

First Things to Fix

Early actions the Biden administration can take to restore critical environmental protections



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Contents

Introduction	4
The public supports protecting the environment	6
Rolling back the rollbacks.....	7
The first things to fix: Five immediate actions to protect the environment	8
1. Climate: Rejoin the Paris Agreement.....	8
2. Clean Water: Set in motion a repeal of the Dirty Water Rule	8
3. Clean Air: Strengthen federal fuel economy and emissions standards for vehicles and reaffirm California’s authority to set stronger vehicle emissions standards	9
4. Conservation: Withdraw the Trump draft 5-year plan on offshore drilling ..	11
5. Clean Energy: Restore smart energy efficiency policy.....	11
Additional environmental policies to prioritize in the early days of the administration.....	13
Notes	18

Introduction

America is a nation of awe-inspiring natural landscapes. From the Grand Canyon to the Everglades. From Acadia to the California Redwoods. Yellowstone to Glacier National Park. For good reason, Americans have long treasured our great outdoor spaces.

But in recent years, America's environment has been at risk. Air pollution has been on the rise.¹ Many of our bodies of water are at risk of pollution from chemical and oil storage facilities, fertilizers, stormwater runoff, sewage systems, and more.² As greenhouse gas emissions have continued to rise, so have the impacts of global warming, from increased wildfires and hurricanes to heat-related illness.³

And while the U.S. remains a sharply divided country, Americans broadly agree: the government should be doing more to protect the environment.⁴

In the Biden administration's early days, it is critical that we take swift action to clean up our environment and address the climate crisis. There are several important environmental policies that can be set in motion on day one that will protect our natural landscapes and give Americans cleaner air, cleaner water and a more livable climate. Many of these are policies that Americans already worked hard to put in place, but which, over the past four years, the Trump administration rolled back or weakened. At a minimum, the Biden administration should restore these commonsense solutions to protect our land, air, water and climate.

By taking a strategic approach toward implementing these environmental protections in the early days, the new administration can use this as a moment to bridge the divide among Americans and pursue an agenda that enjoys broad support among the public.

With these issues in mind, the Biden administration should set a bold but popular early agenda in the areas of climate, clean water, clean air, conservation and energy. The first five things to fix on day one are:

1. **Climate:** Rejoin the Paris Agreement
2. **Clean Water:** Set in motion a repeal of the Dirty Water Rule
3. **Clean Air:** Strengthen federal fuel economy and emissions standards for vehicles and reaffirm California's authority to set stronger vehicle emissions standards
4. **Conservation:** Withdraw the Trump draft 5-year plan on offshore drilling
5. **Clean Energy:** Restore smart energy efficiency policy

These policies can be implemented or set in motion through executive action on day one and will go a long way toward securing a greener, healthier America.

The agenda for the rest of the first 100 days should then be focused on undoing the many harmful Trump administration rollbacks of impactful and popular environmental policies. This report includes a list of fifteen additional policies that the Biden administration should prioritize.



Americans have long treasured our natural spaces, like the Grand Canyon, and broadly agree: the government should be doing more to protect the environment. Photo: GenesJourney, Pixabay.com.

The public supports protecting the environment

The election made it clear that the country remains sharply divided. It is important that the first actions of the Biden administration be unifying and not widen the divide. Fortunately, many policies to increase environmental protections enjoy broad public support. Clean air, clean water and conservation of our natural wonders are American values ~ not Red or Blue values.

