



CleanLaw 58: Hana Vizcarra and Hannah Perls Assess the Biden's Progress on Climate and Environmental Priorities in His First 100 Days – May 3, 2021

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Robin Just: Welcome to Clean Law, from the Environmental and Energy Law Program at Harvard Law School. In this episode, Hana Vizcarra and Hannah Perls talk about the progress the Biden Administration has made on climate and environmental priorities now that the first hundred days have passed. This recording is from a webinar. And if you'd like to watch the video, you can find it on our [website](#). We hope you enjoy this podcast.

Hana Vizcarra: Hello. I'm Hana Vizcarra and I'm the staff attorney at Harvard Law's Environmental and Energy Law Program. And this is Hannah Perls, legal fellow with our program. We're going to just have a conversation about some of the work we've been doing following federal environmental and climate priorities, particularly in regulation as we've been shifting from the Trump to the Biden Administration, what we've been observing. Hannah, thanks for joining me for this conversation.

Hannah Perls: Any time.

Hana: This is our first time doing a video version of a conversation, you can catch our more professional approach on our CleanLaw Podcast anywhere you get your podcasts. But we're going to keep this very informal and mostly just be talking to each other. Under the Trump Administration EELP did a lot of work to track regulatory changes or a really ambitious deregulatory agenda that was happening under the prior administration in the environmental law space. We were tracking what was happening with individual rules, what that meant for different areas of law and for regulated entities and just our general protections and climate goals as a whole. As we've been moving from the Trump Administration to the Biden Administration, we've been shifting our work to look at the really kind of historically ambitious goals, agenda that has been set out by the Biden Administration and how the legacy of the Trump Administration's deregulatory efforts impact their ability to achieve it.

Hana: I think what we'll start with is just chat a little bit about the sort of first week of the Biden Administration and how they set their agenda out and what we saw there. And then now, we're a little over 100 days into the administration, then we'll shift to sort of talking about what they've been able to achieve so far and how they've been setting up the administration to move forward on their highest



priorities. The first week of Biden's Presidency, he issued a bunch of executive orders, including one on the very first day that was relevant to us and what we're doing, 13990 I think it was. Am I remembering that correctly, Hannah?

Hannah: I don't remember.

Hana: That's the one that really outlined some regulatory priorities. He released the executive order, he told all of the agencies to review all of the regulatory actions out of the prior administration for their compliance with their policies with the new administration's policies and goals. All of the administration's agencies have been going through this sort of extensive rule review process. And it also outlined some specific rules named in the order itself with deadlines and outlined a number of other deadlines. We also looked at a few other orders that were issued in that first week, as well as some other presidential memos and associated directives that made up the bulk of how the new administration was trying to implement its goals. Hannah, do you want to comment a little bit about what some of the first things we saw from those early orders? And we can just start chatting about them?

Hannah: Sure. We should flag that Hana and I wrote a report that's now available on our [website](#) in PDF format, we can also... we have drop down menus grouped by theme. So, it's all on our website. If you're listening to this conversation, you could probably check it out as we're talking. I think if we were just to zoom out and hit sort of the big points, I think one thing that you and I talk a lot about is this whole of government approach, to really every single environment and climate, environmental justice goal that was laid out in these programs, it's no longer just EPA trying to meet ambitious climate targets, trying to integrate environmental justice priorities within the agency. I think I was really struck by this full court press. Most of these deadlines aren't just, "EPA do this, DOI do that." It's every single agency. "We want you to review your scientific integrity policies. We want you to think about how you can direct 40% of federal benefits to environmental justice communities." That whole of government approach to me was really exciting.

Hannah: Hana, you talked a lot about sort of the more specific roles as applied to greenhouse gas emissions as part of this larger rhetoric around really setting an ambitious goal in advance of COP26, consistent with rejoining the Paris Agreement. Maybe that's more your court in terms of sort of how they're going about meeting those agreement through these regulatory review processes.

Hana: Right. As Hannah mentioned, they've now put out an NDC in anticipation of COP26, and this was the week before Biden's 100 days, on Earth Day, where the administration announced a goal of reduction of 50% to 52%, is that right?



