

ARTICLE

How the Biden Climate Plan Reaches your Business

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The January 27, 2021, Biden Administration "Executive Order on Tackling the Climate Crisis at Home and Abroad," (Climate EO) and related announcements – rejoining the Paris Agreement and establishing a commitment to the principles of sound science – were greeted with much fanfare. The Climate Policy drought is over in the United States, and so it is time to turn to what that means for U.S. business. To begin, let's look at the seven pillars of the Climate EO –

1. **Foreign Policy Considerations** – The EO establishes climate considerations as an essential element of U.S. foreign policy and national security and affirms the Paris Agreement's objectives. This begins the process of developing a U.S. emission reduction target and climate finance plan.
2. **A Government-Wide Approach** – The EO establishes a White House Office of Domestic Climate Policy charged with implementing the President's domestic climate agenda and a National Climate Task Force of leaders from across 21 federal agencies and departments to enable a whole-of-government approach to climate issues.
3. **Leveraged Procurement** – As discussed in a recent Wiley alert, the EO directs federal agencies to procure carbon pollution-free electricity and clean, zero-emission vehicles, and requires procurement purchases be to Made in America. It directs the Secretary of the Interior to refrain from entering into new oil and natural gas leases on public lands or offshore waters and to identify steps to double renewable energy production from offshore wind by 2030.

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Practice Areas

Climate Change
Environment & Product Regulation

4. **Sustainable Infrastructure** – The EO accelerates clean energy and transmission projects under federal siting and permitting processes and seeks to ensure that federal infrastructure investment reduces climate pollution.
5. **Agricultural Conservation** – The EO commits to the conservation of at least 30 percent of U.S. lands and oceans by 2030 and directs the Secretary of Agriculture to collect input on how federal programs can encourage adoption of climate-smart agricultural practices.
6. **Energy Revitalization** – The EO establishes an Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization tasked with reducing emissions of toxic substances and greenhouse gases from existing and abandoned infrastructure and preventing environmental damage that poses a risk to public health and safety. The EO also directs federal agencies to assist coal, oil and natural gas, and power plant communities.
7. **Environmental Justice** – The EO establishes a White House Environmental Justice Interagency Council and a White House Environmental Justice Advisory Council to prioritize environmental justice. It also directs federal agencies to develop policies to address environmental injustice.

By studying these seven pillars, the precise direction begins to emerge. The path forward involves broadened sustainability concepts and shared responsibilities that will affect virtually every industry sector in the U.S. in some way. This will be transformative. Consider Pillar 3's Made in America procurement initiative. Businesses are looking for a way to climb out of the pandemic economic wasteland and new procurement policies will extend a helping hand to America's businesses. We are working with our "big-brain" colleagues at Wiley with high level private sector and government service experience in procurement and supply chains to identify opportunities. These initiatives will offer opportunities to industries developing sustainable chemistry and technology innovations in the battery, chemical, cosmetic, bio-plastic, steel, construction material, and energy storage sectors – just to name a few. Congressional proposals are already formulated and raise questions about the implications noted above. Also, considerations relating to state cooperation will certainly emerge as the policies that stem from the EO begin to interact with existing state and local laws and regulations. Climate response is on the immediate horizon – for all of us.