

Biden Administration Approach to Climate Change and Recent Climate Actions

April 18, 2021

The Biden Administration is pursuing a whole-of-government approach to tackling the climate crisis, led by former EPA Administrator Gina McCarthy in a newly formed Domestic Climate Policy Office. The President's climate policies and investments are intended to drive good union jobs, bring back American manufacturing innovation, enhance national security, re-establish global leadership (especially vis-à-vis China), and protect public health. Recognizing our nation's deep-rooted racial inequity, the President has also committed to ensuring 40 percent of the benefits of climate investment go to environmental justice communities. It is in the context of these other benefits that the President frames his climate actions, and given the current economic crisis, it is no surprise that his biggest investment in climate is in the form of a jobs and infrastructure package – all part of the Build Back Better agenda.

The Paris Agreement and Nationally Determined Contributions

The [Paris Agreement](#) – adopted by over 190 countries – aims to limit temperature increases to well below 2°C above pre-industrial levels, to pursue efforts towards 1.5 C, and to achieve net zero greenhouse gas (GHG) emissions in the second half of the century. Parties to the Agreement are required to submit a Nationally Determined Contribution (NDC) which captures their contribution to meeting the goals of the Paris Agreement. The cornerstone of the NDC is a nation's GHG reduction target, which President Biden plans to announce ahead of his April 22-23 Leaders Summit on Climate.

The Biden Administration is under tremendous pressure from the environmental community and allies (most notably the European Union and the United Kingdom as President of this year's climate negotiations) to announce a goal of at least a 50 percent reduction of GHG emissions from 2005 levels by 2030.¹ This figure is roughly what the Intergovernmental Panel on Climate Change (IPCC) [maintains is necessary to achieve the Paris Agreement's 1.5 degree goal](#) and avoid the most catastrophic impacts of climate change. The target must not only be ambitious, but also be seen as credible i.e. technologically, economically and politically feasible. Several outside studies indicate the U.S. could credibly achieve a reduction up to 53 percent, with various policy pathways that achieve zero- or close-to zero emissions power sector, reduce energy demand, expand beneficial electrification, reduce non-CO2 gases and preserve and enhance land carbon sinks. The latest thinking is that the U.S. target will be a range, with 50 percent as the lower bound.

NDCs are national targets, however many of the policies to achieve the U.S. target will need to be implemented by states. For example, the Clean Power Plan was the core of the Obama Administration's NDC. It set individual state targets for power plants, and states determined how they would meet those targets. Thus the key feature for states to watch and inform is the policy pathway to achieve the NDC, which is expected to be released by third quarter 2021. The White House has indicated their openness to a dialogue with states on the NDC's policy pathway.

¹ Note from MDE: While the U.S. target is a percentage of net emissions, Maryland's Greenhouse Gas Reduction Act requires reductions in percentage of gross emissions. Since gross emissions are greater than net emissions, any given percentage of gross emissions yields reductions equivalent to a larger percentage of net emissions; **the Climate Commission's 50-by-2030 recommendation is equivalent to a U.S. goal of 56% reduction by 2030.**

Executive Orders

On Day One of his Presidency, President Biden took a series of executive actions, including [rejoining the Paris Agreement](#) and issuing the [Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis](#), which includes a number of provisions relating to state climate action. Specifically, it ordered all executive agency heads to immediately review agency actions taken during the Trump Administration and consider revisions, suspensions or revocations of these actions as appropriate, including reviews and/or new rules related to methane emissions in oil & gas operations; fuel economy standards; appliance standards; and emissions standards for coal- and oil-fired electricity generation. It also reestablished the *Interagency Working Group on the Social Cost of Greenhouse Gases* and revoked or suspended several Trump Administration climate, energy and environmental actions. The Executive Order also placed a temporary moratorium and further review on oil and gas leasing in the Arctic National Wildlife Refuge and revoked the Keystone XL Pipeline's permit.

