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EARTH DAY CELEBRATION 2021



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Program Overview

April 19: The Biden Administration's 'All of Government' Approach to Environmental Policy: Climate Change, Environmental Justice, and Beyond

April 20: Regulatory and Legislative Developments in Climate Change and Renewable Energy

April 21: P-FASTen Your Seatbelts: A Look at Emerging Contaminants in 2021

April 22: Environmental Justice Under the Biden Administration

Register at <https://www.morganlewis.com/events/earth-day-celebration-series>

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**The Biden Administration's
'All of Government' Approach
to Environmental Policy:
Climate Change, Environmental
Justice, and Beyond**

April 19, 2021

Duke McCall
Doug Hastings
Meredith Compton

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Presenters



Duke McCall
Partner, Washington, DC



Doug Hastings
Associate, Washington, DC



Meredith Compton
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Today's Agenda

- The "All of Government" Approach to Environmental Policy—Duke McCall
- Tackling Climate Change—Doug Hastings
- Advancing Environmental Justice—Meredith Compton
- Questions?

All of Government

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“All of Government”

- Origins
- Purpose
- Use



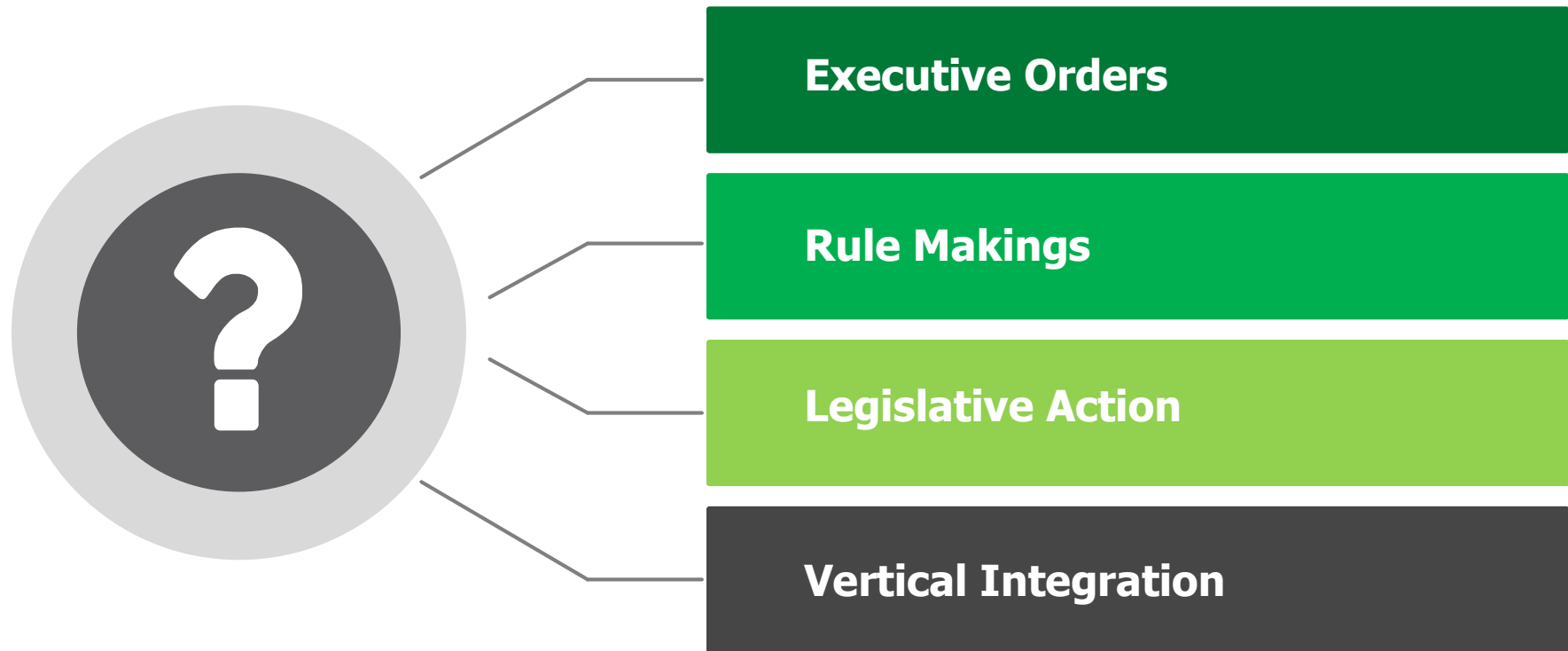
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Biden Executive Order

- National Climate Task Force
- Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization
- White House Environmental Justice Interagency Council