Hannah: 2005 levels by 2030.

Hana: Right.

Hannah: It's a rough doubling of what we saw with the Obama Administration, which was 26% to 28% below 2005 levels by 2025. So, roughly doubled.

Hana: Right. And that's a big, ambitious goal and it will require a lot of work within the executive branch, within agencies, not just at EPA to identify ways to improve our emissions profile as a country. And they also have some ambitious legislative agenda that they're going to try to push through as well. We're really focused more on what's happening in the executive branch just because that's where there's action right now. President Biden actually named 14 specific rules in the first executive order with deadlines for when he wanted the agencies to review them and consider making changes to the rule making that the Trump Administration left. And they've already made progress on a number of those, almost all of them have some ... I think all but two or three, by my count, have some action that's already happened.

Hana: This is everything from... They've got a little bit of help from the courts, it's not just action from the agencies. Right before the Biden Administration came in, the courts struck down the ACE rule, which was the Trump Administration's replacement for the Clean Power Plan. So, that's actually not even mentioned in the executive orders because that was already addressed. It's done, but they now have to come up with another plan for what they want to do on greenhouse gas emissions from the power sector. But we have methane rule is actually getting some congressional action right now. The worst piece of the two piece rollback of the methane emissions standards for oil and gas sources, the part that really reinterpreted the EPA's understanding of the Clean Air Act and limited their own authority, that is in the process of being nullified by congress through a congressional review act effort. The senate has already passed their resolution and then it goes to the house and it'll have to be signed there.

Hana: EPA also has a deadline for when to address existing sources. That rule only deals with new sources, the administration is also planning to address existing sources this year. In fact, the deadline was for September. So, we should see a new rule there. Do you want to talk about cost benefit analysis, Hannah?

Hannah: I think that was one thing that was exciting to see. There were only two rules within that list of rules that needed to be reviewed, that had a deadline of as soon as possible. We had the secret science rule and the cost benefit rule that applies to all future rule making under the Clean Air Act for sort of significant regulatory actions, was the language in the rule. Speaking of federal courts, EPA got some help from the district court in Montana, which struck down the secret science



rule. I think that was end of January, we have a writeup on that, on our website. But then with the cost benefit rule, we're now seeing, I think it's currently sitting at OIRA a final rule to rescind the clean air to cost benefit rule. And what that rule did, it was finalized under the Trump Administration. It really limited the kind of science, the kind of sort of human health endpoints that could be considered when EPA takes that science into account in its air rule makings.

Hannah: If you limit the benefits of regulation, what are the scientific benefits to human health of regulating for example particulate matter or regulating hazardous air pollutants, then you are artificially decreasing the benefits of that regulation and that cost benefit scale. That's what this rule did, is it really tilted the scale towards deregulation in an artificial way by limiting the science that agencies can rely on, in this case EPA. I think that is certainly a top priority for the administration because it's going to affect everything from regulating toxic air pollutants, to especially greenhouse gases. Where I think we saw in the Obama Administration they relied heavily on co-benefits in order to reduce GHG emissions. Because those often go together.

Hannah: I think that's where we're seeing a lot of movement, is these really top priority areas where they need to get rid of these regulatory reforms that the Trump Administration put in place that don't just affect one area of rule making, it really affects the capacity of an agency to regular environmental harms across the board. That's where secret science came in, cost benefit, I think those were the two big ones. And then we've actually seen, in terms of sort of where the first progress is being made or where the agency, in this case EPA, is putting a lot of its energy, no pun intended. Sorry, I had to. I think we're seeing a lot of work being done on potent greenhouse gases like hydrofluorocarbons, HFCs, a proposed rule just came out on that.

Hannah: And we're also seeing work done on a lot of the criteria of pollutants regulated under the National Ambient Air Quality Standards, the NAAQS program. We saw a cross state air pollution rule come out, we're seeing some attention paid to particulate matter regulation. So, I think we're going to see a lot of focus on these air areas, in addition to toxics... But that's where we're seeing a lot of the activity right now.

