

Progress Report: President Biden's First Year

A year of restoring lost environmental
protections



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From toxic water pollution to increasingly fierce wildfires, President Joe Biden took office following years of worsening environmental problems. In December 2020, Environment America Research & Policy Center and U.S. PIRG Education Fund released a report, [*First Things to Fix*](#), identifying five actions the Biden administration could set in motion on day one to protect the environment. The organizations also identified 15 additional actions that would have a significant impact on conserving our natural spaces, cleaning up our air and water, and combating the climate crisis. In April 2021, Environment America Research & Policy Center and U.S. PIRG Education Fund released a subsequent progress report, [*President Biden's First 100 Days*](#).

Following the Biden administration's first year, our progress report finds that, despite the need to rebuild many federal agencies and tackle the COVID-19 crisis, the Biden administration has taken numerous important steps to restore many key environmental protections.¹ In his first year in office, President Biden made bold strides towards reducing global warming pollution, getting the lead out of drinking water, and more. Of our initial list of 20 priority actions, 6 are done or nearly done, and almost all the others are in progress. Three are fully complete: Rejoining the Paris climate accord,² restoring protections for the Northeast Canyons and Seamounts National Marine Monument,³ and supporting ratification of the Kigali Agreement which will phase out the use of hydrofluorocarbons.⁴

While much of the attention has been on President Biden's legislative agenda—including the successful passage of the bipartisan Infrastructure Investment and Jobs Act, and the currently stalled Build Back Better Act—our report finds that

¹ See for reference:

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/> and <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

² <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/paris-climate-agreement/>

³ <https://environmentamerica.org/news/ame/statement-biden-honors-us-conservation-legacy-restoring-protections-utah-new-england>

⁴ https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-2-f&chapter=27&clang=en

Biden has also used his administrative powers to protect the air we breathe, the water we drink, and our public lands while tackling climate change.

The administration’s agenda for the next year should build on the progress made in 2021 by swiftly undoing the many harmful Trump administration rollbacks through restoration of the environmental policies listed below.

First things to fix

Action	Status
<p><u>Rejoin the Paris Agreement</u> The Paris Agreement is a landmark accord, signed by nearly every nation in 2015 to combat climate change. It sets out a global framework to avoid dangerous climate change by limiting global warming to well below 2°C and pursuing efforts to limit it to 1.5°C. It also aims to strengthen countries' ability to deal with the impacts of climate change and support them in their efforts. The United States played a critical role in forming the agreement, and was an original signatory. But on November 4, 2020, the United States became the only country to formally withdraw from the agreement, fulfilling a campaign promise President Trump made four years earlier. On February 14, 2021, the US officially rejoined the Paris Agreement.</p>	Done
<p><u>Repeal the Dirty Water Rule</u> The EPA's Dirty Water Rule left more than half our nation's wetlands and thousands of streams that help provide drinking water without Clean Water Act protections. In August 2021, a federal district court vacated the Dirty Water Rule and the EPA and Army Corps of Engineers are working to revise the definition of Waters of the United States.</p>	Nearly done
<p><u>Strengthen fuel economy and emissions standards</u> After seven years of decline, air pollution started rising in 2016. By 2018, 108 million Americans lived in areas that experienced more than 100 days of degraded air quality. As a result, millions of Americans suffer from adverse health impacts linked to air pollution, and tens of thousands have their lives cut short. Vehicle tailpipes are a major source of health harming air pollution and greenhouse gas emissions. The Biden administration recently finalized new fuel economy standards and has taken steps towards reinstating a Clean Air Act waiver allowing for stronger state standards.</p>	Nearly done

<p><u>Restore smart energy efficiency policy</u> In 2018, the nation wasted two thirds of the energy that it consumed. But the American Council for an Energy-Efficient Economy (ACEEE) estimates that we can reduce our overall energy usage by 40 to 60 percent below current levels by midcentury, simply by using better technologies and eliminating waste across our economy. Reducing energy use creates big savings—for our planet, our climate and our health. As an added bonus, reducing energy consumption results in lower energy bills. The administration has proposed new lightbulb efficiency standards and reversed a misguided showerhead efficiency rule.</p>	<p>In progress</p>
<p><u>Withdraw from Trump’s offshore drilling plan</u> Despite the danger the action poses to our ocean habitats and wildlife, in January 2018, the Trump administration proposed opening nearly all U.S. waters to offshore drilling, representing a drastic expansion of oil drilling and gas leasing in the Atlantic, Pacific and Arctic oceans, as well as off Florida’s Gulf Coast.</p>	<p>Not yet begun</p>

