

The Biden Administration's Latest Actions to Address Climate Change

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On January 27, 2021, President Biden issued two Executive Orders and a Presidential Memorandum on climate change. These actions are the Administration's latest efforts to follow through on President Biden's promises to take aggressive action to tackle climate change and reach the goal of a carbon pollution-free power sector by 2035 and a net-zero economy by 2050.

The *Executive Order on Tackling the Climate Crisis at Home and Abroad* describes a "whole-of-government approach" to addressing climate change. It establishes the National Climate Task Force to coordinate efforts with state, local, tribal, and territorial governments and recommits the United States to engagement with international climate change organizations. It also affirms the central role of climate change in both foreign policy and national security considerations.

With particular attention to the federal government's own environmental footprint, the order requires a pause and comprehensive review and reconsideration of oil and gas permitting and leasing on federal lands and offshore waters, directs federal agencies to evaluate climate impacts of their facilities and operations, and directs federal agencies to eliminate fossil fuel subsidies to the extent possible under applicable laws. The order also makes significant commitments to addressing environmental justice in federal actions through the Justice40 initiative and creation of the White House Environmental Justice Interagency Council and a White House Environmental Justice Advisory Council.

The *Presidential Memorandum on Scientific Integrity Evidence-Based Policy-Making*, and the *Executive Order on the President's Council of Advisors on Science and Technology* outline the role of scientific integrity, data, and evidence-based decision making. The order establishes the President's Council of Advisors on Science and Technology to advise the President on policies affecting science, technology, and innovation. Federal agencies are also directed to make policy decisions guided by the best available science and data. Finally, the executive actions seek to prevent improper political interference with the scientific process and the communication of scientific facts to the public.

The effect of these executive actions has been swift. For example, the Department of Interior has already revoked approximately 70 permits authorizing oil and gas drilling on federal lands, after officials determined that they were improperly issued. An oil industry group, Western Energy Alliance, has already filed suit in the U.S. District Court for

the District of Wyoming challenging the Department of Interior's implementation of the moratorium on new oil and gas leasing on federal lands and offshore waters while DOI conducts a reconsideration of the program. Follow our blog for further analysis as repercussions continue to unfold.

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