



BRIEF ON CLIMATE & SUSTAINABILITY

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BIDEN ADMINISTRATION NEWS

- ***Biden Rejoins Paris Climate Agreement.*** President Joe Biden signed sweeping actions to combat climate change just hours after taking the oath of office, including moving to rejoin the Paris Climate Agreement.
 - Re-entry into the Paris Climate Agreement will take place in 30 days. Biden is directly reversing Trump’s decision to yank the U.S. from the accord. Trump labeled the pact “a total disaster” that would harm American competitiveness by enabling “a giant transfer of American wealth to foreign nations that are responsible for most of the world’s pollution.”
 - Under the Paris agreement, some 195 member countries set their own voluntary emissions-reduction targets, with the goal of keeping global temperature rise to below 2 degrees Celsius compared with pre-industrial levels.
- ***Biden Halts Arctic Oil Leasing:*** Biden imposed a moratorium on oil leasing in the Arctic National Wildlife Refuge, after the Trump administration, on its final full day in office, finalized lease sales there.
 - Critics say that the speed with which the Trump administration committed the sales was “absolutely unprecedented.”
 - Biden will also direct federal agencies to reconsider other Trump-era policies, including measures governing seismic oil surveys in the Gulf of Mexico, allowing roads to be built through Alaska’s Tongass National Forest and dialing back efficiency standards for appliances.
- ***Executive Order on Protecting Public Health and the Environment.*** Biden signed into action an Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, which will assemble a cross-government team to publish an interim social cost of carbon within 30 days.
 - Social cost of carbon is the estimated cost to society of releasing a ton of carbon dioxide, the main greenhouse gas, into the atmosphere.
 - Environmentalists and climate scientists agree that undoing the Trump administration’s changes to how the social cost of carbon is calculated will play a big role in federal policy, as well as in states that take their lead from the federal government.
- ***Biden Revokes Keystone XL Pipeline Permit.*** President Joe Biden revoked the permit for the Keystone XL Pipeline, an early step in the process of restoring environmental protections rolled back by the Trump administration.
 - Biden will also direct federal agencies to review more than 100 federal environmental regulations and agency decisions by the Trump administration, according to summaries from Biden’s transition team.

- ***Pesticides Drift Rule Under Review by Incoming Biden Administration.*** An EPA rule that shrinks pesticide spray exclusion zones, potentially exposing farm workers to greater amounts of chemical drift, will be up for review by the incoming Joe Biden administration, according to a statement it issued just ahead of the new president's inauguration.
 - During the Obama administration, the EPA directed applicators to stop spraying within 100 feet of a person, even if that person is outside the farm's property boundary. The Trump-era rule reduced the distance to just 25 feet.
 - In December, U.S. District Judge Lewis J. Liman in the Southern District of New York temporarily halted the Environmental Protection Agency's implementation of the measure that worker safety advocates said increases health risks. Liman's order remains in effect.
- ***Interior Order Halts Oil Leasing for 60 Days on Federal Lands.*** The Interior Department has clamped a 60-day moratorium on issuing oil and gas leases that affects all federal lands, minerals, and waters, according to a secretarial order signed late Wednesday.
 - The order, signed by acting Interior Secretary Scott de la Vega, applies to all of Interior's bureaus, including the Bureau of Land Management and the Bureau of Ocean Energy Management. It suspends each bureau's authority to issue any onshore or offshore fossil fuel authorization, including a lease, lease extension, contract, or drilling permit.
 - The land bureau didn't immediately respond to a request for comment about how the moratorium would affect oil and gas lease sales scheduled for the first quarter of 2021. A Nevada oil and gas lease sale scheduled for March 9 is the only lease sale listed online at EnergyNet that would fall within the 60-day window.
- ***Biden's Energy Department Picks Shah as Chief of Staff.*** Tarak Shah, an energy policy expert who served as the Biden-Harris transition's personnel lead for the climate and science team, has been named the Energy Department's chief of staff, according to the department.
 - Kelly Speakes-Backman, who most recently served as CEO of the Energy Storage Association, becomes principal deputy assistant secretary for energy efficiency and renewable energy; and Andrew Light, an international climate policy expert, becomes principal deputy assistant Secretary for international affairs.
- ***Carbon Bank Backer Gets Key Agriculture Department Climate Role.*** President Joe Biden named former Obama official Robert Bonnie to deputy chief of staff for policy and senior advisor to climate to Agriculture Secretary-nominee Tom Vilsack.
 - The move is a signal that the incoming administration wants to keep a campaign promise to cut greenhouse gas emissions in farming.
 - Bonnie, who was USDA Undersecretary for Natural Resources and Environment in Obama's second term, has publicly backed quick action by the department to establish a carbon bank. He also led Joe Biden's transition team on agriculture.
 - The department also announced other key appointees Wednesday shortly after Biden took the oath of office: Gregory Parham, Katharine Ferguson, Sara Bleich, Kumar Chandran, and Justo Robles.
- ***FERC's Rich Glick Says He's Been Chosen to Lead Energy Regulator.*** Rich Glick, one of two Democrats on the U.S. Federal Energy Regulatory Commission, said he's been tapped by President Joe Biden to lead the agency.
 - "This is an important moment to make significant progress on the transition to a clean energy future," Glick said in a statement on Twitter announcing Biden's intention to nominate him as FERC chairman.
 - FERC is an independent agency that oversees the power grid, approves utility mergers and grants permits for gas pipelines. In recent years, the agency has been accused of

