

Biden 'Over-Promised and Under-Delivered' on Climate. Now, Trouble Looms in 2022.

Mounting challenges will make the coming months critical for the president's environmental agenda, analysts say.



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WASHINGTON — As the new year opens, President Biden faces an increasingly narrow path to fulfill his ambitious goal of slashing the greenhouse gases generated by the United States that are helping to warm the planet to dangerous levels.

His Build Back Better Act, which contains \$555 billion in proposed climate action, is in limbo on Capitol Hill. The Supreme Court is set to hear a pivotal case in February that could significantly restrict his authority to regulate the carbon dioxide that spews from power plants and is driving climate change. And the midterm elections loom in November, threatening his party's control of Congress. Since Republicans have shown little appetite for climate action, a Republican takeover of one or both chambers could freeze movement for years.

The mounting challenges make the next few months critical to secure the safety of the planet as well as Mr. Biden's climate legacy, analysts said.

"If they can't pull this off, then we failed; the country has failed the climate test," said John Podesta, a former senior counselor to President Barack Obama and founder of the Center for American Progress, a left-leaning think tank.

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Mr. Podesta praised the Biden administration for making global warming a priority, creating a White House office of domestic climate policy, appointing an international climate envoy to reassert U.S. leadership on the global stage, moving forward a handful of regulations and proposing major investments in clean energy.

But he also noted that the physics of climate change is unforgiving.

The planet has already warmed an average of about 1.1 degrees Celsius compared with temperatures before the Industrial Revolution. If temperatures continue to rise past 1.5 degrees Celsius, the likelihood of increasingly deadly wildfires, floods, heat waves and other disasters becomes unavoidable, scientists have warned. Countries must immediately and drastically reduce greenhouse gases caused by burning oil, gas and coal if the world is to avert the most catastrophic impacts, experts have said.

At international climate talks in Glasgow last year, Mr. Biden pledged that the United States, the world's biggest polluter in historical terms, would cut its emissions at least 50 percent below 2005 levels by the end of this decade. He urged other countries to take similar steps. But that will be a hard sell if the United States fails to act by the time countries gather for the next climate talks in Egypt in November.

"If you can't meet the goal, you've lost credibility internationally," Mr. Podesta said, adding that he would grade Mr. Biden's first year on climate policy as "an incomplete."

When he entered the White House, Mr. Biden identified climate change as one of four priorities, along with battling the coronavirus pandemic, strengthening the economy and addressing racial inequity.

It was a dramatic reversal after the tenure of President Donald J. Trump, who frequently mocked climate science, sought to expand oil and gas drilling and loosened a raft of environmental regulations, including those governing greenhouse gas emissions.

“The most important thing he did was to draw a sharp contrast with his predecessor within the first days of his presidency,” said Senator Chris Coons, Democrat of Delaware, who has close ties to Mr. Biden.

Mr. Biden immediately rejoined the 2015 Paris climate agreement, in which nearly 200 countries pledged to try to hold temperature rise “well below” 2 degrees Celsius. He canceled permits for the Keystone XL pipeline, which would have run 1,209 miles from the Canadian oil sands to Nebraska. He paused new leases for oil and gas drilling on public lands and in federal waters, and called for increasing renewable energy production, with the goal of doubling offshore wind power by 2030.



Mr. Biden has been unable to persuade Senator Joe Manchin III to vote for his climate proposals. Tom Brenner for The New York Times

Mr. Biden installed longtime climate advocates in key positions and made tackling the climate crisis a priority across the federal government. The early flurry of efforts culminated in a virtual summit in April at which Mr. Biden corralled world leaders to make new pledges to cut carbon dioxide emissions.

On Capitol Hill, Mr. Biden led passage of a \$1 trillion bipartisan infrastructure bill that included billions for clean energy research and making communities more resilient to disasters, although it will do little to reduce emissions.

But cracks in Mr. Biden’s agenda quickly appeared.

In June, a federal judge in Louisiana sided with Republican attorneys general from 13 states who argued that Mr. Biden lacked the legal authority to pause new oil and gas leases. As gasoline prices surged in the summer and fall, the White House sought to increase oil production, even as Mr. Biden implored world leaders to stop burning fossil fuels.

Just days after the Glasgow climate talks, the administration auctioned off nearly 80 million acres in the Gulf of Mexico, a record for that location, for offshore drilling, despite a campaign promise by Mr. Biden that he would end drilling on federal lands and waters.

White House officials said they were legally compelled to hold the lease sale, which the Interior Department said had the potential to yield 1.12 billion barrels of oil and 4.4 trillion cubic feet of natural gas over the life of the 50-year leases. But environmental groups, joined by several Democratic lawmakers, argue that the administration could have done more to prevent the sale and are suing the administration to stop it.