Hana: Right. And actually, of those 14 rules that were listed in the January 20th EO, they're pretty much all emissions rules, except for the cost benefit analysis rule, the Clean Air Act rule, the so called secret science rule is sort of a cross cutting rule for EPA. But the others were all emissions. And I will point out also, the methane rule is also one of those that had broader implications because it was... The reinterpretations of the law that they snuck into the rule making there would've impacted any emissions standards for pollutants that the process for enacting them that the EPA would've had to do moving forward. It established



sort of a... It was the first place that they tried to establish this extra barrier to regulating emissions.

Hana: Let's talk about a couple of the other ones. In addition to the ones we've already mentioned, the administration is moving forward with addressing the changes to the CAFE standards and fuel economy standards and the mercury or air toxic standards, the revocation of the appropriate and necessary finding. And then there was a directive for the EPA to implement a new federal implementation plan for ozone for NAAQS by January 2022. And that's one of the ones we actually, I don't think we've seen much, any action on that specifically yet.

Hannah: No, just the cross state rule.

Hana: Right.

Hana: Before we talk about NHTSA and EPA and car rules, because that's a whole world of its own, I do want you to talk a little bit about that. We'll mention, the other ones of the 14, so if you've tried to count with us, we've haven't gotten to 14 yet, the other ones are all energy efficiency rules. So, there's a whole bunch of energy efficiency rules. And actually, the DOE's efficiency and renewable energy office, Energy Efficiency and Renewable Energy Office, has released its list of all the rules it's reviewing under the Trump Administration, all their energy efficiencies rules that it's going to consider revising this year. This was a list that was requested under the executive order, all the agencies were supposed to submit this list to the White House. We haven't actually seen them publicly, they're not necessarily documents that will be public. But the DOE's list was made public. So, we have a little insight into what rules they're looking at.

Hana: And all of these rules that we're talking about, we've created a spreadsheet that tracks the deadlines that were set out in the executive orders in the early directives by the President and what actions we've seen on them so far. And then we also have a second list that at the same time that the President put out his executive order with all of these directives, there was also a release from the White House of a list of agency actions for review. And this is essentially a broader priority list that the administration came into office with. These were some of the items they thought likely needed some revision. But it was beyond those sort of 14 first actions. That doesn't mean that the agencies are only addressing them. We're already seeing from the list the DOE put out that they've identified some additional rules that were not on that list that they want to potentially make some changes to this year. But it is a really good way of sort of tracking what the administration's doing and having a sense of what their priorities are going to be, at least as far as addressing Trump era actions.



Hana: We'll shift here in a second to talk more forward looking about the proactive priorities of the administration. But this is a way for us and for us to share with you all, how to kind of track what's happening at the administration. Why don't you tell us, Hannah, a little bit about what's going on with the car rules.

Hannah: Stuff with the car rules. I think the context is, this is a really important rollback for the administration. Because we know that transportation as a sector contributes 28% of our national greenhouse gas emissions. So, it's really important that EPA and NTSA, which sits within DOT, has the regulatory authority to control the amount of greenhouse gases that come out of vehicles. One thing the Trump Administration did is there was a joint rule making between NTSA and EPA that constrained the ability of EPA to set greenhouse gas emissions standards for light duty vehicles. And it also eliminated California's sort of special power that it's traditionally enjoyed, to set stricter standards above the federal floor. Specifically for its greenhouse gas standards and its zero emission vehicle standards.

Hannah: When you take that power away, it has a sort of domino effect. Because you have a whole bunch of other states that under Clean Air Act, are allowed to piggy back on California's standards. This was, as a credit to the Trump Administration, a very effective deregulatory rule, what's called the One National Program. And from that, there's a second rule that set new standards for the 2021 to 2026 model years. What we see the Biden Administration doing is kind of a two prong approach. First, restoring the regulatory authority, EPA and NTSA, to set vehicle fuel economy standards on the NTSA side, and for EPA to be able to set its own greenhouse gas emissions standards in concert with NTSA. And at the same time, restore California's waiver, this authority to set higher standards.