becoming increasingly political and has faced calls to give greater consideration to climate change when approving projects.

- While Glick will hold the gavel and control the agenda, Republicans will hold a majority on the five-member panel until the middle of the year, when Biden can appoint a new commissioner.
- Glick will revive FERC press conferences.
- ***Biden's 'Fresh Start' on Emissions Not Seen as Legal 'Slam Dunk.'*** Biden's aggressive climate plans got a leg up Tuesday when the U.S. Court of Appeals for the District of Columbia Circuit struck down the Trump administration's Affordable Clean Energy (ACE) rule, which softened greenhouse gas emission regulations for existing power plants. The ruling allows Biden to sidestep a lengthy rulemaking processes that would have been required to dismantle ACE and install a replacement rule.
 - The decision isn't a total "slam dunk," says Harvard Law School's Environmental and Energy Program staff attorney Hana Vizcarra. Future legal battles over climate regulations are likely still on the horizon, she said, but the victory does give the new administration an advantage. "It gives them sort of a fresh start in how they approach the regulation of greenhouse gases of existing power plants," she said.
 - Even with the boost, the Biden administration must contend with a 6-3 conservative majority on the high court that may be reluctant to approve sweeping agency actions.
- ***Yellen Highlights Climate Shift.*** The U.S. under Biden is putting a new focus on climate change, the president-elect's Treasury secretary pick, Janet Yellen, said during yesterday's Senate confirmation hearing.
 - "Climate change is an existential threat," Yellen said. "Both the impact of climate change itself, and policies to address it, could have major impacts creating stranded assets, generating large changes in asset prices, credit risks and so forth that could affect the financial system."
 - Yellen pledged to create a team to focus on climate change.
- ***Biden Names Additional EPA picks.*** Dan Utech, a former Obama climate adviser, will serve as EPA's chief of staff, one of a slate of political appointments at the agency announced on Thursday evening
 - Vicki Arroyo will return to EPA as associate administrator for policy; Tomás Carbonell will be deputy assistant administrator for stationary sources in EPA's air office; Radhika Fox will be principal deputy assistant administrator for EPA's water office.
 - Joe Goffman will be principal deputy assistant administrator for EPA's air office; Michal Freedhoff will be principal deputy assistant administrator for EPA's chemical and pesticide office; Melissa Hoffer will be principal deputy general counsel.
- ***Biden Names USDA Picks.*** The Agriculture Department on Thursday named Mae Wu deputy undersecretary for marketing and regulatory programs. Robert Bonnie, who led the USDA transition for Biden, was named deputy chief of staff for policy and a senior adviser on climate issues.
- ***Buttigieg Discusses Climate Change.*** Transportation Secretary-designate Pete Buttigieg repeatedly discussed the role infrastructure can play in combating climate change during his nomination hearing before the Senate Commerce Committee on Thursday.
 - He discussed building out electric vehicle charging capabilities and setting strong fuel economy standards. However, after Buttigieg said that "all options" were on the table for funding infrastructure during his hearing, a spokesperson for the former mayor backpedaled, noting Buttigieg does not support increasing the federal gas tax.

