

Environmental Policy and 2024

BY ALEX GUILLÉN AND JESSIE BLAESER | 05/01/2024 05:00:00 AM EDT

PRO POINTS

- **Democratic priority: Reelecting President Joe Biden is Democrats' best bet to lock in the** environmental policies enacted in his first term. Another four years would give Biden the time needed to defend his major climate and conservation achievements — which may face tough tests in front of the conservative Supreme Court.
- **Republican priority: Getting Donald Trump back in the White House is Republicans' best shot at** quickly rolling back Biden's environmental regulations. Failing that, winning control of the Senate and holding the House would give the GOP more tools to stymie Biden's agenda in a second term.
- **What to watch: A Trump win could subject regulated industries such as utilities and automakers to** the type of policy whiplash that executives dread. The past decade has been filled with regulatory uncertainty, but the sharp environmental policy splits show the two parties have little chance of striking compromises on regulations that can withstand a change in power.

HOW WE GOT HERE

Biden has made climate change and environmental justice key parts of his reelection strategy. Overall, he's pleased environmentalists, who credit him with achieving more on climate change than any prior president. Biden did that in part through regulation, including blockbuster rules targeting greenhouse gas emissions from the power sector, cars and trucks and from oil and gas production. Biden also pulled off something many thought was impossible by getting Democrats' Inflation Reduction Act — and its record clean energy investments — and two other bipartisan laws passed.

Those regulatory and legislative actions could well be overturned if Trump takes back the White House this fall. It happened in 2017, when he gutted various Obama-era environmental rules. Even if Biden is reelected, he still faces a rocky road getting past the conservative-dominated Supreme Court.

WHAT'S NEXT

Climate Change

The differences between Biden and Trump on climate change could not be more stark — or more polarizing. A second Biden term would involve

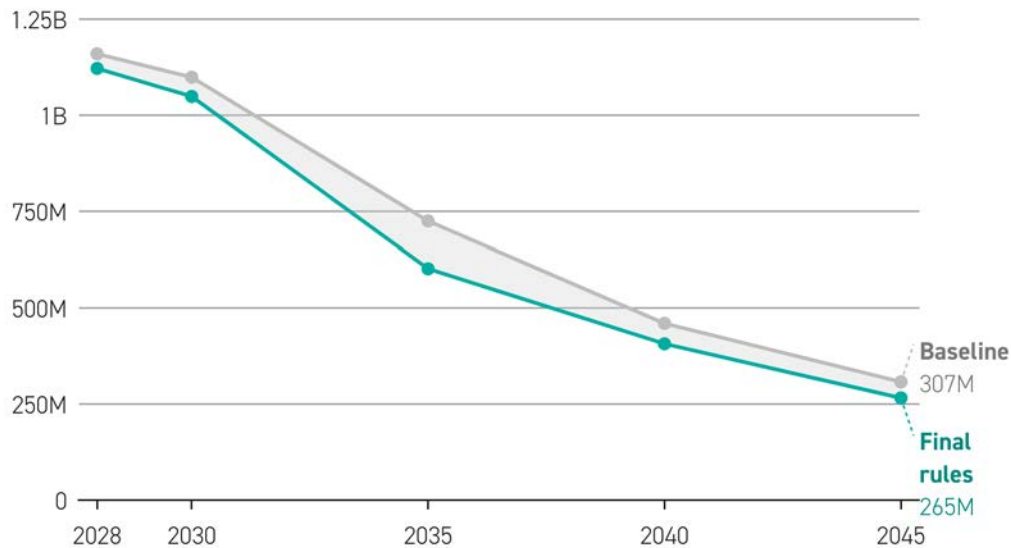
defending and implementing the rules from his first term. That could include expanding their reach to cover other major industries like steel or cement production. On the flip side, Trump would be virtually certain to claw back those rules, adding years of delay to the regulatory landscape.

– **Leaders:** EPA air chief Joe Goffman is the key architect of the Biden administration’s climate regulations, and Todd Kim at the Justice Department is in charge of defending them.

– **Election prospects:** Environmentalists say Biden is a strong climate president, but some young voters – who are a critical demographic to his reelection – are turned off by his approval of a handful of fossil fuel projects. One key issue still undecided is regulation of existing natural gas power plants; the future of that rule will be determined by who sits in the Oval Office next January.

New power plant rule projected to drop power plant emissions to 265 million metric tons by 2045

Electric generating unit projected annual carbon dioxide emissions and emissions changes, metric tons



Source: Environmental Protection Agency
Jessie Blaeser/POLITICO

Electric Vehicles

This is another policy area where the two parties are far apart. Biden is looking to use regulation and federal investments in domestic manufacturing and charging infrastructure to dramatically expand sales of new electric vehicles by the end of this decade. Republicans argue he’