Hannah: That is a really thorny legal question, we actually have a student, Lia Cattaneo, who wrote an amazing writeup if you're interested in digging into that. Seeing already I think there was a proposed rule from NTSA on addressing this question of whether or not EPA had the authority to grant that waiver. And then also, EPA right now is soliciting comment on this question of preemption, of whether a separate statute sort of blocks EPA having these authorities. There is sort of regulatory momentum there. It is a very complicated question, so we need to make sure that these agencies are putting forth strong legal arguments that can withstand I think inevitable legal challenge. This is sort of a crucial prong in the administration's broader approach to reducing national emissions as quickly as possible, but in a way that is durable. You need these rules to last. So, they're in this battle between getting stuff done as quickly as possible, but also doing it as thoroughly as possible and resting upon really strong sort of legal arguments and records.

Hana: And that's a good point for some of what we've seen about how the administration and the agencies came in, the agency leadership that came in with



the Biden Administration, really looked to approach rule making. They came in with lists, as we've talked about. They came in with lists, identified issues that they knew they were going to have to deal with right away from the Trump Administration, these sort of legacy issues, in order to even start to make progress on their priorities. I mentioned that in addition to these 14 that were specifically mentioned in the January 20th EO, there was a companion list of regulatory actions for review, there were 104 items on that list, that includes those 14. But 104 items on this list, and at least, by our count so far, I think we've got about 30 or 31 of them that have had some action initiated on them to date, which-

Hannah: Yeah. And that's just the environmental rules.

Hana: Right, this is environment. We're only talking the environmental energy, sort of environmental and climate sector here.

Hannah: Climate, yep.

Hana: I do want to highlight a couple of things that are on that list that we've seen action, before we move on to some of the other priorities. One was a CEQ guidance document. And this was a final rule rescinding a Trump-era guidance document procedures. It was basically procedures in order to achieve guidance. It was a rule about rule making. But CEQ is really going to be key for their proactive agenda. They have to review... They have what's not really in the list here, but they have to review NEPA regulations from implementing regulations that were adjusted under the Trump Administration for the first time since the '70s.

Hana: That's going to be a pretty major undertaking and it also is one that has some competing interests. Because they've also got very ambitious plans on infrastructure development and off shore wind development and an effective process for the environmental analysis of those projects is going to be really important to achieving their goals. Both from a perspective of whether it actually does its job to consider the environmental issues, but also from the perspective of whether they can get their projects through and keep moving forward on those topics. That's something to look out for from CEQ, but it is not on those... not exactly part of that list, as well as the revised guidance on how to incorporate greenhouse gases into... The analysis of greenhouse gas emissions into those reviews. Another one is the road-less rule for the Tongass National Forest. Hannah, remind me where we are on that one?

Hannah: We haven't seen anything explicit on that one yet, just in terms of regulatory review.



Hana: I think they've just sort of issued a pause during the review on sort of an internal memo, on a pause of road construction while they're reviewing it. And then one more that I will highlight, which really ties back to what you were talking about of how the agencies or how the Trump Administration was sort of re-imagining the law in ways that had cross cutting impacts on different rule makings. There was a rule, the pollutant specific significant contribution finding rule, which was first previewed in the methane oil and gas rule, and then was issued as a standalone related to the contribution finding for greenhouse gas emissions from electric generating units. That was a rule that would've added a whole other level of review to EPA's process before they could issue emissions standards. That has already been vacated. EPA asked the DC Circuit to vacate the rule and remand it to the agency, so that one's off the table, which is pretty good for the EPA.

Hana: A number of these rules didn't quite make it to the sort of locked in level that the prior administration was hoping they would. It would've been a lot harder for the Biden Administration to start regulating emissions if some of these rules had been left in place. With that, why don't we turn to some of the new priorities. We've talked... Basically what we've been talking about is sort of the regulatory review process that all the agencies are under right now per the directive of the President, and their sort of effort to repair some of the damage done by this really aggressive deregulatory agenda. Do you want to talk about science and transparency, which is sort of still part of that, but also moving forward?

Hannah: Sure.

Hana: Or you want to talk about EJ issues?