- ***Climate Hawks Appointed at Transportation Department.*** The Biden administration has named several prominent climate experts to senior positions at the Transportation Department, in the latest sign he intends to follow through with his campaign promise to tackle climate change across his administration.
 - The appointees include Steve Cliff, deputy executive director at the California Air Resources Board, who will serve as deputy administrator at NHTSA and Ann Carlson, a highly regarded climate expert and UCLA environmental law professor, to be NHTSA's general counsel.
 - Annie Petsonk, a lawyer at the Environmental Defense Fund, has been tapped to be principal deputy assistant secretary for aviation and international affairs.
- ***Kerry Warns Glasgow is Last Chance for Action.*** Biden's climate czar promised to make a success of the next round of global warming talks, warning it will be the last chance the world has to avoid climate disaster. In his first speech since becoming U.S. Special Presidential Envoy for Climate, John Kerry said failure is "simply not an option" at COP26, which is taking place in Glasgow, Scotland, in November.
 - "We really have the world's last, most important opportunity to come together to raise ambition and to take the next step from Paris," he said yesterday at B-20, a business leaders event advising G-20 nations.
 - Kerry praised Europe's policies on tackling climate and blasted Trump's stance as "reckless" and embarrassing. He said the U.S. will now try to repair its reputation and seek to close the gap by increasing action.
- ***Procurement Offers Biden Path to Climate Goals.*** President Joe Biden's most potent weapon for making climate change a priority for companies and federal officials may already be in his arsenal through the roughly \$600 billion annual procurement budget.
 - He took strides toward setting environmental restrictions on how officials spend that budget before he took office, including in a December speech when he said his administration would "harness the purchasing power of our federal government" to buy American-made electric cars. He committed in his campaign platform that the federal government would focus on buying energy-efficient batteries and that every federal infrastructure investment would consider climate change.
 - Biden could also revive some of former boss Barack Obama's executive orders to consider environmental impact when shopping for a range of supplies and services, from landscaping and toner cartridges to government construction.
- ***Biden Names Acting Agency Heads.*** President Biden named David Huizenga as the interim head of the Department of Energy, Scott de la Vega as the interim head of the Interior Department, and Jane Nishida as the interim head at EPA.
- ***Biden to Take 'Far More Aggressive' Chemicals Stance.*** More than a quarter of the Trump-era EPA rules and decisions that the Biden administration will review deal with chemicals, signaling the agency's oversight of potentially dangerous substances will be a top priority.
 - Eleven of the 48 Trump-era environment and public health rules and actions President Joe Biden's administration announced Wednesday it will review involve decisions the Environmental Protection Agency made about commercial chemicals implementing the Toxic Substances Control Act. Two others addressed pesticides.
 - "We would expect a Biden administration to take a far more aggressive approach to implementation of TSCA," said Tom Berger, a partner in Keller and Heckman LLP's Washington and Indianapolis offices.

