



## **Biden's Science and Environmental Justice Orders Foretell a New Era of Rulemaking and Enforcement That Go Beyond Climate**

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Second, the Executive Order on Tackling the Climate Crisis at Home and Abroad emphasizes consideration of environmental justice in agency decision-making through the creation of White House Environmental Justice Interagency and Advisory Councils. While the Order focuses on addressing climate change, we expect that environmental justice concerns may drive enhanced scrutiny of PFAS contamination, abandoned mines and industrial sites, and coal ash disposal facilities, all of which are often found in underserved communities. For example, the Order provides that the new Justice40 Initiative—aiming to deliver 40 percent of the overall benefits of relevant federal investments to disadvantaged communities—will deploy a new “Climate and Economic Justice Screening Tool” to help prioritize “remediation and reduction of legacy pollution” and “development of critical clean water infrastructure.” These priorities, and the tools they produce, will shift federal attention (including both enforcement and spending) to the communities that played significant roles in the manufacturing and energy booms of the 20th and early 21st centuries.

While some of the Biden administration's science and environmental justice prerogatives may appear nebulous at the outset, the administration plans to use them to effect real changes in agency decision-making, rulemaking, spending and enforcement. To better understand the impact of these changes on your operations and plans for the future, please do not hesitate to reach out to Akin Gump's dedicated Environment and Natural Resources team.

## Categories

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