



Victory on Capitol Hill for Clean Tech Startup Ternion Bio

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Pillsbury successfully lobbied Congress and the Department of Energy in support of funding for Ternion's innovative and cost-efficient carbon sequestration and capture technology in the newly passed American Recovery and Reinvestment Act.

Historically, government funding for carbon sequestration and capture projects has largely supported the traditional, geologic methods, in which carbon emissions are captured and stored underground. But an emerging technology provides gas-emitting facilities, such as coal-burning plants, ethanol plants, petroleum refineries and manufacturing plants, with a cost-effective alternative to geologic carbon capture and sequestration. California-based startup Ternion Bio designs and produces an innovative technology that uses algae to recycle CO₂ into beneficial products, though its proprietary Photo BioReactor system. Funding from the Department of Energy (DOE) would help Ternion in advancing its technology, but as a company relatively unknown in Washington, DC, competing for that funding would surely prove difficult.

In December 2008, Ternion turned to Pillsbury's Public Policy team to promote the company and its innovative technology to decision makers in Washington with the goal of obtaining funding under the American Recovery and Reinvestment Act of 2009 ("the stimulus bill"). Provisions in the original House bill discouraged innovation and cost savings by only allowing the geologic forms of carbon sequestration and capture to compete for funding from the DOE's Carbon Capture and Sequestration Research, Development, and Demonstration Program. Senate provisions would allow for DOE funds to support diverse carbon capture technologies, but the language was narrow and did not give priority consideration to projects outside of the geologic sphere.

Pillsbury, which has advised on more than 85 clean tech projects over the past two years, launched an effort to lobby both Congress and DOE on behalf of Ternion. Faced with a very tight deadline, Pillsbury's team on the Hill—led by Elizabeth Moeller and former Congressman Greg Laughlin—submitted to Congress an outline of their proposal to amend the provisions concerning carbon sequestration and capture R&D so as to include cost-effective and innovative technologies. Moeller and Laughlin received crucial support on the substance from members of Pillsbury's Climate Change & Sustainability practice, Peter Wyckoff and Warren Lehrenbaum, emphasizing the firm's commitment to reaching across practices to maximize resources and build the most comprehensive team possible for its clients. The Pillsbury team also reached out to a number of influential House and Senate offices in the final days before Congress was expected to vote on the bill.

Recognizing the challenge in getting new language added to a bill on behalf of a startup, the team also incorporated a media relations component to the campaign strategy in order to gain momentum for and draw public attention to Ternion's crusade. The effort paid off, as Moeller was quoted on the significance of including carbon recycling in the stimulus bill in several key publications, including *The Hill*, *Politico*, and *BusinessWeek*.

On February 13, the House, followed by the Senate on February 16, passed a version of the stimulus bill that included a modest, but key change in how funds for carbon capture technology would be awarded, making clear that a portion of the \$1.5 billion set aside for carbon capture and energy efficiency improvements would be allocated to carbon recycling projects developed by companies like Ternion through a competitive process at DOE.

Pillsbury's Public Policy team crafts successful strategies tailored to the specific needs of each of its client, which range from trade associations and non-profit organizations to universities and government entities. Members of the group routinely team up with lawyers in the firm's other practice areas to provide clients with additional understanding of government processes, a wider base of substantive knowledge, and an expanded network of professional relationships. Pillsbury's multidisciplinary approach strengthens client advocacy before federal decision makers.