Hannah: The EJ one is a monster, so I think we can do sort of a quick dive into science and transparency. I think the notable pieces are that we saw a lot of moves under the Trump Administration to dismantle the inner workings, sort of the administrative architecture within agencies. So, this is beyond regulatory review, this is sort of how advisory committees are constructed, who gets to sit on these advisory committees, how is science considered, who is at the table when that science is considered, when is that science considered in the regulatory process? All of these choices aren't necessarily part of a rule making, but they have a huge impact on end results, sort of what an agency ultimately comes out with.

Hannah: So, EELP has a mission tracker on our website that looked at those types of moves, specifically at EPA under the Trump Administration. And now what we see with the Biden Administration looking forward is simultaneously trying to undo a lot of that deconstruction and sort of build up those capacities again. So, we're seeing... Probably the notable part is this is happening across the board. This isn't now just an EPA thing. We saw in those initial executive orders that Hana talked about mandates that every single agency take a hard look at what are your needs



when it comes to scientific advisory committees? Do you need to reconstitute those committees based on what happened under the Trump Administration?

Hannah: That's actually something EPA's already done, is they've taken a clean slate and they've decided to eliminate all the members of two really crucial scientific advisory bodies, the CASAC, the Clean Air Scientific Advisory Committee, and the SAB, the SAB, the Science Advisory Board. And this is a response to basically the Trump Administration did a similar thing, they cleaned out the CASAC and they changed the membership of the SAB by citing unfounded conflicts of interest based on whether or not someone receives EPA funding. Even though federal courts have already found that just because you receive EPA funding doesn't mean that you have a conflict of interest. And the notable part of it was that that change didn't provide a corollary requirement for folks who received funding from industry or regulated entities.

Hannah: So, we're seeing a response to how these advisory groups changed in the Trump Administration, but also kind of going above and beyond. Folks are adopting the ethics requirements from the Obama Administration, but adding new criteria. We have a mandate that every single agency look at their scientific integrity policies and issue a report that describes those policies, what changes need to be made to those policies. And I think we're also seeing a lot of internal activity, not necessarily mandated under those rules, but consistent with these broader stated priorities from the Biden Administration that we're committed to scientific integrity, we're committed to transparency.

Hannah: For example, administrator Regan issued an internal memo that basically said we're going to protect whistle blowers, we encourage you to come forward if you see something. We are going to take a hard look at our transparency policies and make sure that we are being as transparent as possible, that we're processing [inaudible 00:25:22] requests as quickly as possible. I think it remains to be seen sort of how well these policies and these priorities will be administered. But at the very least, we're seeing a lot of public proclamations that said this is what we're about now. And we're deeply committed to not just reversing the Trump Administration, but also reinvigorating those commitments through new policies, new procedures. And making all that public, so that there's increased accountability in terms of whether or not we're actually meeting those goals. That wasn't as short as I promised, but-

Hana: Yeah, that works. Yes. There is a lot happening. And I think it's important, what you... To sort of remind people that some of this really is a reaction to what happened under the prior administration. It's not just we're going to do something completely new. A lot of this is reacting to the sort of limiting roles for the scientific community and the rule making process that we saw under the Trump Administration. And also more limited opportunities for who can



participate. They really kind of gutted some of these advisory committees. And it's been interesting to see them get back up and running and also being incorporated into the rule making process again in ways that they were sort of cut out under the prior administration.

Hana: Let's talk about the environmental justice goals. This administration not only made a really big commitment on climate from early on saying it was going to have it as one of its top four priorities, but paired it with this concept of environmental justice, this idea that we can't act on climate without also addressing the inequitable impacts of pollutants on different communities and other types of environmental harms. And realizing that sometimes climate action can have inequitable outcomes as well. And that that should be considered in this process of acting on climate. I think one of the remarkable things that we've observed in these first couple of months is that this seems to be so much more than just talk about this issue. That there's actual structures being set up and put in place in order to push these discussions into the rule making process, into funding processes, into sort of the operations of the government.

Hana: Now I would say the action we've seen is very heavily oriented towards sort of personnel and taskforce development and sort of report requirements as far as asking the agencies to think about these issues and provide their expertise on how they could integrate these concepts into their work. But these are sort of all foundational elements that they have to have in order to achieve this goal, one of which is the Justice 40 goal, and really make this have a lasting impact on how the government does business and how it impacts communities around the country. Why don't you give us some of your sort of top priority items of what you've seen so far. And we have a whole piece of our 100 days summary that talks about this and goes into more detail.

