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President Biden Signs New Environmental Justice Executive Order

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On April 21, 2023, President Biden announced new initiatives to further his administration’s commitment to addressing the impact of climate change on communities “with environmental justice concerns,” including low-income communities and communities of color. The **new executive order**, “Revitalizing Our Nation’s Commitment to Environmental Justice for All,” creates a new White House Office of Environmental Justice, led by the Federal Chief Environmental Justice Officer, which is charged with “coordinating the implementation of environmental justice policy across the federal government.” The Order expands the White House Environmental Justice Interagency Council, created by previous executive order, by adding numerous additional members, including a majority of the Cabinet or Cabinet-level officials.

The Order continues the administration’s emphasis on its “whole-of-government commitment” approach to environmental justice, requiring federal agencies to consider and report on measures to ameliorate and prevent disproportionate negative environmental and health impacts on historically marginalized communities. It requires agencies to notify communities if a toxic substance is released from a nearby federal facility and hold public meetings to share information about potential health risks and precautions, thereby enabling them to participate in the decision-making processes that may affect their environment.

The order additionally establishes an Environmental Justice Subcommittee within the National Science and Technology Council, led by the Office of Science and Technology Policy, tasked with identifying and filling environmental justice data and research gaps.

The administration's focus on environmental justice issues is not new. In fact, it has formed part of the Biden administration agenda since its first weeks, and this most recent executive order builds on Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad," signed in his first few weeks in office. Executive Order 14008 launched an extensive environmental justice agenda that included establishing the White House Environmental Justice Interagency Council and the White House Environmental Justice Advisory Council; launching the Justice40 Initiative, aimed at allocating 40% of the overall benefits of federal investments relating to climate change to economically and environmentally disadvantaged communities; and launching the related Climate and Economic Justice Screening Tool and the Environmental Justice Scorecard.

Coinciding with President Biden's executive order, Vice President Harris visited Miami in late April to announce a \$562 million investment in helping communities become more resilient to climate change. The investment would help 149 coastal communities in 30 states prepare for increased flooding as sea levels rise and storms intensify, according to the Commerce Department.

Taking the Temperature: In response to the White House announcement, Republican officials have suggested, among other criticisms, that the Order is a tactic to divert attention away from more pressing issues, including negotiations around raising the federal debt limit to avoid a federal government default. In his debt ceiling proposal, House Speaker Kevin McCarthy offered a debt ceiling increase in exchange for policy changes that included repealing billions of dollars in tax incentives for electric vehicles and the development of clean energy and other green technologies—major components of the Inflation Reduction Act (IRA) enacted last year—and expanding fossil fuel production.

Political jockeying notwithstanding, as our previous coverage illustrates, environmental justice issues permeate both [regional](#) and [global](#) policy discussions addressing climate change, decarbonization and the development of clean energy and green technology.

At the same time that he addressed American environmental justice concerns, President Biden also recognized these issues on a global scale at a virtual meeting of the Major Economies Forum (MEF) on energy and climate. The President unveiled a [new plan](#) for supporting developing nations in taking climate change action, including pledging \$1 billion to the UN Green Climate fund, which finances clean energy and climate resilience projects in developing countries.