- ***Republicans Push Back on Keystone Move.*** Key Republicans blasted the cancellation of the Keystone XL oil pipeline, saying it would affect the country's economic recovery and energy security.
 - "Pipelines provide the safest, most efficient, most environmentally friendly means of transporting energy," House Transportation and Infrastructure ranking member Sam Graves (R-Mo.) said in a statement. "Pulling the plug on this project won't eliminate the need to transport energy resources between Canada and the United States."
 - "If President-elect Joe Biden halts construction as one of his first acts in office, he will not only be hampering our energy independence, but he will also be putting thousands of well-paying American jobs at risk in the middle of a pandemic," said Natural Resources ranking member Bruce Westerman (R-Ark.)
 - A group of western Republican senators led by Steve Daines (R-Mont.) sent Biden a letter urging him to "support the completion and operation of the Keystone XL Pipeline" and arguing for a "balanced all-of-the-above energy strategy that reduces emissions while protecting and expanding high-paying energy jobs."
- ***Farm Panel Charts Bipartisan Path on Climate.*** The House Agriculture Committee plans to pursue climate change remedies, social justice, and aid for rural America in a sweeping agenda when Chairman David Scott (D-Ga.) and ranking member Glenn "GT" Thompson (R-Pa.) take over amid the coronavirus pandemic.
 - Scott and Thompson, in phone interviews last week, stressed bipartisanship as crucial in a time of deep partisan divisions in the nation, heightened by the second impeachment of President Donald Trump following a riot at the Capitol. "Each of these issues we have to touch — climate change, status of Black farmers, food security, rural-urban divide, and crop insurance — we've got to unite together as Democrats and Republicans, and save our nation before it's too late," Scott said.
 - There's also a "sense of urgency" to address the status of Black farmers, said Scott, who becomes the panel's first Black leader. He plans to invite testimony from Black agriculture producers to share their experiences and perspective on racial discrimination within the Agriculture Department — a first for the committee, he said.
- ***House Energy and Commerce Subcommittee Leaders Announced.*** House Energy and Commerce Chairman Frank Pallone (D-N.J.) on Friday announced the subcommittee chairs for the 117th Congress, including Rep. Bobby Rush (D-Ill.) on the energy panel and Rep. Paul Tonko (D-N.Y.) on the environment and climate change panel. Pallone also released the subcommittee rosters. The full list is available [here](#).
 - The choices now must be approved by the Democratic Steering and Policy Committee and the full caucus.
- ***McKinley Made Top Republican on E&C Subpanel.*** Rep. David McKinley (R-W.Va.) will become ranking member of the House Energy and Commerce Environment and Climate Change Subcommittee, replacing retired Rep. John Shimkus (R-Ill.).
 - The change, announced Thursday by E&C ranking member Cathy McMorris Rodgers (R-Wash.), elevates a coal-state Republican who's introduced bipartisan legislation to curb carbon emissions in the power sector 80 percent by 2050.
 - Rep. Fred Upton (Mich.) will remain the top Republican on the E&C Energy Subcommittee.
- ***Granholm Hearing Set.*** The Senate Committee on Energy & Natural Resources has set the hearing date for Biden's pick for Secretary of Energy, Jennifer Granholm.
 - The hearing will be held on Wednesday, January 27 at 9:30am.

- **Legislation to Stop Oil and Gas Leasing in ANWR Expected.** House and Senate Democrats are aiming to introduce new legislation soon to restore protections to the Arctic National Wildlife Refuge's coastal plain.
 - The bill, which was introduced during the last Congress by Rep. Jared Huffman (D-Calif.) and passed by the House, would repeal the language in the 2017 tax overhaul law that allows oil and gas leasing and production in ANWR's coastal plain.
 - A Huffman spokeswoman said yesterday that the California Democrat and Sen. Ed Markey (D-Mass.) intend to reintroduce the bill, when it's possible, as the impending Senate impeachment trial of former President Donald Trump is a factor in timing.
- **Decision to Join Paris Accord Evokes Legislative Response.** Sens. Steve Daines (R-Mont.), John Barrasso (R-Wyo.) and several other Republicans will introduce a resolution directing Biden to submit the Paris Climate Agreement to the Senate for advice and consent before recommitting the U.S. to it. Daines is a member of the Energy and Natural Resources Committee; Barrasso is the top Republican on the panel.
 - "A return to the Paris climate agreement will raise Americans' energy costs and won't solve climate change," said Barrasso. "Under the agreement, the Biden administration will set unworkable targets for the United States while China and Russia can continue with business as usual.
 - Similarly, House Foreign Affairs ranking member Michael McCaul (R-Texas) said he plans to introduce legislation this week that would require the president to submit a notification to Congress including a cost-benefit analysis as well as an economic justification at least 30 days prior to submitting a Nationally Determined Contribution under the Paris Agreement on behalf of the U.S.

