

Regulatory Climate Change

January 29, 2021 Mary Mendoza, Jeff Civins

PRACTICES Climate Change and Corporate Sustainability, Energy, Power and Natural Resources, Indian Law, Environmental, Oil and Gas, Oil and Gas Litigation

On January 27, 2021, President Biden issued his [Executive Order on Tackling the Climate Crisis at Home and Abroad](#) establishing climate change considerations as “an essential element of United States foreign policy and national security.” The Order sets a broad goal to “put the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050.”

The Order establishes a White House Office of Domestic Climate Policy, which will be led by a former EPA Administrator, Gina McCarthy. The Order also establishes a National Climate Task Force with membership from 21 federal agencies and departments and formalizes a new presidentially-appointed position, the “Special Presidential Envoy for Climate,” which is being filled by John Kerry.

The Order includes a focus on international cooperation and action to address climate change. President Biden announces plans to host a “Leaders’ Climate Summit” and to reconvene the Major Economies Forum on Energy and Climate Summit. Further, he pledges to elevate climate considerations in major international groups and institutions, including the Group of Seven, the Group of Twenty, the World Bank and the International Monetary Fund. Other international moves include development of a climate finance plan to assist developing countries in emission reduction and adaptation/mitigation measures and a directive to all agencies undertaking international activities to evaluate the impact of those activities on climate change.

Expanding on his Day One order rejoining the Paris Climate Agreement, President Biden commits to setting a “nationally determined contribution” under the Paris Climate Agreement prior to the Leaders’ Climate Summit, reportedly set for Earth Day on April 22, 2021.

The Order includes a long list of far reaching provisions, further emphasizing the consideration of climate change issues in all parts of government activities, including:

- An intent to seek ratification for the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (relating to hydrofluorocarbons);
- Plans to use federal procurement power to “support robust climate action”;
- A pause on new oil and natural gas leases on public lands or in offshore waters to allow for a review of permitting and leasing practices (see our previous alerts on [January 28](#) and [January 22](#));
- A directive to eliminate fossil fuel subsidies from the federal budget;
- The creation of the “Civilian Climate Corps Initiative” to “conserve and preserve public lands and water, bolster community resilience, increase reforestation, increase carbon sequestration in the agricultural sector, protect biodiversity, improve access to recreation and address the changing climate”;
- The creation of the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization to coordinate federal resources to revitalize the economies of coal, oil and gas and power plant communities;

- Actions to formally establish the White House Environmental Justice Interagency Council and the White House Environmental Justice Advisory Council, tasked with carrying out the administration’s goal to “secure environmental justice and spur economic opportunity for disadvantaged communities”; and
- A directive to develop and publish recommendations on steps to achieve a goal that forty percent of the overall benefits of certain federal investment be targeted at disadvantaged communities.