Hannah: Yeah. I think one thing that is important to highlight, so when we talk about environmental justice, certainly addressing disparate impacts is a piece of it. But also, meaningful stakeholder engagement is that other piece of environmental justice. And I think what's exciting to me is that we're seeing the administration, again, at least in policy in these public declarations and preliminary Presidential memos, say that this really matters. We're not just going to focus on equitable outcomes, but also early informed and meaningful engagement with stakeholder communities. And I think that piece of it has been a longstanding cry from the EJ community. We are not a check box, we want to be involved, we want to be involved throughout, we want to have a meaningful say in decisions that affect our communities. And I think at least in these preliminary Presidential memos and priorities that agencies are putting out, we're seeing that.

Hannah: Again, it's one of those things where we'll have to see if that translates to hard action. But I wanted to flag that stakeholder engagement piece. I think the other



thing that's really exciting is as CEQ is developing its guidance around Justice 40, as OMB is developing its guidance around Justice 40, we're seeing a lot of agencies being like, "Yeah, but we can walk and chew gum at the same time." So, we're going to identify all these places where federal funding or federal benefits could be redirected to prioritize EJ communities. But we're also going to do it as we find these programs. I think one thing that's surprising, but fun to see, is DOE and DOT have really come out ahead in terms of directing not just millions, but in some cases billions of federal dollars in new ways, prioritizing racial equity as a fundamental component of who is going to get these federal dollars. How are we going to assess the effectiveness of these investments?

Hannah: Of course, all that is being fed and directed by a really deep bench of environmental justice experts. So, it's not just the cream of the crop at the top of these agencies. Of course, which is really notable in and of itself, Brenda Mallory at CEQ, Cecilia Martinez at CEQ, Deb Halland, the first Native American Cabinet member. These are major appointments. And they're being backed up at every level within the agency. I think the other piece of it that's exciting is that deep bench, they're not just filling environmental justice seats. These are people who are filling positions for which they are eminently qualified and they bring an equity lens to the work that they do. I think for me, that gives me hope that a lot of these priorities and promises and pledges are going to be followed through on. Because you've brought people into the agency who are committed to seeing those results. Personnel, stakeholder engagement, redirecting of funds, these are things we're already seeing. And I think-

Hana: And explain... I don't know that we actually gave enough

Hannah: Explain Justice 40.

Hana: ...what Justice 40 was. For those that aren't following it the way we are, why don't you just explain what this commitment is? Because this is sort of a government-wide commitment from the administration and they gave it a name, it's got a whole marketing backdrop to it. But tell us what the Justice 40 Initiative is.

Hannah: Sure. I think this is a really fundamental piece of the administration's environmental justice agenda. The Justice 40 Initiative promises to direct 40% of all federal benefits, that's the language in the executive order, towards disadvantaged communities. And OMB and CEQ are developing plans that hopefully will define a little bit more which benefits are included, who qualifies as a disadvantaged community. But the idea is to reinvest in communities that have experienced historic and even present disinvestment in enforcement, in infrastructure, in the ability to access federal programs. And that commitment is



married with actually the racial equity executive order, which I think doesn't get a lot of play in environmental circles.

Hannah: But one of the mandates in that order was to create, for every federal agency, an equity plan. And that plan has to look at are there any existing barriers? Are there things that keep disadvantaged communities from being able to access or participate in federal benefits? At the same time that we're going to identify new ways of directing federal money and programs and subcontracts and loans towards disadvantaged communities, we're also going to look at what's keeping those communities from historically being able to access federal benefits? Hopefully by tackling it from both ends, you'll get a really effective Justice 40 program. I think what we're going to be looking for in the next few months is who has identified the programs that can be used towards this 40% goal, what benefits are going to be included, who qualifies? And how easily are communities able to access those benefits directly versus seeing those federal monies get sort of diluted in the process of allocating them? That's of where the rubber meets the road, that's where the devil's in the details. But as a commitment, it's a really extraordinary unprecedented way of tackling this historic disinvestment in EJ communities.