Additional environmental priorities

Action	Status
Restore protections for the Northeast Canyons and Seamounts Marine National Monument	Done
Support ratification of the Kigali Amendment to the Montreal Protocols to phase out the use of hydrofluorocarbons	Done
Update regulations to control methane emissions	Nearly done
Restore the Roadless Rule for Alaska’s Tongass Forest	In progress
Get the lead out of drinking water	In progress
Stop oil and gas leasing in the Arctic National Wildlife Refuge	In progress
Reverse the Toxic Water Rule	In progress
Strengthen National Ambient Air Quality Standard (NAAQS) for Ozone and Particulate Matter	In progress
Cancel the U.S. Environmental Protection Agency (EPA)’s plan to allow unlined coal ash ponds to continue operating	In progress
Protect endangered species	In progress

Strengthen the Mercury and Air Toxics Standards	In progress
Strengthen National Environmental Policy Act (NEPA) regulations	In progress
Reduce pollution from industrial flares	Under review
Reinstate the transportation greenhouse gas emissions reduction performance standard	Not yet begun
Support ratification of the Basel Amendment to regulate international waste trade	Not yet begun

The Infrastructure Investment and Jobs Act

While this report focuses on the Biden administration’s progress on the actions we identified in our [First Things to Fix](#) report, he has also used his position to advance important environmental legislation.

This past November, Congress voted on a bipartisan basis to build a bridge to a brighter future by passing the Infrastructure Investment and Jobs Act. This major infrastructure package will improve our transportation and power systems, help ensure America has clean water, and expand clean energy.

The Infrastructure Investment and Jobs Act’s passage followed years of failed “Infrastructure Weeks” and months of debate over President Biden’s American Jobs Plan. Key environmental provisions in the Infrastructure Investment and Jobs Act include:

- \$55 billion for water infrastructure, including \$15 billion to remove lead pipes and \$200 million to address lead in school drinking water
- Record investments in transit, walking and biking infrastructure
- \$7.5 billion to begin building a nationwide electric vehicle charging network
- Funding for thousands of clean, electric school buses and low- and zero-emission transit buses
- \$73 billion to modernize the electrical grid and improve energy efficiency

- Begins the process of reinstating the Superfund tax “polluter pays” principle while also including additional funding to clean up Superfund and brownfield sites, reclaim abandoned mine land, and cap orphaned gas wells
- \$65 billion for broadband
- \$350 million to build wildlife corridors, which ensure animals can get under, around or over roads to migrate, mate and maintain biodiversity

Still outstanding is the proposed Build Back Better Act, which would make major investments in clean energy via tax credits for wind, solar, electric vehicles and other technologies and provide additional funding towards the administration’s promise of replacing all lead pipes.

Extra credit

The Biden administration has also taken the following actions to protect our environment and improve public health:

1. Issued an [Executive Order](#) directing the federal government to transition its vehicle purchases to 100% zero-emissions vehicles by 2035
2. On Earth Day, [pledged](#) to reduce global warming emissions 50% by 2030 to help meet the goals of the Paris Climate Accord
3. Announced the [America the Beautiful Initiative](#), which aims to conserve 30% of America's lands and waters by 2030
4. [Restored protections](#) to Bears Ears and Grand Staircase-Escalante National Monuments
5. [Announced](#) the beginning of the process to create the Chumash Heritage National Marine Sanctuary
6. Released their [Lead Pipe and Paint Action Plan](#), which commits the administration to remediating lead paint and replacing all lead pipes within the next decade
7. Released their [PFAS Strategic Roadmap](#), laying out the administration’s approach to addressing contamination from PFAS, a harmful class of chemicals that are linked to serious human health effects and persist in the environment