Implementing the “All of Government” Approach



Climate Change

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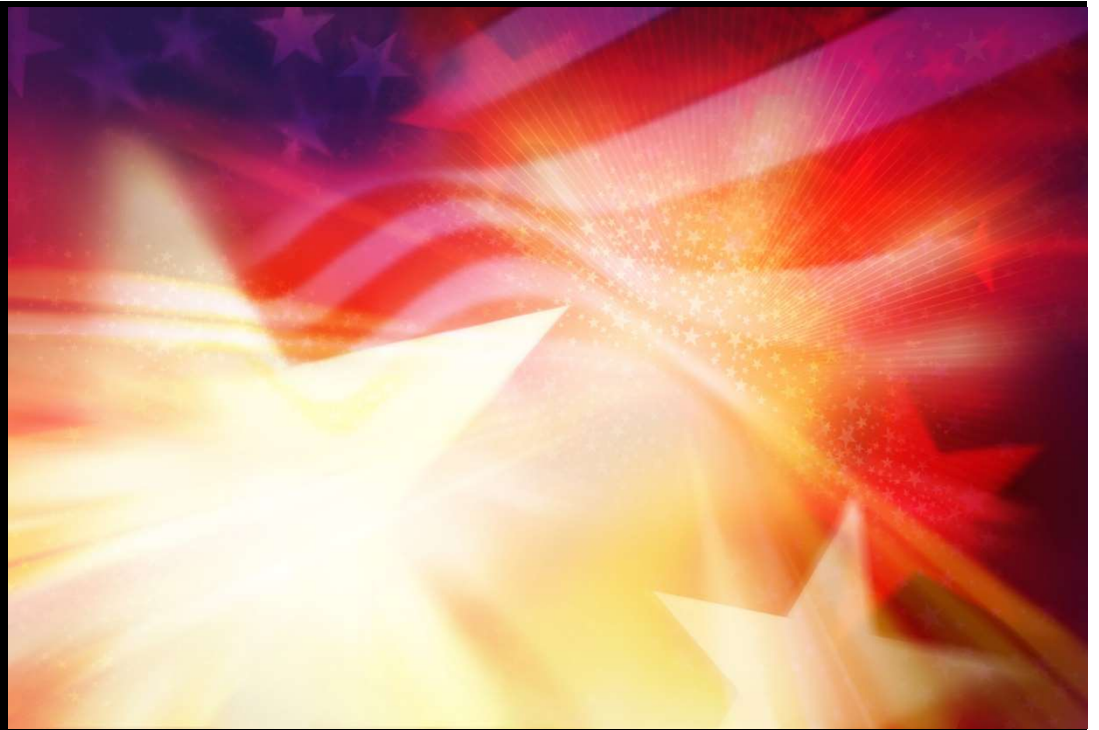
Executive Order on Climate

- Paris Agreement
- Office of Domestic Climate Policy + National Climate Task Force
- Procure low-carbon energy & vehicles
- Pause oil & gas leases and eliminate subsidies
- Land conservation
- Assist affected communities



Legislative Goals: American Jobs Plan

- Clean Electricity Standard
- Electrical grid + public transit improvements
- Electric vehicle incentives + infrastructure
- Carbon reduction + climate resilience technology
- Civilian Climate Corps



Budget Proposal

- \$10 billion for clean energy research
- \$1 billion for Advanced Research Projects Agency-Climate
- \$600 million for electric vehicles and charging infrastructure
- \$550 million to remediate oil and gas wells and coal mines



Department of Interior

- Facilitating renewable leasing
- Halting new oil & gas leasing and disincentivizing fossil fuel development



Department of Agriculture

- Financial incentives for GHG-reducing practices
- Conservation programs



Department of Energy

- Clean energy research and development



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Department of Defense

- Procuring low-carbon fuel, electricity, and technology
- Climate resilience
- Other agencies can adopt similar strategies



Zoom In on EPA: Background

- Obama EPA
 - Mobile source regulations
 - Tailoring rule
 - Clean Power Plan
 - Methane rule

Zoom In on EPA: Background

- Trump EPA
 - Relaxed mobile source standards
 - ACE rule
 - Less stringent methane rule
 - Significant contribution finding for power plants

Zoom In on EPA: Actions to Date

- Clearing the deck
 - Asked D.C. Circuit not to reinstate Clean Power Plan
 - Voluntary remand of significant contribution finding for power plants
- Communication & science
 - Climate change web page
 - Reconfiguring Clean Air Scientific Advisory Committee

Zoom In on EPA: What to Expect

- Aggressive stationary source regulations
 - NAAQS?
 - CPP 2.0?
- More stringent mobile source provisions
- New methane regulations



Environmental Justice

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Environmental justice is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”

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Executive Order 12898: February 16, 1994

Federal Register

Vol. 59, No. 32

Wednesday, February 16, 1994

Presidential Documents

Title 3—

Executive Order 12898 of February 11, 1994

The President

Federal Actions To Address Environmental Justice in
Minority Populations and Low-Income Populations

Federal Register/Vol. 59, No. 32/Wednesday, February 16, 1994/Presidential Documents

of the United States, its agencies, its officers, or any other person with
this order.

William Clinton

THE WHITE HOUSE,
February 11, 1994.

Environmental Justice Campaign Promises



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Day One: Executive Order on Environmental Justice

- Environmental Justice must be advanced
- Review of all conflicting agency actions
- Interagency Working Group on the Social Cost of Greenhouse Gases

Day Seven: Return to Environmental Issues

- National Climate Task Force
- Environmental Justice as part of agencies' mission
- Amends the 1994 Executive Order 12898
- Justice40 Initiative



Carrying Out Executive Orders

- National Climate Task Force Meeting
- Replacing Estimate for Social Cost of Greenhouse Gases
- Limetree Bay Permit Withdrawn
- Environmental Justice Advisory Council Members Announced

Future Actions: An Environmental Justice Focus

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Biography



Duke K. McCall III

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Duke McCall's practice focuses on environmental law and complex litigation. He represents clients in contribution actions, enforcement proceedings, citizen suits, toxic tort litigation, and regulatory matters, including actions brought under the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund), the Clean Water Act, the Clean Air Act, the Resource Conservation and Recovery Act, and analogous state laws.

Biography



Douglas A. Hastings

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Doug Hastings focuses his practice on environmental litigation and regulatory issues. Doug represents clients in matters arising under a variety of federal and state environmental statutes, including the Clean Water Act, Clean Air Act, National Environmental Policy Act (NEPA), and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). He has been particularly involved in appellate litigation and administrative advocacy related to the Renewable Fuel Standard (RFS) program.

Biography



Meredith L. Compton

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Meredith Compton is part of a team of lawyers who assist clients in a wide range of litigation matters. Before joining Morgan Lewis, Meredith clerked for Judge Curtis L. Collier in the US District Court for the Eastern District of Tennessee.

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