According to a Gallop poll, more than 60 percent of Americans say the government is doing too little to protect the environment and a majority would prioritize the environment even at the expense of economic growth.⁵

Another poll by Pew Research Center found that, leading up to the 2020 election, two-thirds of voters said that climate change was an important issue in making their decision about whom to vote for in the presidential election.⁶ A Yale Program on Climate Change Communication poll found that more than 60 percent of 2016 Trump voters support taxing and/or regulating the pollution that causes global warming.⁷ Another Gallop poll found that more than 70 percent of Americans favor developing alternative energy over fossil fuels.⁸ Seventy-four percent of voters wanted the Land and Water Conservation Fund renewed and funded, according to a National Wildlife Federation poll.⁹ In the American West, 67 percent of voters view the Trump administration's decision to reduce protections for threatened species under the Endangered Species Act as a "bad change" according to the Colorado College State of the Rockies Project.¹⁰ Finally, recent Climate Nexus polling found that only 22 percent of voters agreed that the Trump administration should open the Arctic national Wildlife Refuge to oil drilling.¹¹

But not all environmental policies garner the same levels of support. In its early days, the Biden administration should focus on implementing policies that will meaningfully increase the commonsense, bread and butter environmental protections that the public broadly supports.

Rolling back the rollbacks

According to a list compiled by the New York Times, during his four years in office, President Trump rolled back or weakened more than 100 environmental protections.¹² His administration has steadily loosened oversight of polluting industries, eroded protections for endangered wildlife and stymied efforts to address our most daunting environmental threat: climate change.

These rollbacks have and will continue to significantly increase greenhouse gas emissions¹³ and lead to thousands of premature deaths due to poor air quality every year.¹⁴

By undoing the Trump administration's rollbacks of environmental protections, the Biden administration will be able to protect our natural landscapes and give Americans cleaner air, cleaner water and a more livable climate. Many of the rollbacks have been carried out by the Environmental Protection Agency. Others by the Departments of Transportation, Energy and Interior. A lot of them can be undone through swift administrative action in the early days of a Biden administration.



During his four years in office, President Trump's administration rolled back or weakened more than 100 environmental protections. Official White House Photo by Tia Dufour.

The first things to fix: Five immediate actions to protect the environment

On day one, the Biden administration should take five critical actions to implement or set in motion policies to protect the environment in five areas: climate, clean water, clean air, conservation and clean energy.

1. Climate: Rejoin the Paris Agreement

Earth recently had its warmest September on record, and 2020 is on its way to becoming the hottest year yet.¹⁵ This year has seen record breaking wildfires across the American west,¹⁶ devastating storms and flooding in the Midwest¹⁷ and yet another extremely active hurricane season.¹⁸

The science is clear: in order to preserve a livable climate we need to limit global warming this century to below 1.5 to 2 degrees Celsius.¹⁹ To achieve this, we have to start ratcheting down greenhouse gas emissions immediately. On our current path, we face warming of at least 3 degrees Celsius and to get on the right path we need to reduce greenhouse gas emissions 7.6 percent every year.²⁰ U.S. greenhouse gas emissions dropped in 2019, but not by nearly enough, and only after a sharp increase in 2018.²¹

The Paris Agreement is a landmark accord, signed by nearly every nation in 2015 to combat climate change.²² It sets out a global framework to avoid dangerous climate change by limiting global warming to well below 2°C and pursuing efforts to limit it to 1.5°C. It also aims to strengthen countries' ability to deal with the impacts of climate change and support them in their efforts. The United States played a critical role in forming the agreement, and was an original signatory.²³ But on November 4, 2020, the United States became the only country to formally withdraw from the agreement, fulfilling a campaign promise President Trump made four years earlier.²⁴

By rejoining the Paris Agreement on day one, the Biden administration can reestablish the United States as a global leader in the fight against climate change and recommit to achieving the emissions reductions necessary to avoid the worst impacts of global warming. All by taking action that is very popular among the American public. Seven out of 10 Americans supported remaining in the agreement, according to a national poll conducted by Climate Nexus in 2020.²⁵ In 2020, according to a Pew Research Center poll, climate remained important to the American voter.²⁶

2. Clean Water: Set in motion a repeal of the Dirty Water Rule

Pollution threatens clean water across the United States. Nearly fifty years after passage of the Clean Water Act, far too many of America's waterways face pollution from oil and gas operations,

factory farms, toxic chemicals like PFAS, stormwater runoff, sewage overflows, and more. Part of the problem is failure to enforce the Clean Water Act itself: on 8,100 occasions, major industrial facilities dumped more pollution into our waterways than their permits allowed over just 21 months.²⁷ In other cases, the legal standards on the books are now too weak to protect our rivers, lakes, and streams from polluting operations - including power plants, slaughterhouses, coal ash dumps, and more.