8. Began a review of the EPA's [Slaughterhouse Effluent Guidelines](#), which covers toxic wastewater discharges from slaughterhouses
9. Approved [two major offshore wind projects](#), the first commercial-scale offshore wind projects in America, [plans to hold additional offshore wind lease sales](#) on the East, Gulf, and West coasts by 2025, and [committed](#) the US to deploying 30 gigawatts of offshore wind by 2030
10. [Proposed](#) a a twenty-year ban on new oil and gas leasing in the vicinity of the Chaco Culture National Historical Park
11. [Announced](#) EPA's intention to restore protections to Alaska's Bristol Bay
12. Appointed cabinet secretaries and leaders throughout the administration with strong environmental backgrounds, including [Secretary of the Interior Deb Haaland](#), [Environmental Protection Agency Administrator Michael Regan](#), Secretary of Transportation Pete Buttigieg, White House National Climate Advisor Gina McCarthy and [Special Presidential Envoy for Climate John Kerry](#)
13. Reversed last-minute Trump administration policies that undermined the [Land and Water Conservation Fund](#)
14. Canceled the permit for the [Keystone XL pipeline](#)

More information on actions in progress

Repeal the Dirty Water Rule: In August 2021, a federal court in Arizona [vacated](#) the Dirty Water Rule. The EPA and Army Corps of Engineers have [announced](#) their intent to revise the definition of Waters of the United States, a key step in replacing the Dirty Water Rule.

Next steps: The comment period for the WOTUS definition revision ends on February 7, 2022. The EPA and Army Corps of Engineers then need to propose a replacement for the Dirty Water Rule that permanently protects our waterways as soon as possible.

Strengthen fuel economy and emissions standards and reaffirm California's authority to set stronger vehicle emissions standards: The EPA released its [final rulemaking](#) setting new federal emissions standards for passenger cars and light trucks. The

National Highway Transportation Safety administration (NHTSA) issued a [proposed rule](#) that strengthens fuel economy standards for passenger cars and light trucks. NHTSA also [repealed](#) its portion of the Safer Affordable Fuel-Efficient Vehicles Rule Part One: One National Program, allowing state fuel efficiency standards to preempt federal standards in cases where the state standards are stronger.

Next steps: The EPA needs to [reinstate](#) the 2013 Clean Air Act waiver that allowed California to enforce its greenhouse gas standards for cars and light trucks and zero-emission vehicle sales mandate adopted as a part of the state's Advanced Clean Car program. NHTSA must also finalize its fuel economy standards for cars and light trucks.

Restore smart energy efficiency policy: In December 2021, the U.S. Department of Energy (DOE) [proposed](#) new efficiency standards for lightbulbs of at least 45 lumens per watt. LED bulbs meet this standard. Traditional incandescent bulbs, however, do not and will therefore effectively no longer be sold for general in-home use. The DOE also [overturned](#) a Trump administration rule that had lowered federal efficiency standards for showerheads.

Next steps: The DOE plans to [propose](#) new efficiency standards for room air conditioners, pool heaters, home water heaters, home furnaces, commercial air conditioners, and commercial water heaters.

Update regulations to control methane emissions: In November 2021, the EPA proposed an [ambitious rule](#) to regulate methane emissions. Additionally, in June 2021, President Biden [signed](#) a Resolution of Disapproval invalidating the Trump administration's 2020 Methane Rescission Rule and reinstated two important Obama-era methane emissions rules.

Next steps: The comment period for the EPA methane emissions rule ends on January 14, 2022. The EPA will then use these comments to formulate the final rule.

Restore the Roadless Rule for Alaska's Tongass Forest: The U.S. Department of Agriculture (USDA) has [begun](#) the rulemaking process to restore the Roadless Rule for Alaska's Tongass National Forest. The U.S. Forest Service has temporarily suspended all road building activities in the Tongass during the rulemaking process.

Next steps: The comment period for the [USDA rule](#) ends on January 24, 2022. The USDA will then need to take the comments it received into account as it forms the final rule.

