institute colleague **Ann Carlson** described the standards as 'audaciously, aggressively awful." The final standards are too, she explains at Legal Planet. "The Trump administration's new CAFE standards actually make cars LESS fuel efficient, defy Congressional intent, and increase air and climate pollution."

When taken together with the waiver wars over tailpipe emissions, the actions could have a real effect on the state's air pollution and climate goals, Carlson told **Hayley Smith** at the LA Times.

Yes, the plan would actually increase consumer costs, according to the administration's own analysis, **Jean Chemnick** reports for POLITICO.