The EPA's Dirty Water Rule left more than half our nation's wetlands and thousands of streams that help provide drinking water without Clean Water Act protections.²⁸ Repealing the Dirty Water Rule can be done administratively and set in motion on day one by the EPA, though a permanent restoration of Clean Water Act protections will likely require Congress to amend the Clean Water Act itself.

Protecting clean water is incredibly popular among the American public. Pollution of drinking water and the pollution of rivers, lakes and reservoirs consistently poll as the top environmental concerns for Americans in a series of Gallup polls.²⁹ According to the Theodore Roosevelt Conservation Partnership, 92 percent of sportsmen nationwide want the federal government to strengthen or maintain current standards for the Clean Water Act.³⁰

3. Clean Air: Strengthen federal fuel economy and emissions standards for vehicles and reaffirm California's authority to set stronger vehicle emissions standards

After seven years of decline, air pollution started rising in 2016.³¹ By 2018, 108 million Americans lived in areas that experienced more than 100 days of degraded air quality.³² That is equal to more than three months of the year in which ground-level ozone (the main ingredient in smog) and/or particulate pollution was above the level that the EPA has determined presents "little to no risk." As a result, millions of Americans suffer from adverse health impacts linked to air pollution, and tens of thousands have their lives cut short.

COVID-19 has been a stark reminder of the consequences of air pollution. The air pollution that results from our heavy reliance on fossil fuels made COVID-19 outcomes worse and has likely contributed to the high death rate in the U.S.³³

Vehicle tailpipes are a major source of health harming air pollution and greenhouse gas emissions.³⁴ Mobile sources may have disproportionately larger impacts on health compared to other sources, because mobile sources are generally in closer proximity to people. A 2019 study estimated that transportation emissions were associated with more than a quarter of U.S. deaths caused by fine particulate matter created by human activity.³⁵ Additionally, transportation is the largest source of greenhouse gas emissions in the United States.³⁶

To promote clean air, the Biden administration should immediately start to undo the Trump administration's unlawful attempt to block California from exercising its authority to set tailpipe emissions standards stronger than the federal standards and the ability of other states to adopt

California's stronger emissions standards. The Biden administration should also reverse the Trump administration's unlawful attempt to set lower federal fuel economy and emissions standards for vehicles. The standards in place before the Trump administration's rollback would have resulted in 1,055 million to 1,317 million metric tons of avoided carbon dioxide emissions by 2026.³⁷

Strict emissions control standards on vehicles are popular among the American public. A 2018 American Lung Association poll found that nearly 7 in 10 voters supported the stronger Obama-era fuel efficiency standards.³⁸



Auto CEOs with then-President Barack Obama and the Secretary of Transportation Ray LaHood at the announcement of the historic clean cars standards” in July of 2011 at the Washington Convention Center. Official White House Photo by Pete Souza.

4. Conservation: Withdraw the Trump draft 5-year plan on offshore drilling

America's natural places provide incredible benefits beyond the witnessing of awe-inspiring beauty. Forests improve air quality and serve as valuable carbon sinks, mitigating over 11 percent of the U.S.'s total carbon emissions in 2017.³⁹ Wetlands can help prevent flooding and remove excessive nutrients from water before it ever enters a treatment plant. In one example, the EPA found that one wetland in South Carolina removed the same amount of pollutants from the watershed naturally as would a \$5 million treatment plant.⁴⁰

Yet America's natural areas are at risk. Coastal zones have lost thousands of acres of critical natural areas.⁴¹ From 2007 through 2017, oil production on public lands increased by 60 percent.⁴² Recent federal actions have eroded protections for natural lands and ocean waters.⁴³

From the grizzly on the ridgeline to the bee in the meadow, from the wolf in the forest to the butterfly in our backyard, America's wildlife is on the decline. Protecting wild spaces and natural areas is critical to the survival of threatened and endangered species, as well as other species in decline.