TRUMP ADMINISTRATION ACTIONS

- **Court Denies Bid to Freeze EPA's Weakened Oil and Gas Standards.** A federal court rejected environmental groups' request to block the Trump administration's looser air emissions standards for the oil and gas industry.
 - The U.S. Court of Appeals for the District of Columbia Circuit said the Environmental Defense Fund and other groups hadn't "satisfied the stringent requirements for a stay pending court review." At issue is part of the Environmental Protection Agency's two-step rollback of Obama-era methane standards.
 - Challenges to the EPA's move will continue moving through the D.C. Circuit, though the Biden administration is expected to revisit the Trump administration's policy—which may eventually render the litigation moot.
- **New Plant Rule Left Unfinished.** The Trump administration will not finalize a rule easing emissions limits for any coal-fired power plants built in the future.
 - EPA proposed easing the limits in 2018 to remove a requirement for partial carbon capture and storage — but commandeered that rulemaking last week to declare that no stationary industry except power generators can be regulated for greenhouse gases.
 - There was speculation that the actual coal plant numeric limits might still be issued in the final moments of the Trump administration. However, EPA said in last Friday in a court document that it wouldn't be able to reach the finish line before the inauguration.
- **Trump Administration Gives 11th Hour Biofuel Waivers to Refiners.** The Trump administration granted three oil refineries exemptions from biofuel-blending requirements in a last-minute move, prompting quick rebuke from ethanol and biodiesel producers. The names of the refineries weren't disclosed.

- Biofuel advocates, including lawmakers, had pushed the Trump administration to hold off on approvals, with the U.S. Supreme Court set to hear arguments in a case testing EPA's ability to grant them. The latest action puts added pressure on the incoming Biden White House to signal how it will proceed in the fight for share of U.S. gasoline tanks.

ENERGY ECONOMY NEWS

- ***Aramco Omits Carbon Data for Up to Half Its Real Emissions Toll.*** Before it launched the world's biggest public listing, Saudi Arabian Oil Co. promised potential investors a small piece of a trillion-dollar company with access to unrivaled oil reserves. Not just in sheer volume but in climate friendliness, too.
 - Aramco executives emphasized in the run-up to an IPO in 2019 that drilling Saudi oil generates fewer planet-warming emissions than other producers.
 - But Aramco's accounting for greenhouse gas fails to provide a complete picture. The Saudi oil giant excludes emissions generated from many of its refineries and petrochemical plants in its overall carbon disclosures.
 - The high-end estimate puts Aramco's direct emissions on par with Exxon Mobil Corp., even though the U.S. company extracted a third as much oil and refined roughly the same amount in 2019. Aramco's operations remain cleaner per barrel of oil produced and refined, just not to the degree suggested by the company's disclosures.
- ***World's Biggest Offshore Wind Producer Moves Into Hydrogen.*** Danish utility company Orsted A/S, the world's biggest producer of electricity from turbines at sea, took a final investment decision on its first hydrogen project as it expands beyond wind power.
 - Orsted A/S will produce green hydrogen at its Danish demonstration project H2RES.
 - It's a small but concrete step for the company that could help it stand out in the upcoming competition for billions of euros of government subsidies to scale up the industry.

CORPORATE SUSTAINABILITY UPDATES

- ***U.S. Business Lobby Backs Climate Action in Biden Area.*** The US Chamber of Commerce embraced tougher action to combat climate change through carbon taxes, emissions caps or other "market-based" policies—the latest shift by the nation's biggest business lobbying group as it pivots to a Washington dominated by Democrats.
 - In an updated position statement, the Chamber of Commerce says it supports "durable climate policy" that is made by Congress, including "a market-based approach to accelerate greenhouse gas emissions reductions across the U.S. economy."
 - The group is also preparing to announce its support for using federal regulations to directly limit oil and gas industry emissions of methane, a potent greenhouse gas.
 - The new climate statement reflects where corporate America is headed on climate and sustainability and is the result of more than a year of member surveys and group debate over the approach, said Marty Durbin, president of the chamber's Global Energy Institute.

