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Biden lays groundwork for environmental regulations

By [Zack Budryk](#) and [Rachel Frazin](#) - 03/28/21 06:18 PM EDT

The Biden administration is poised to take significant action on a range of environmental issues.

In the coming weeks, officials are expected to release a new plan for reaching the goals set out under the Paris Climate Agreement and recommend changes to several national monuments. More broadly, the administration is considering steps that could include taking a harder line on climate regulations.

And while the regulatory process can be slow, Biden officials have already made moves to delay or nix certain Trump era rules, in addition to setting sights on replacing them. Environmental groups have indicated they're willing to be patient as the process unfolds.

"It's going to take time to undo all the harm — to wildlife, to special places, to communities, and to the climate" sustained under the Trump administration, Athan Manuel, director of the Sierra Club's Land Protection Program, said in an email.

Through a series of executive actions since taking office, [President Biden](#) has charted a course for his administration to undo many of the environmental policies implemented by his predecessor.

After moving to rejoin the Paris Agreement, administration officials said that by Earth Day they would revise a national plan outlining the country's commitments under the international accord.

In doing so, Biden is expected to exceed the Obama-era goals of reducing U.S. emissions by 26 percent to 28 percent compared to 2005 levels by 2025.

Starla Yeh, director of policy analysis at the Natural Resources Defense Council, said her organization will call for the administration to set a reduction of at least 50 percent of 2005 levels by 2030.

To make that happen "is really going to require very strong and ambitious policies throughout the economy," Yeh said.

"That kind of successful policy package really needs to include a range of standards and regulations, likely coupled with incentives and funding programs to deliver affordable and robust emissions mitigation for all of the sectors," Yeh added.

The administration is also [expected to increase](#) what it considers the "social costs" of emissions of carbon dioxide, methane and nitrous oxide. The social costs are factored into the rulemaking process when agencies do cost-benefit analyses of actions that would increase or decrease emissions.

Ascribing higher social costs to emissions could then be used to justify more stringent climate regulations across the board. The new formula is slated for release by January, less than a year before voters head to the polls in the midterm elections.

Significant changes are also in the works at the Interior Department, where Biden instructed the agency to review three national monuments that were altered during the Trump administration.

The review of the Bears Ears and Grand Staircase-Escalante monuments -- where former [President Trump](#) reduced the amount of protected land -- and the Northeast Canyons and Seamounts Marine National Monuments, which Trump opened to commercial fishing, is supposed to determine whether it “would be appropriate” to restore the previous “boundaries and conditions.”

While the report on the national monuments was originally slated for completion on March 21, the Interior Department has said [it will now be released](#) next month after Secretary [Deb Haaland](#) visits Utah, where two of the monuments are located.

“There is a long record because the Obama administration did so much work on the ground before protecting Bears Ears the first time,” said Aaron Weiss, deputy director for the Center for Western Priorities.

The Biden administration has also listed dozens of Trump-era environmental rules across several agencies that it plans to review, including rules governing air quality standards, water pollution and greenhouse gas emissions.

The administration also has its eyes on reversing Trump’s roll back the Migratory Bird Treaty Act, a move that eliminated previous penalties for companies that accidentally or incidentally kill birds.

The Interior Department said earlier this month that it would propose a rule to revoke the Trump era rollbacks to that law, setting it up to be one of the first environmental regulations taken on by the Biden administration through the lengthy regulatory process.

In the meantime, the Biden administration has announced that it intends to rescind a legal opinion undoing penalties for companies that accidentally or incidentally kill migratory birds.

But the Trump rule will take effect for now.

“We’re in court on that one challenging the rule,” Noah Greenwald, endangered species director for the Center for Biological Diversity, told The Hill. “We already had gotten the court to say the legal opinion was unlawful [and] the rule itself relies on exactly the same reasoning.”

“We’re still hopeful they are going to overturn that rule,” he said of the administration, adding that a formal rescission will take “at least a couple of months.”

In the courts, the administration has signaled a desire to halt legal challenges to several Trump-era rules, a sign that the Justice Department would abandon its defense of those regulations. They have already made that request regarding at least one major climate rollback: the Trump administration’s rescission of California’s ability to set its own tailpipe emissions.

The Environmental Protection Agency (EPA, meanwhile, is [slated to look into any interference](#) in science that may have occurred during the previous administration, with Administrator [Michael Regan](#) recently asking employees to report any “items of concern” to scientific integrity officials.

[The New York Times](#) reported that staffers are expected to highlight about 90 such instances, including those dealing with toxic chemicals and studies discounting the negative effects of a frequently used weedkiller.

Stan Meiburg, an acting deputy administrator at the EPA during the Obama administration, said that kind of review could help officials identify which items are a high priority.

“The agency has got a tremendous workload ahead of it in not only reviewing all these old rules but also in moving forward on new activities,” he said. “But I do think if there’s a finding that a particular scientific assessment was skewed in such a way that it inappropriately gave you a less-stringent number, that’s something that’ll help bump it up the attention level within the agency.”