Despite the danger the action poses to our ocean environments and wildlife, in January 2018, the Trump administration proposed opening nearly all U.S. waters to offshore drilling, representing a drastic expansion of drilling expansion of future oil and gas leasing to the Atlantic, Pacific and Arctic oceans, as well as off Florida's Gulf Coast.⁴⁴ According to a survey conducted by the Program for Public Consultation at the University of Maryland, more than half of voters opposed the plans by the Trump administration to expand offshore oil and gas drilling.⁴⁵

The plan is currently on hold after a federal judge in Alaska ruled that President Trump exceeded his authority in pushing the plans forward.⁴⁶ The Biden administration should withdraw the plans and take the option off the table completely.

5. Clean Energy: Restore smart energy efficiency policy

In 2018, the nation wasted two thirds of the energy that it consumed.⁴⁷ But the American Council for an Energy-Efficient Economy (ACEEE) estimates that we can reduce our overall energy usage by 40 to 60 percent below current levels by midcentury, simply by using better technologies and eliminating waste across our economy.⁴⁸ Reducing energy use creates big savings—for our planet, our climate and our health. More efficient energy use will clean up our air and help combat climate change. As an added bonus, reducing energy consumption results in lower energy bills.

We can address the largest environmental challenges of our time by shifting toward 100 percent renewable energy. And the fastest and easiest way to get to 100 percent is to reduce the amount of energy we need in the first place. It is critical that we cut our energy use and energy waste.

And yet, President Trump's Department of Energy recently weakened a number of rules designed to increase efficiency standards in light bulbs and appliances and reduce wasted energy.⁴⁹ The Biden administration should reverse course and restore strong energy efficiency standards for consumer appliances and industrial equipment.

According to Gallop, as of 2018, 63 percent of Americans preferred conservation versus more production when it comes to how we approach our energy problems.⁵⁰

Additional environmental policies to prioritize in the early days of the administration

The following is a list of an additional fifteen environmental protections that the Biden administration should implement in the early days of the administration. Like the first five, these important protections will have a significant impact on conserving our natural spaces, cleaning up our air and water and combating the climate crisis. They are also policies that will enjoy broad bipartisan support among the American public.

- ◆ **Restore the Roadless Rule for Alaska’s Tongass Forest:** In October 2020, the Trump administration finalized its proposal to allow logging and road building in previously protected areas of the Tongass National Forest, exempting it from the “Roadless Rule.”⁵¹ The Tongass is the world’s largest remaining intact coastal temperate rainforest and contains the largest tracts of old-growth forests left in the United States and is home to myriad majestic species, including grizzly bears, wolves and bald eagles. According to a series of polls, voters in 2020 battleground states showed broad opposition to eliminating the Roadless Rule.⁵²
- ◆ **Update regulations to control methane emissions:** The Environmental Protection Agency (EPA) should update regulations to control emissions of methane and volatile organic compounds from new and existing oil and gas drilling, production, transport, and storage facilities. The Trump administration has let oil and gas companies freely leak methane into our atmosphere ~ a move that could lead to an additional 850,000 tons of planet-warming methane in our atmosphere in just 10 years.⁵³ NRDC released polling in August showing that 75 percent of Americans in 10 key states support updating and strengthening federal standards to restrict the intentional release of methane from oil and gas wells and to require companies to check for and repair gas leaks. Republicans are supportive 2-1 of the standards.⁵⁴
- ◆ **Support ratification of the Kigali Amendment to the Montreal Protocols to phase out the use of hydrofluorocarbons:** Hydrofluorocarbons (HFCs) are extraordinarily potent climate pollutants used in refrigeration, air-conditioning, insulating foams, and aerosols.⁵⁵ Curbing HFCs can bring climate relief relatively quickly. Once released in the atmosphere, HFCs decompose within a few months to a couple of decades, as compared with CO₂, which lasts for well over a century. Phasing down HFC use globally can avoid an additional quarter to half degree Celsius of warming by 2100.⁵⁶ More than 170 countries have signed the 2016 Kigali Amendment to the Montreal Protocols and have agreed to phase out the use of HFCs.⁵⁷ The Biden administration should support signing the amendment and commit to phasing out HFCs.

