



A New Administration Will Mean New Hope for Our Planet

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Of all the critical issues at stake in the 2020 election—and there are many—the environment is at the top of the list. Voters around the country are finally recognizing that fighting pollution and slowing climate change are not niche issues; they’re a matter of basic human rights. We need a president who sees that, too. Here’s a guide for the next administration.

Restoring Regulatory Order

Donald Trump launched the most destructive deregulatory campaign in our nation’s history, much of it focused on eliminating safeguards credited with reducing pollution and improving food and water safety. Fortunately, lasting regulatory change requires public input and decisions based in science, all of which takes time. So, Trump has yet to finalize much of his agenda, and nearly all of what he has finalized is stalled in court thanks to the heroic efforts of NGO- and state-based attorneys.

A new administration should immediately halt ongoing deregulatory activity and swiftly reverse course on agency actions already taken. Where necessary, the administration should begin restorative rulemaking for our bedrock environmental laws—the Clean Air Act, Clean Water Act, the Endangered Species Act (ESA), and especially the National Environmental Policy Act (NEPA).

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Addressing Environmental Injustice

Our environmental regulatory system inflicts grossly inequitable pollution burdens on Black and brown communities already suffering from COVID and other social injustices. This is structural racism, and it is sickening and killing minority communities.

A new administration can take several actions to address this injustice. First, they should dedicate the resources necessary to increase environmental monitoring in our most vulnerable communities. While we need stringent air quality standards, those standards aren't worth the paper they are written on unless we track neighborhood-scale impacts in communities that have been targeted for industrial "development." Residents deserve to know what they are being exposed to, and by whom.

Second, a new administration should order agencies to reform their regulatory processes—including ambient standards, emissions requirements, and food exposure rules—to address the cumulative impacts of pollution. Our laws measure and control toxic exposures in a piecemeal fashion, setting siloed limits for air, water, and food, and treating home, school, and workplace exposures in isolation. This is one way that Black and brown communities end up bearing excessive pollution burdens. It is death (literally) by a thousand cuts.

Third, a new administration must enforce our laws equally and emphatically, not just when it is politically beneficial. For decades, Republican and Democratic administrations alike have heeded relentless industry advocacy and defunded environmental enforcement programs and disregarded the needs of politically disempowered communities. We need a more robust enforcement system to focus efforts where the need is greatest, and we must measure its success by the health improvements it delivers.

Climate and Climate Justice

We have roughly ten years left to avert the worst effects of climate change. We need transformational legislation to pivot us out of the COVID-induced financial crisis and to invest the resources needed to transform our power sector, rebuild our transportation infrastructure, and create a new energy footprint. These laws should be among the first legislative priorities, but even without them, a new administration can do a great deal—most obviously, by re-entering the Paris Agreement and the global stage.

Agencies should be ordered to use all of their existing authorities to alleviate the climate crisis and prepare communities for its impacts. For example, pursuant to the Clean Air Act, the EPA can—and should—commence a disciplined, science-based, and input-driven campaign to promulgate carbon pollution standards. The National Highway Safety Transportation Agency and the EPA can—and should—improve federal vehicle greenhouse gas emission standards and allow states like California to once again lead in vehicle emissions regulation.

The executive branch must also manage public lands in ways that turn them from climate liabilities into climate assets. In particular, the President must call for an immediate moratorium on any further fossil fuel leasing on federal lands pending a full environmental and economic assessment of those programs, and then act according to that analysis. The new administration should also require that all federal forests be managed in ways that maximize the amount of carbon they capture from the atmosphere, and it should promulgate regulations to maintain those management regimes. Actions like these will also help the government address the planet's massive biodiversity crisis.

Good Governance

The President must re-establish fundamentals of good governance. His agencies should safeguard scientific integrity in all decision-making and appoint talented scientists to serve on key advisory panels. He can also promote transparency by ordering agencies, including the Justice Department, to ensure that their records are complete and available for review. Finally, he should appoint judges who recognize the central role the federal government must play in protecting the environment and addressing the climate crisis, who believe that the rule of law (and the laws of science) transcend politics, and who understand that people must be able to access courts in order to enforce our environmental laws.

State and Local Opportunities

Much of our environmental law has federal foundations; nothing can substitute for a muscular federal role in implementing the Clean Air Act, Clean Water Act, ESA, and NEPA. But if the federal government isn't receptive to tackling environmental injustices, states will have to take the lead. When it comes to climate, they can't afford not to act. A few states have already passed comprehensive mandates for reducing carbon emissions and increasing renewable energy supplies. New York's Climate Leadership and Community Protection Act is a powerful example: it not only mandates changes in electricity sector policy, but also drives infrastructure changes through building codes and financial incentives, targets transportation infrastructure changes to reduce carbon emissions, and ensures that all communities have access to clean energy solutions and experience the job-creating benefits of a clean energy transition.

We can do this. And we have to.