STATE AND LOCAL GOVERNMENT NEWS

- ***Arizona Renewable Energy Standards Targeted by GOP Lawmakers.*** The Republican-controlled Arizona Legislature is moving to strip the state utility regulation commission of the power to require electric utilities to get a certain percentage of their power from renewable sources.
 - Identical proposals in the House and Senate would stop the Arizona Corporation Commission from adopting a proposal that would require half the state’s power to come from solar and other renewable sources by 2035 and 100% by 2050.
 - Members of the commission are split on the proposal.
- ***States Blast EPA Over Carbon, Air Rules in Litigation Barrage.*** California Attorney General Xavier Becerra (D) and New York Attorney General Letitia James (D) led more than a dozen attorneys general in filing nine new lawsuits against the administration Tuesday at the U.S. Court of Appeals for the District of Columbia Circuit.
 - The actions add to a mountain of 11th-hour lawsuits from green groups and states that push back against the torrent of deregulatory moves by the Environmental Protection Agency in the final weeks of the Trump White House.
 - The flurry of lawsuits is an inevitable response to what has been a flurry of environmental rulemaking from the outgoing administration, Hana Vizcarra, a staff attorney at Harvard Law School’s Environmental and Energy Program, said. “I can’t imagine that the fact that the administration is changing would prevent a challenge from being filed,” she said. “They want to be in the discussion no matter what.”
- ***Supreme Court weighs in on cities’ climate change lawsuits.*** Conservative justices on the Supreme Court appeared ambivalent on Tuesday to the oil industry’s arguments in a case that will have wide-ranging implications for the future of climate change lawsuits against fossil fuel companies.
 - The court heard arguments on whether a lawsuit brought by the city of Baltimore against oil and gas companies belongs in state courts, where the plaintiffs want it, or the federal courts, where the oil companies would stand a better chance of winning. The court’s decision expected later this year will likely determine the path for more than a dozen other legal challenges the oil industry is facing.
 - In Baltimore and the rest of the country, the companies have tried to bump the suits up to federal court, arguing that greenhouse gas emissions and climate change are national and global matters, not issues for state courts.
- ***13 States Sue EPA Over Rule Allowing Some Polluters to Follow Weaker Emissions Standards.*** A coalition of 13 states, and the cities of New York and Chicago, are suing the Environmental Protection Agency (EPA) over a rule that allows some major polluters to follow less-stringent standards for some dangerous substances.
 - The rule, which could reclassify some “major” sources of pollution as minor ones, was finalized in October. The EPA estimated that its changes will result in up to 1,258 tons per year of additional emissions of hazardous air pollutants.
 - The legal petition filed Tuesday doesn’t lay out the states’ arguments, but a statement says that they will argue that the rule goes against the Clean Air Act’s requirement to have major pollution sources reduce their toxic emissions by as much as possible. They also plan to argue that the rule is “arbitrary and capricious” because the EPA failed to consider potential emissions increases.
 - Environmental groups have separately sued over the rule.

INTERNATIONAL NEWS

- ***China Welcomes U.S. Back to Paris Pact with Renewed Commitment.*** China welcomed the U.S. back to the Paris accord and promised to make greater contributions to the global climate

MONUMENT ADVOCACY

response. “China welcomes and looks forward to the return of the new U.S. government to the Paris Agreement,” Foreign Ministry spokeswoman Hua Chunying told a daily briefing in Beijing on Tuesday. “We will work with the international community to continue to implement the Paris Agreement, and make greater contributions to the global response to climate change.”

- China and the U.S., the two largest greenhouse gas emitters in the world, played key roles in reaching the agreement in 2015.
- In September, President Xi upped China’s climate commitments by vowing to make the country carbon neutral by 2060. Biden has said he will target net-zero emissions by 2050.