- ◆ **Support ratification of the Basel Amendment to regulate international waste trade:** Under the Trump administration, the U.S. objected to ratification of the Basel Amendment and filed an alternate proposal, against the wishes of 187 other countries wanting to establish “prior informed consent” of waste trade, to prevent countries like the U.S. from exporting unwanted waste to developing countries.⁵⁸ The U.S. should not only withdraw its objection, but also ratify the Basel amendment.
- ◆ **Reinstate the transportation greenhouse gas emissions reduction performance standard:** The DOT should reinstate a strong transportation greenhouse reduction performance standard. The standard should require that each state meet reduction targets for each 4-year transportation planning cycle. In locations where planned targets are not being met, federal funds should only be allocated to policies and programs that reduce greenhouse gas emissions. Transportation is the largest source of greenhouse gas emissions in the nation and conditioning federal funding on greenhouse gas emissions reductions is an important tool to move us forward in the transition to a cleaner, healthier transportation system.⁵⁹
- ◆ **Reverse the Toxic Water Rule:** Power plants account for 30 percent of toxic discharges to waterways, including arsenic, lead, mercury and selenium.⁶⁰ Yet the Trump administration weakened pollution standards for power plants in 2020.⁶¹ The Biden administration should reverse this Toxic Water Rule and replace it with a regulation that truly curbs power plant pollution to the levels that the Clean Water Act demands.
- ◆ **Strengthen National Ambient Air Quality Standard (NAAQS) for Ozone and Particulate Matter:** The EPA Office of Air and Radiation (OAR) should immediately review and promulgate science-based NAAQS, starting with ozone and particulates where the science strongly supports more protective health standards. Under the Trump administration, the office recently elected not to update the standards.⁶² A growing body of evidence supports establishment of standards for ultrafine particulates.⁶³ OAR should move forward with a monitoring network to support important future standards for ultrafine particulates.
- ◆ **Cancel the EPA’s plan to allow unlined coal ash ponds to continue operating:** Coal ash is what is left behind when power companies burn coal for energy. For decades, utilities have gotten rid of it by mixing it with water and dumping it into so-called ponds, which often leak into groundwater.⁶⁴ Laced with arsenic, mercury, and radioactive substances, coal ash is dangerous to human health and our environment – especially when it leaks into our water supplies.⁶⁵ And among these toxic waste ponds, those without liners are the worst of the worst, lacking even a pretense of preventing leaks into groundwater.⁶⁶ And yet, the EPA under President Trump has moved to allow utilities to store toxic waste from coal in open, unlined pits.⁶⁷ The Biden administration should not allow these unlined pits to continue operating. Further, as technology has unlocked an abundance of clean, renewable energy, it’s high time we stop putting our drinking water at risk.

- ◆ **Strengthen NEPA Regulations:** President Trump weakened the National Environmental Policy Act (NEPA) by limiting public review of federal infrastructure projects to speed up the permitting of freeways, power plants and pipelines.⁶⁸ According to the Center for American Progress, there is broad opposition to the Trump administration's changes to NEPA, with 55 percent finding it unfavorable and only 28 percent finding it favorable.⁶⁹ The Biden administration should restore robust public and environmental review requirements of federal infrastructure projects.

