



## President Biden's Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis

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On January 20, 2021, President Biden issued a significant executive order, [Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis](#) (Climate E.O.) which will impact the oil and gas industry. The Climate E.O. requires agencies to review actions over the past four years that are inconsistent with its objectives; revokes several Trump Administration executive orders promoting domestic energy production; consider proposing new standards of performance for methane and volatile organic compounds for existing operations in the oil and gas sector; revokes the Keystone XL Pipeline permit; requires the federal government to account for the social cost of greenhouse gases; and imposes a moratorium on federal government activities to implement oil and gas leasing in the Arctic National Wildlife Refuge.

President Biden also released a [list](#) of agency actions to be reviewed.

### Review of Agency Actions

The Climate E.O. declares the Biden Administration's commitment to protecting the environment, ensuring access to clean air and water, and holding polluters accountable, among other things. The Climate E.O. directs agency heads to review and take action on federal regulations and other agency actions taken over the past four years that conflict with the Climate E.O.'s objectives and to immediately begin work on addressing climate change.

Specific to the oil and gas industry, the Climate E.O. directs the U.S. Environmental Protection Agency (EPA) to consider publishing for notice and comment a proposed rule suspending, revising, or rescinding the Trump Administration's *Reducing Methane Emissions in the Oil and Gas Sector: Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration*, 85 Fed. Reg. 57398 (September 15, 2020) (review to be completed by September 2021).

Within 30 and 90 days, the agency heads must provide the Office of Management and Budget (OMB) and the newly established National Climate Advisor a preliminary list of any actions being considered that would be completed by December 31, 2021 and December 31, 2025 respectively, and that would be subject to OMB review. In addition, and at the same time, the agency heads must provide to the National Climate Advisor a list of additional actions being considered that would not be subject to OMB review.

The Climate E.O. further directs the U.S. EPA Administrator to consider proposing:

- New regulations to establish comprehensive standards of performance and

emission guidelines for methane and volatile organic compound emissions from existing operations in the oil and gas sector, including exploration and production, transmission, processing, and storage segments by September 2021; and

- A Federal Implementation Plan in accordance with the agency's *Findings of Failure to Submit State Implementation Plan Revisions in Response to the 2016 Oil and Natural Gas Industry Control Technique Guidelines for the 2008 Ozone National Ambient Air Quality Standards (NAAQs) for the States in the Ozone Transport Region*, 85 Fed. Reg. 72963 (November 16, 2020) for California, Connecticut, New York, Pennsylvania, and Texas (to be completed by January 2022).

### Greenhouse Gas Emissions

The Climate E.O. requires agencies to capture the full costs of greenhouse gas emissions including global damages. It reestablishes an Interagency Working Group on the Social Cost of Greenhouse Gases and directs it to, among other things:

- Publish interim Social Cost of Carbon (SCC), Social Cost of Nitrous Oxide (SCN), and Social Cost of Methane (SCM), estimates of monetized damages associated with incremental increases in greenhouse gas emissions, to be used by agencies when monetizing the value of changes in greenhouse gas emissions resulting from regulations and other relevant agency actions, within 30 days;
- Publish final SCC, SCN, and SCM estimates by no later than January 2022; and
- Provide recommendations to the President on areas of decision-making, budgeting, and procedure where the SCC, SCN, and SCM should be applied.

The Climate E.O. directs the Council on Environmental Quality to rescind its draft guidance entitled, *Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions*, 84 Fed. Reg. 300097 (June 26, 2019).

### Keystone XL Pipeline

The Climate E.O. revokes the Keystone XL pipeline permit, which allows for such action in the President's sole discretion. The Climate E.O. states that the "Keystone XL pipeline disserves the national interest" citing climate change, associated costs, the need for the U.S. to exercise vigorous climate leadership, and limited significance to our national security.

### Arctic National Wildlife Refuge

The Climate E.O. directs the Department of the Interior to place a temporary moratorium on all federal government activities relating to the implementation of the Coastal Plan Oil and Gas Leasing Program in the Arctic National Wildlife Refuge.

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