Hana: I'm not quite sure how long we've been going now, probably a good half hour or so.

Hannah: Too long.

Hana: We may not want to touch on too much else, but we've not even come close to hitting all of the topics. There's some other major ones that I'll mention and if you feel like we should talk about, just tell me to talk about them. One is some of the other major actions happening right now is the review of energy leasing and permitting. The Department of the Interior is reviewing their entire program for oil and gas leasing and permitting and what they... for both priorities of how they should address land use and compliance with the policies in the new administration. We really don't know what's going to come out of that yet. But we have seen some first steps and action towards developing these issues. The administration has held some webinars and open forums, kind of public forums on the topic, and initiated not really a formal public comment process, but an informal information gathering process of asking people to submit information they think should be considered in this process.

Hana: And they've had some targeted, and actually going back to EJ, they've had some targeted discussions with traditionally concerned groups around the use of federal lands and public lands for oil and gas development. And just sought to get their input from the get-go on what they should be considering. Some of that, I watched a daylong or afternoon-long public forum that they did on this. And a lot



of it, it seems at that level you can only go so far and they're relatively superficial. But these are creating new opportunities for engagement, these really did seem like discussions that were going to continue with the agency, and it's still early days to see what comes of that. This is of course a really major effort and one that will likely, is already attracting a lot of interest in litigation and challenges.

Hana: So, I don't want to spend too much time on it, because honestly, we don't really know what they're going to do yet. And it's still pretty early. And permitting is still continuing for existing leases, so activity is still moving forward. The pause only addresses new leases and new permits. Well, sorry, new leases. We don't really know what the agency's going to come out with. At the same time that they're doing that, they're looking at oil and gas leasing and the procedures and processes around their permitting program, they're also really pushing forward on some very specifically laid out ambitious goals for off shore wind. And that's actually something that came out later, just in the last month.

Hana: The government, the White House sort of laid down some numbers and said, "We want a certain percentage of off shore wind. We want a certain number of construction operating permits to be approved by a certain time." So, I think it's 16 by 2025. They have this 30 megawatts of off shore wind by 2030 goal that they're trying to move towards. You got to remember that there's basically none of that right now. We have no real significant off shore wind in federal waters, or anywhere really, but federal waters is what we're talking about here. So, these are ambitious goals. But we've already seen quite a bit of action moving towards them.

Hana: One, the Vineyard Wind Project, which is the furthest along in the process, has moved to the next stage. We're waiting for final approval of its construction and operating permit, but its environmental impact statement had been held up under the prior administration and there's been a whole history of that. We have a number of pieces that talk about it on our website. But we're over that hump, so we're moving forward. Of course there could easily be challenges to these things in court, and that will be something the administration will have to deal with. But beyond that, they've already announced a number of other projects that they're reviewing. I think there's four projects now that they're starting the environmental assessment process for construction and operating permits for three or four additional major off shore wind facilities. There's action moving forward there.

Hana: They're also moving in that direction from the infrastructure development side of things, funding towards on shore support and job training and things along those lines. All of this was part of their big American Jobs Plan that was released recently. We're not going to go into detail about that, there's so much in there to



talk about. And a lot of it is also dependent on funding from congress as well. There's a lot of action in that area.

Hana: Another item that I think is probably not... we don't have time to really go into it in detail, but worth mentioning, is there's action happening at the more independent agencies as well. The SEC is one that I follow very closely. While that isn't as directly connected to the President's directives because he doesn't have the same level of control over their activity, their regulatory activity, their leadership has changed as a result of the election. And that has kicked off a really dramatic shift in priorities. And climate risk disclosure is one of their top priorities right now. They're incorporating concerns over how companies are looking at climate change and assessing it for the purpose of their own risks and potential opportunities and reassessing their examination procedures, their enforcement procedures, prior guidance. Potentially, they've opened up a public comment period that also includes the potential for new regulation, new prescriptive requirements on climate change in public company disclosures. There's a number of other actions in that area and there's a whole bunch of things happening there.