Most notably, Mr. Biden failed to persuade the single Democratic holdout, Senator Joe Manchin III of West Virginia, to vote for his \$1.7 trillion Build Back Better bill, placing its future in jeopardy in an evenly split Senate. The House passed the package in November.

In negotiations with the White House, Mr. Manchin insisted that the Biden administration strip out the most muscular part of the bill, a clean electricity program that would have rewarded electric utilities that stopped burning fossil fuels in favor of wind, solar and other clean energy, and penalized those that did not. Mr. Manchin also scuttled a provision that would have prohibited most offshore oil drilling.

The legislation still contains about \$555 billion for other climate provisions, including \$320 billion in tax incentives for producers and purchasers of wind, solar and nuclear power, inducements intended to speed up a transition away from oil, gas and coal. Analysts say it would help the United States to get at least halfway to Mr. Biden's climate goals. The future of the legislation remains uncertain, although Senate Democrats said on Tuesday they were determined to see some version of it pass this year.

"Objectively, he over-promised and under-delivered," said Kevin Book, managing director of ClearView Energy Partners, a Washington-based research firm.

Still, Mr. Book said while the administration did not do as much as Mr. Biden promised, it has taken significant first steps.

"The world without Build Back Better may not be as green as Biden campaigned on but it's likely to be greener still than anyone expected," he said.

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White House officials said they were proud of their accomplishments. The administration finalized a rule to tighten vehicle tailpipe pollution for vehicles in the model year 2023, set regulations to phase out hydrofluorocarbons, the planet-warming chemicals used in air-conditioning and refrigeration, and imposed new rules to reduce the federal government's carbon footprint.



Climate demonstrators outside the White House in October. Kevin Dietsch/Getty Images

The administration also has started work on other regulations governing emissions of methane, another powerful greenhouse gas, and new requirements that publicly traded companies disclose climate-related financial risks. At the summit in Glasgow, the United States persuaded other countries to agree to intensify their efforts to fight climate change.

Gina McCarthy, Mr. Biden's climate change adviser, said in a statement that the administration's climate efforts were "just getting started."

"After a year of overseeing a whole-of-government effort to put our country on a path to tackle the climate crisis, I have never been more optimistic, more hopeful or more confident that our country is leading the charge," Ms. McCarthy said.

But many activists said they were disenchanted with the president.

"Joe Biden started strong with the executive actions back in January and since then he has really been a disappointment," said Ellen Sciales, a spokeswoman for the Sunrise Movement, a youth-led environmental group that helped spur a jump in young voters concerned about climate in 2020. She said she feared it would be difficult to turn out those voters again in November.

"He made a lot of promises on cutting emissions, and we question whether or not that's on track," she said, adding that it "was a slap in the face" to environmentalists when Mr. Biden went to Glasgow to declare the United States a climate leader only to quickly lease millions of acres in the Gulf to oil and gas companies for drilling.

Meanwhile, the administration has been slow to make progress on major new environmental regulations, in part because agencies were hollowed out during the Trump administration, leaving a crush of work to fewer people. The Biden administration also has intentionally slowed some regulatory action so as not to antagonize industry or lawmakers from fossil fuel states before a vote is held on the Build Back Better Act, according to three people close to the administration. The Environmental Protection Agency said it was working on tough new tailpipe emissions rules that would impact vehicles in the model year 2027 and was also designing new regulations for electric utilities. Rules that had been expected regarding limits on mercury emissions from power plants and regulations around wastewater from coal plants are also still in progress.

"While it's important to do things quickly, it's also important to do a good job," said Richard Revesz, a professor of environmental law at New York University. He noted that the Trump administration moved rapidly to undo former President Barack Obama's policies and most of those efforts were considered rushed and sloppy, leading to a high rate of decisions being overturned by courts.

But Mr. Revesz noted that the process of writing regulations is time consuming, and rules that are not finalized early in a presidential term can be more easily undone by a future administration. "If they haven't moved by the end of next year the administration will have missed a significant opportunity," he said.

Legal experts also warn that the administration can't count on regulatory efforts. This year the Supreme Court will hear a case brought by Republican-led states and coal companies to limit the E.P.A.'s ability to cut emissions.

"I think this Supreme Court case is going to establish really firmly the limits of E.P.A.'s authority," said Jeffrey Holmstead, a lawyer at Bracewell LLP who served in the Environmental Protection Agency during both Bush administrations.

Manish Bapna, president of the Natural Resources Defense Council, an environmental group, said he saw 2022 as a make-or-break year.

"Most of the hard work remains ahead of us," Mr. Bapna said.