

Climate and Environmental Justice

ELI Emerging Leaders Initiative | *2020 Annual Summit*

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December 9, 2020

Beveridge
& Diamond 

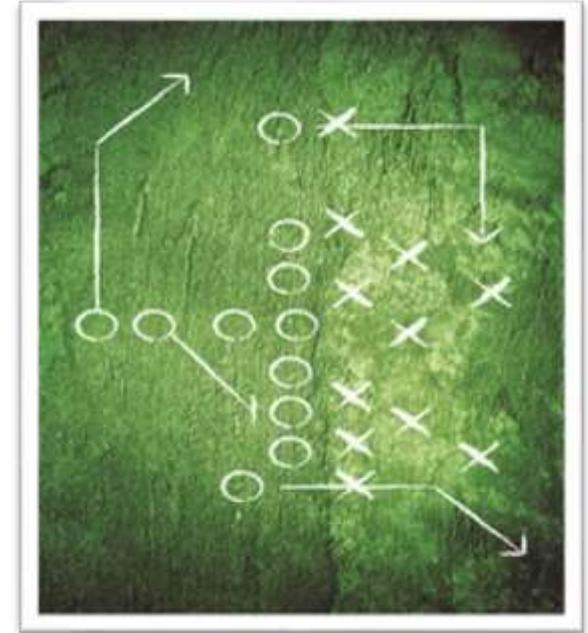
What's Ahead for **Environmental Justice?**

What to Expect from the Biden Administration

State Activity – Legislation and Enforcement

Environmental Justice in the Global Context

Voluntary Industry EJ Activity & CSR



Biden-Harris Approach Environmental Justice Platform



Most **ambitious prioritization of environmental justice** since 1994
Executive Order 12898

Staffing choices reflect that priority – from Transition Team to Cabinet nominees

July 2020 ***Biden Plan to Secure Environmental Justice and Equitable Economic Opportunity*** provides a helpful roadmap

Action likely to start on Day One with many goals achievable through executive branch authority

Environmental Justice, Equity & Enforcement *at the Top*

Transition Team, Appointees & Nominees



Patrice Simms (EPA)
Vice President, Healthy
Communities, Earthjustice



Xavier Becerra Nominee
for Secretary of Health and
Human Services



Lisa Garcia (EPA)
Director, Fix Solutions Lab,
Grist



**Dr. Marcella Nunez-
Smith**, COVID-19 Equity
Task Force Chair



Cecilia Martinez (CEQ)
Executive Director, Center
for Earth Energy and
Democracy



Cynthia Giles (EPA)
Harvard Environmental and
Energy Law Program

Biden Plan to Secure Environmental Justice and Equitable Economic Opportunity



All-of-Government Approach to EJ

- Update and revitalize EO 12898
- Accountability through performance metrics and annual reporting on success
- Drive interpretation of existing agency authorities to further incorporate EJ

Expanded & Targeted Enforcement

- Create Environmental and Climate Justice Division, U.S. DOJ
- Reform Title VI Enforcement and EPA's External Civil Rights and Compliance Office

Biden Plan to Secure Environmental Justice and Equitable Economic Opportunity



Expanded Monitoring & Reporting

- Require more fence-line monitoring for publicly-available real-time data
- Release Climate and Economic Justice Screening Tool
- Dispatch Environmental Public Health Corps

Empowering & Investing in Communities

- Create Interagency Climate Equity Task Force
- Target 40% of investment in clean energy to benefit disadvantaged communities
- Give preference in competitive grant programs
- Fund infrastructure and remediation

Biden Plan to Secure Environmental Justice and Equitable Economic Opportunity



Equitable Resilience & Emergency Planning

- National Crisis Strategy
- HHS-led Task Force to Decrease Risk of Climate Change to Children, the Elderly, People with Disabilities, and the Vulnerable
- Office of Climate Change and Health Equity (HHS)
- Health Care System Readiness Task Force

Other Potential Biden Administration EJ Actions and Priorities

**Rescind or
Amend EJ-
Related Trump
Administration
Agency Action**

**Shift Litigation
Strategy**

**Rebuild Agency
Resources and
Personnel**

**Support EJ-
Related
Legislation
with Bipartisan
Appeal**

EJ Internationally

Global climate advocates increasingly citing EJ and equity themes and terminology

International Treaties and Agreements Incorporate EJ-Related Themes and Components

- Human Rights Treaties and Disclosure Requirements
- Waste Protections (Basel Convention)

Biden Administration likely to continue bringing these issues together in all-of-government approach





Voluntary Industry Action & Corporate Social Responsibility

Increased interest in private sector in EJ, beyond addressing compliance requirements

Increased demand for ethical practices by consumers, investors, and regulators

EJ just makes good business sense from a risk perspective to reduce

- Costly Delays
- Legal Challenges
- Reputational Harm

Key Takeaways

The Biden-Harris Administration will prioritize environmental justice, seeking transformative change across the federal government.

States are expected to continue advancing the ball with respect to EJ legislation and enforcement, especially with federal support

Globally, environmental justice themes – if not explicit terminology – will likely become more common.

Industry actors may seek to voluntarily incorporate environmental justice into expanded CSR programs to meet growing consumer, investor, and government demand.

Thank You!

Questions?



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What's Ahead for Environmental Justice?

Biden Administration EJ Prioritization

- Experienced EJ Leadership
- All-of-Government Approach
- Expanded Enforcement and Litigation
- Use of Science, Data, and Monitoring
- Resource and Capacity Building for EJ Communities

State Activity Continues

- New Legislation and Enforcement at State-Level
- Collaboration with Federal Government
- Pressure on States without EJ Infrastructure

Growing Intersection with International Human Rights and Climate Justice

- Global Climate Advocacy
- Pollution and Waste Controls (Basel Convention, etc.)
- Human Rights Disclosures and EJ