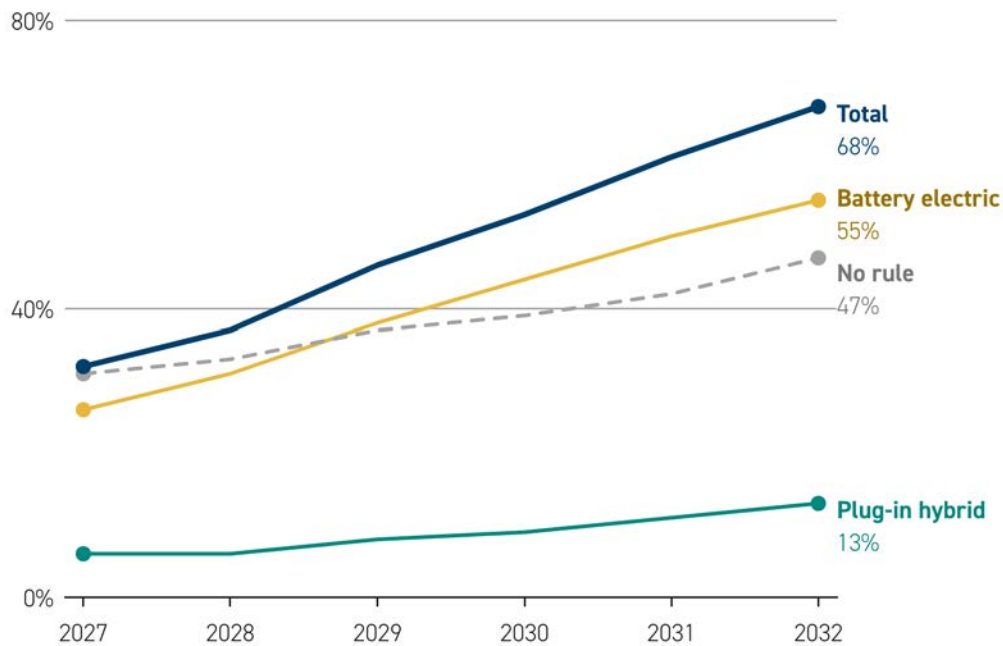
s stripping choice away from consumers and making the industry reliant on Chinese batteries, while adding strain to the already-stressed power grid.

– **Leaders:** John Bozzella, the head of the industry trade group Alliance for Automotive Innovation, has formally embraced the Biden administration’s rules just seven years after automakers asked Trump to ease prior Obama-era standards. Shawn Fain, the head of the United Auto Workers, is also a power player in this space as Democrats try to balance advancing EVs with pleasing labor groups.

– **Election prospects:** Trump would absolutely yank this rule, even with automakers on board. If Biden wins, his foes will ask the Supreme Court to strike it down – and if the court agrees the rule is transformative for the economy, it may well do that.

EPA rule would boost electric vehicle adoption to meet Biden's goal

Electric vehicle adoption under EPA's rule versus no regulation



Note: These are projections and represent “one of many possible compliance pathways,” EPA said.
Source: Environmental Protection Agency
Alex Guillén/POLITICO

Water

The U.S. water sector is facing compounding pressures that threaten to sharply drive up consumer costs: Aging drinking water and wastewater systems require major upgrades to keep functioning, dangerous new chemicals are showing up in drinking water supplies, cyber attacks are

increasingly targeting water infrastructure, and climate change is shrinking supplies across the West, especially along the Colorado River. The Biden administration has responded with major infusions of funds through the bipartisan infrastructure law and the Inflation Reduction Act, as well as strict new regulations for toxic “forever chemicals” and lead pipes.

– **Leaders:** EPA Administrator Michael Regan is leading the efforts since the departure of agency water chief, Radhika Fox earlier this year. On Western water, Bureau of Reclamation Commissioner Camille Calimlim Touton is trying to prod states to strike a compromise over how to share shrinking water supplies and has pressed lawmakers for the money and policy fixes to make deals possible.

– **Election prospects:** The Biden administration’s aggressive new drinking water limits for PFAS are likely vulnerable under a second Trump administration, even though his first EPA Administrator, Scott Pruitt, launched the regulatory process. Negotiations over new rules to govern the Colorado River are not likely to be wrapped up by the end of Biden’s first term – nor are parallel negotiations with Mexico over the West’s most important waterway.

Environmental justice

The Biden administration has put a greater emphasis on pollution in historically disadvantaged communities than ever before, including directing billions in spending (including to ailing coal communities) and issuing stringent rules for cancer-causing chemicals like ethylene oxide. But that in turn has ramped up pushback from the right – including lawsuits from Louisiana that stopped an EPA civil rights investigation in its tracks and a new effort to end federal environmental civil rights requirements.

– **Leaders:** EPA Administrator Michael Regan made environmental justice an early focus ever since a 2021 tour through the so-called Cancer Alley in Texas and Louisiana. But the White House has yet to nominate anyone to run EPA’s recently formed Office of Environmental Justice and External Civil Rights.

– **Election prospects:** The Trump administration contemplated lifting federal rules requiring states to consider the “disparate impacts” of permitting decisions on communities of color, but never finished the job. With a new push from two dozen Republican-controlled states, that could change if Trump is reelected.

POWER PLAYERS

- **John Podesta:** After helping oversee implementation of record climate spending in the Inflation Reduction Act, Podesta soon will take over from John Kerry as the nation's climate envoy. Convincing the rest of the world that the U.S. won't walk away from its international commitments is no easy assignment.
- **Sen. Shelley Moore Capito:** The West Virginia Republican is poised to lead the Senate Environment and Public Works Committee should the GOP take control of the Senate next year. She has railed against Biden's climate and environmental agenda and could use the gavel accordingly.
- **Joe Goffman:** The head of EPA's air office has a direct hand in deciding many of the administration's biggest climate rules. If Biden wins a second term, he'll be key to defending them and expanding into new sectors.
- **Automakers:** Transportation is the nation's top source of greenhouse gases, and decarbonizing that sector is critical to Biden's climate goals. Manufacturers weren't happy when Trump significantly weakened Obama's standards in his first term; they could be critical to his reaction in a second term.