Hana: We actually do have a page and chart that tracks that on our website as well and we can include that in the notes for this video. There's action happening all over the place and I actually should also mention that even at FERC there's action. I'm not the expert on FERC and Hannah and I will always direct everyone to Ari Pescoe in our office to talk about FERC. But he tells me that FERC has made clear that they will be directing their efforts to facilitating the clean energy transition and sort of reconsidering or I don't know if they're officially reconsidering, but listening to some of the concerns related to some of their prior decisions that might have created additional barriers to integration of renewables into the system. That's all I can say on FERC, go look at Ari Pescoe's work for more.

Hana: But these are just some of the other priorities we're seeing. So, it really does push down into so many more agencies than the EPA. EPA is a big part of the environmental program and the administration's plans for getting to their climate goal, hitting their climate goals. But every agency is involved. We've seen tremendous action from DOE, DOT, SEC, pretty much any agency you name, there's something happening. There's a climate counselor at Treasury now, there are new positions in all kinds of areas that you didn't necessarily think of as really directly incorporating these issues into their work.

Hana: I think if nothing else, we can say that the new administration is acting on its promise to make this a whole of government approach. What these new positions and new people in these places really mean from a results perspective and what they are able to achieve, we're still kind of early in the process. But even to have these considerations integrated in a different way and the work the different agencies are doing is a different approach than what we've seen before. I don't



know Hannah, if you have some other items we should touch on or maybe just sort of wrap up comments?

Hannah: I think just flag, maybe you can talk to wrap us up about what kind of resources EELP will be providing moving forward as we've done our big sort of week one EO assessment, executive order assessment. We have this 100 days report that looks at progress made so far on those initial promises. So, maybe talk a bit about how we see EELP contributing to this conversation going forward as the administration's goals become a little more concrete.

Hana: Absolutely, yeah, that's a good point. I mean, we're going to continue to track these developments, analyze these developments. And we have, as part of our 100 days report, we have this sort of spread sheet bonanza thing going that is helpful for tracking some of these early... what's happening on these early identified priorities and really specific directives. But we also have a page up already that is where we're going to kind of chronicle and keep track of all of our analytical work on particular topics and rules and new priorities. We have an environmental governance page on our website where all of these things are linked from. And we'll include that in the description of this video.

Hana: Keep coming back, keep looking for stuff from us. We will be updating our charts regularly. We have a regulatory tracker email list that we will be sharing all of these analysis through as we develop them, as well as our EELP news list, which is a more general coverage of other work that we do at the organization. So, we encourage you to sign up for both of those emails as well. What else should I highlight, Hannah?

Hannah: I just wanted to flag that everything that we've talked about, especially the regulatory tracker work, is built on students. Hana and I get to have this conversation, but I just wanted to flag and thank all of the students who really made that work possible. It's an enormous lift to keep tabs on everything. Certainly that work would not exist without student researchers who do an amazing job.

Hana: They not only help us just keep track of information, but they do their own writing and scholarship with us. You'll see on some of these pages I mentioned, that a lot of the pieces are actually authored by our students working with us. But they are tremendously capable and have some really interesting insights that have proven to be a huge addition to our work.

Hannah: If you're a student and you've made it this far in the conversation, one, kudos because the semester's probably over. Two, if you're interested in working with us, you should definitely reach out. And also, just flagging our comms team, Robin, Kyra and Sara, there's an army of people who make that work possible.



And their faces aren't here, but they contribute. So, I just wanted to flag that. Otherwise, if you're listening and you've gotten this far, thank you. If you had ideas, you can always email us. And we love hearing from folks, especially if you're using these resources, we love to hear from you. How you're using them, do you have feedback and ideas on how we can make them better? That's all really helpful feedback.

Hana: Absolutely. Absolutely.

Hannah: That's all I got.

Hana: Yeah. Well, I think if anybody's made it this far, I am impressed. Because this was a little dense. But it was fun for us, I hope it was fun for some of you as well. This was also our first time trying to do a Zoom-style video recording conversation about our work. So, we'll hopefully do some more of these in the future in additional updates maybe in a little more concise version next time around. Thanks, everyone.

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