- ◆ **Protect Endangered Species:** In 2019, the Trump administration announced sweeping rollbacks of the Endangered Species Act that would allow officials to decrease the amount of habitat threatened and endangered animals required to survive, remove tools used by scientists to predict future harm to species and allow agencies to reveal the financial burden of protecting wildlife.⁷⁰ A little over a year later, in October 2020, the administration announced that the iconic gray wolf would lose its endangered species status.⁷¹ A 2017 poll released by the Center for American Progress found 70 percent of voters opposed policy initiatives to target iconic species like the gray wolf for removal from protection under the Endangered Species Act, compared with only 22 percent of poll respondents who supported such initiatives.⁷²

- ◆ **Get the lead out of drinking water:** Lead contamination of drinking water is widespread, and more than 24 million children in America are at risk of losing IQ points due to low levels of lead exposure.⁷³ Yet the EPA has failed to order the full and rapid replacement of millions of lead pipes that are a top source of contamination.⁷⁴ The Trump administration is close to finalizing a Lead & Copper Rule that will fail to stop the widespread contamination of our drinking water.⁷⁵ The Biden administration should act boldly to stop widespread drinking water contamination by ordering replacement of all lead service lines. According to EDF Action, there is widespread support among the American public for replacing lead pipes.⁷⁶

- ◆ **Stop oil and gas leasing in the Arctic National Wildlife Refuge:** In December of 2017, Congress passed, and President Trump signed, a massive overhaul of our nation's tax code. Tucked into the bill was a provision that requires the Department of the Interior to offer at least two lease sales for oil and gas development by 2027 in the coastal plain of the Arctic Refuge, reversing decades of protection with the stroke of a pen.⁷⁷ Drilling for oil in the coastal plain of the Arctic Refuge would result in thousands of miles of pipelines, roads and gravel pits, and consume massive amounts of the available fresh water in the region to construct ice roads. It would put the health of the Porcupine caribou herd at risk and endanger the most important denning area in Alaska for polar bears. Drilling in the refuge would forever change the very wilderness values for which it was originally set aside. The Biden administration should move to stop lease sales in the Arctic National Wildlife Refuge. According to a Morning Consult poll, only 38 percent of registered voters support opening more federal and public lands for oil and gas drilling, down from 61 percent in 2014.⁷⁸ When drilling in the Arctic National Wildlife Refuge is mentioned, support falls to 31 percent and opposition rises to 51 percent.⁷⁹



Drilling for oil in the Arctic National Wildlife Refuge would put the porcupine caribou at risk. Photo: Dean Biggins, U.S. Fish and Wildlife Service.

- ◆ **Strengthen the Mercury and Air Toxics Standards:** In April 2020, the EPA finalized a rulemaking that undercut the Mercury and Air Toxics Standards, which limit emissions of mercury and other toxics from power plants that use fossil fuels.⁸⁰ This move could result in increased mercury pollution from power plants, further contaminating our water and air and putting Americans' health at risk. The Biden administration should undo this harm to the standards.
- ◆ **Reduce Pollution from Industrial Flares:** In 2020, the EPA once again failed to update the air pollution control standards for industrial flares, even though the federal Clean Air Act requires that agency review them at least once every eight years to make sure they adequately protect the public and incorporate improvements in technology.⁸¹ Across the country, thousands of industrial flares burn excess waste gases and release pollutants that threaten the health of Americans.⁸² Using outdated standards, industrial flares can release large amounts of air pollution at the local level. The Biden administration should update these to modern, health-based standards.

- ◆ **Restore protections for the Northeast Canyons and Seamounts Marine National Monument:** In 2016, President Obama designated the Northeast Canyons and Seamounts Marine National Monument for the purpose of protecting important ecological resources and marine species.⁸³ The Northeast Canyons and Seamounts Marine National Monument, located off the coast of New England, encompasses nearly 5,000 square miles of marine ecosystems with scientifically important geological features, including three underwater canyons deeper than the Grand Canyon, and four underwater mountains known as “seamounts” that are home to many rare and endangered species.⁸⁴ But in June 2020, President Trump issued a proclamation that reversed monument protections by allowing commercial fishing in this unique, protected ocean area.⁸⁵ The Biden administration should restore the protections contained in the Obama Proclamation, thus safeguarding this ocean monument for generations to come.

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