On January 27, 2021, President Biden signed a suite of executive actions, including the [Executive Order Tackling the Climate Crisis at Home and Abroad](#) - a sweeping climate change omnibus. The executive order centers the climate crisis in U.S. foreign policy and national security considerations; takes a whole-of-government approach to the climate crisis; leverages the federal government's footprint and buying power to lead by example; takes steps to rebuild our infrastructure for a sustainable economy; advances conservation, agriculture, and reforestation; prioritizes the revitalization of our energy communities; takes steps to secure environmental justice and spur economic opportunity.

Build Back Better and Funding State Climate Action

The President's [Build Back Better](#) agenda is a package focused to a large degree on modernizing, decarbonizing and enhancing the resilience of U.S. infrastructure, and is how substantial funding via a recovery stimulus package could be provided to states for achieving state and federal climate goals. The Build Back Better agenda includes three plans:

- The American Rescue Plan (passed)
- The American Jobs Plan (released), and
- The American Families Plan (pending).

On March 12, 2021, [President Biden signed the American Rescue Plan Act \(ARPA\)](#) into law. This stimulus package primarily contains measures to provide relief from the effects of COVID-19. Most notably, the bill contains:

- \$30.5 billion to public-transit agencies;
- \$2 billion to Amtrak;
- \$100 million in environmental justice and air quality programs; and
- \$350 billion to state and local governments – \$195 billion reserved for states and D.C.

This last provision provides significant assistance to states to fill their revenue losses related to the COVID-19 disaster, allocating \$500 million per state and D.C., with the remainder allocated according to the state's share of national unemployment figures for the 3-month period ending in December 2020. While there are limits as to the uses of these funds, critically, they are available outside of COVID-19 related relief "to make necessary investments in water, sewer, or broadband infrastructure"¹. Of these funds, \$4.5 billion is dedicated to the Low Income Home Energy assistance Program (LIHEAP) and \$50 billion is appropriated for disaster relief. substantial resources to help states make progress towards their emissions reduction goals.

On March 31, 2021, President Biden announced [The American Jobs Plan](#), the administration's \$2 trillion plan to create good jobs and rebuild America's infrastructure. This is the first of a two-part recovery plan, with the second proposal, *The American Families Plan*, expected to be released in mid-April. To help fund this proposal, President Biden concurrently proposed [The Made in America Tax Plan](#) to raise \$2 trillion and ensure corporations pay their fair share in taxes.

Key Components of the American Jobs Plan include:

- Directs \$16 billion in immediate upfront investment that will put hundreds of thousands to work in union jobs plugging oil and gas wells and restoring and reclaiming mines.
- Invests in clean mobility options and modernizes transportation infrastructure to be resilient to the impacts of climate change, while increasing equitable and affordable access and aiming to address historic inequities in transportation planning. This includes \$621 billion in transportation infrastructure and resilience funding; with \$174 billion dedicated to advancing the EV market.
- Establishes a National Energy Efficiency and Clean Electricity Standard (EECES) as part of a \$100 billion investment in modernizing/decarbonizing the U.S. power system. Specific details to come.
- Directs \$213 billion toward new construction and major retrofit projects focused on building, preserving, and retrofitting more than two million homes and commercial buildings, modernizing schools and childcare facilities, and upgrading federal buildings (including veterans' hospitals).
- Invests more than \$500 billion in domestic industry, workforce development, and RD&D, including: \$52 billion to support rural manufacturing and clean energy; \$48 billion for career pathways and worker protection programs; \$35 billion for innovative climate technology; and \$46 billion in federal procurement investment in American-made clean energy technologies.
- Establishes a \$27 billion Clean Energy and Sustainability Accelerator that will leverage private investment into clean energy, building retrofits, and clean transportation projects, with a focus on disadvantaged communities.

Notably, the Plan aligns closely with the language and priorities included in the Alliance's July 2020 [stimulus letter](#) to Congressional leadership, with several of the letter's recommended programs and tax and bonding tools highlighted in Biden's Plan.