Get the lead out of drinking water: The bipartisan Infrastructure Investment and Jobs Act (IIJA), signed into law in November 2021, contains \$15 billion for lead pipe replacement. Additionally, the White House released their [Lead Pipe and Paint Action Plan](#), which [includes](#) 15 actions across 10 federal agencies, allocations of relevant federal funding, and a cabinet-level partnership to reduce lead in child care centers and schools.

Next steps: The IIJA funding needs to be distributed to the states through the Drinking Water State Revolving Fund. Beyond the IIJA funding, the federal government should require the replacement of all lead pipes and allocate more money to lead pipe and fixture replacement in order to fully address America's lead problem.

Stop oil and gas leasing in the Arctic National Wildlife Refuge: President Biden placed a temporary moratorium on all federal activities related to the implementation of the Coastal Plain Oil and Gas Leasing Program.

Next steps: To permanently stop oil and gas leasing in the Arctic refuge, Congress needs to pass legislation that ends the leasing program .

Reverse the Toxic Water Rule: The EPA [issued](#) a notice of proposed rulemaking in August 2021 and the agency is expected to issue the replacement rule in Fall 2022.

Next steps: The EPA should move swiftly in instituting a strong replacement for the Toxic Water Rule.

Strengthen National Ambient Air Quality Standard (NAAQS) for Ozone and Particulate Matter: In June 2021, the EPA [announced](#) that they will reexamine the previous administration's decision to retain the NAAQS for particulate matter. In October, the agency also [issued](#) a policy assessment for the reconsideration of NAAQS for particulate matter and [announced](#) that they will reconsider the previous administration's decision to retain 2015 ozone standards.

Next steps: The EPA expects to issue a proposed rule on stronger NAAQS for particulate matter in Summer 2022 with a final rule following in Spring 2023. The agency is expected to issue their reconsideration of the NAAQS for ozone by the end of 2023. The EPA should make the new NAAQS as strong as possible to keep our air clean.

Cancel the EPA's plan to allow unlined coal ash ponds to continue operating: The EPA [announced](#) on January 11, 2022 that it was taking several steps to protect communities from coal ash contamination and to hold coal ash facilities accountable for controlling and cleaning up coal ash contamination. The EPA's regulation required most of the coal ash facilities to begin closure by April 2021, but the regulation also detailed a process for facilities to apply for two types of extensions. The EPA has begun the process of notifying facilities that are not in compliance with the agency's regulations.

Next steps: The EPA is working on finalizing a federal permitting program for the disposal of coal ash and establishing lasting regulations for coal ash facilities.

Protect Endangered Species: In September 2021, the U.S. Fish and Wildlife Service (FWS) [announced](#) that it will conduct a 90 Day Finding to relist the gray wolves in the Western U.S. as an endangered species. The Biden administration also [rescinded](#) a Trump-era regulation that revised the process for considering exclusions from critical habitat designation. The Fish and Wildlife Service also put back in place a rule which automatically extends protections provided to endangered species to those listed as threatened (the "blanket" rule).

Next steps: Endangered Species Act protections must be fully restored for gray wolves, monarch butterflies, Doll's daisy, and any other species that merit protection according to the science.

Strengthen the Mercury and Air Toxics Standards: In May 2021, EPA Administrator Michael Regan [announced](#) an end to the Trump administration's cost/benefit rule. The final rule is [expected](#) to be released in February 2022. The EPA also [introduced](#) a rule revoking the 2020 reconsideration of the finding underpinning the Obama-era Mercury and Air Toxics Standards, which heavily weakened the standards.

Next steps: The EPA needs to act swiftly in strengthening the Mercury and Air Toxics Standards, which save up to [11,000 lives](#) each year from premature death.

Strengthen NEPA regulations: In October 2021, the CEQ [announced](#) that it will reinstate three NEPA provisions that will help the public learn about infrastructure projects in their communities, including the environmental impacts. Additionally, President Biden issued an [executive order](#) on his first day in office instructing the White House Council on Environmental Quality (CEQ) to rescind its guidance on greenhouse gas emissions created under the Trump administration and to review and revise guidance on greenhouse gas emissions created under the Obama administration.

Next steps: The CEQ is working on [revising](#) their "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews" and is working on a second round of changes to NEPA to promote greater public involvement in the environmental review process.

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