Environmental Justice

Equity and environmental justice are at the center of the Biden Administration's investments and policies. His climate omnibus Executive Order directs federal agencies to develop programs and policies to address the disproportionate health, environmental, economic, and climate impacts on disadvantaged communities. To identify over-burdened communities, the January 27th Executive Order calls for development of a geospatial Climate and Environmental Justice Screening Tool in six months, building off EPA's EJSCREEN and to annually publish interactive maps highlighting disadvantaged communities. The American Jobs Plan reduces consumer costs across electricity, broadband, transportation, and housing. Additionally, it acknowledges past injustices by funding programs to "*reconnect neighborhoods cut off by historic investments*" and support the capital needs of public housing.

The January 27th Executive Order also establishes a series of bodies to respond to the concerns of environmental justice communities, namely: the White House Environmental Justice Interagency Council (housed within the White House), the White House Environmental Justice Advisory Council (housed within EPA), Office of Climate Justice (housed within DOJ); and Office of Climate Change and Health Equity (housed with HHS).

The Build Back Better agenda sets a goal that 40 percent of the overall benefits flow to disadvantaged communities. The January 27th Executive Order creates the Justice40 Initiative, which will publish recommendations on how federal investments might be made toward a goal, which is further reinforced in the American Jobs Plan and through a \$100 million allocation in ARPA.

Annex: Summary of Key Climate Provisions in Executive Order Tackling the Climate Crisis at Home and Abroad

- **National Security:** Directs the creation of a National Intelligence Estimate on the national and economic security implications of climate change
- **International:** Sends Kigali Amendment to the Senate for ratification and calls for working with states and other stakeholders on climate diplomacy.
- **Whole of Government:** Formally establishes the Special Presidential Envoy for Climate and the Office for Domestic Climate Policy; Creates the National Climate Task Force, which will gather the leaders of 21 federal agencies and departments enabling the “whole-of-government” approach to addressing the climate crisis. Although the Task Force is comprised of cabinet officials and presidential advisors, the EO calls for the Task Force to engage states and other stakeholders as appropriate.
- **Lead by Example:** The Chair of the Council on Environmental Quality (CEQ), through the National Climate Task force, will develop a comprehensive plan to use all available procurement authorities to achieve or facilitate:
 - a carbon pollution-free electricity sector no later than 2035; and
 - clean and zero-emission vehicles for federal, state, local, and tribal government fleets, including vehicles of the United States Postal Service.
- **Resilience:**
 - Directs federal agencies to draft resilience and adaptation plans within 120 days;
 - Directs the Secretary of Commerce to report on ways to expand and improve climate forecast capabilities and information products for the public to assist agencies, states and others in preparing for and adapting to the impacts of climate change;
 - Directs the Secretary of the Interior and the Deputy Director for Management of the Office of Management and Budget to report on the potential development of a consolidated federal geographic mapping service that can facilitate public access to climate-related information that will assist in climate planning and resilience activities.
- **Oil and Gas:** Directs the Secretary of the Interior to:
 - pause entering into new oil and natural gas leases on public lands or offshore waters;
 - launch a rigorous review of all existing leasing and permitting practices related to fossil fuel development on public lands and waters; and
 - identify steps that can be taken to double renewable energy production from offshore wind by 2030, in cooperation with states and other subnationals.
- **Natural and Working Lands:** Commits to the goal of conserving at least 30 percent of our lands and oceans by 2030; Establishes a Civilian Climate Corps Initiative² (within existing appropriations) to conserve and restore public lands and waters, increase reforestation,

² Modeled on the New Deal's job creation program during the Great Depression. See <https://www.eenews.net/eenewspm/2021/01/27/stories/1063723723>

increase carbon sequestration in the agricultural sector, protect biodiversity, improve access to recreation, and address the changing climate.

- **Just Transition:** Establishes an Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization, housed within the Department of Energy (DOE), which will advance projects that:
 - Reduce emissions of toxic substances and greenhouse gases from existing and abandoned infrastructure;
 - Prevent environmental damage that harms communities and poses a risk to public health and safety, such as projects to reduce methane emissions, oil and brine leaks; and
 - Explore efforts to turn properties idled in these communities, like brownfields, into new hubs for the growth of our economy.