

# The New Republic

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## Why Biden Should Declare a Climate Emergency

**The National Emergencies Act gives the president the power to tackle global warming without Congress's consent.**

Last week, New Zealand became the latest country to declare climate change an emergency. Across the planet, local, regional, and national emergency declarations including those in New Zealand, Japan, and the United Kingdom now represent some 820 million citizens. The United States following suit could tip the scales—and broadcast to the rest of the world, at a crucial moment, that the country is discarding President Donald Trump's legacy and reclaiming its role as a global citizen. It could also usefully signal to Americans, stunned from four years of whining baby-man antics and upheaval, that the climate crisis is upon us now, not in the distant future.

Scientists say we need to slash greenhouse gas emissions by at least 50 percent in the next 10 years to have any hope of keeping global warming to 1.5 degrees Celsius (2.7 degrees Fahrenheit) by 2050. Right now, warming is accelerating faster than predicted. Planetary temperatures may even exceed the 1.5 degree mark within five years.

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First-day-in-office promises have a patchy, clichéd history. Barack Obama promised to close the detention camp at Guantánamo Bay on his first day—leading instead to an order on his second to close it within a year. That never happened. But beyond its symbolic importance, the immediate declaration of climate as a national emergency will unlock specific executive powers, outlined in more than 130 statutes, to speed our transition off fossil fuels even without permission from Mitch McConnell and other Senate Republicans.

President-elect Joe Biden has to identify climate change not just as a priority but as the life-support disaster that it is—for national and global security, public health, economic and racial justice, biodiversity protection, and the stability of the ecological systems that sustain our existence. Since 1976, when the law was passed, every president has used the National Emergencies Act for one purpose or another. Now it must be used to tackle the climate crisis.

Once the act is invoked, the Biden administration should use those powers ambitiously, both to push the economy toward sustainability and to create a just energy system for Black, Native, and other communities of color—as well as poor communities. Neighborhoods like Union Hill in Virginia, where a majority of residents are Black, have long had to battle proposals for pipelines and compressor stations with slipshod environmental reviews, while cities and towns along the Louisiana coastline have borne the brunt of increasing devastation from severe weather events—including oil spills. Because these communities are often neglected or willfully disenfranchised, they have been at a disadvantage in fighting off predatory development or wringing assistance from the state.

There are many concrete steps Biden could take. In 2015, for example, Congress lifted the 40-year-old export ban on crude oil. Crude-oil exports skyrocketed to three million barrels per day—a quarter of daily U.S. production. If, and only if, he makes a declaration of national emergency, Biden could immediately end these climate-killing exports and reinstate an export ban. (About five years ago, the group I work for, along with 350 others, submitted a petition to President Obama requesting he do exactly that.)

President Biden could direct the Department of Defense to construct clean energy systems through the emergency redirection of a portion of military funds. The rest of the federal government could follow suit, deploying rooftop solar systems and other clean energy technologies on government buildings and properties. If each of the 30,000 U.S. post offices had at least five free electric vehicle charging stations, that alone would vastly increase access to charging in rural areas that badly need the capacity.

Along with his emergency declaration, Biden should invoke the Defense Production Act. Through the act's allocation, finance, and industry-coordination powers, he could mobilize domestic production of solar panels, smart-grid infrastructure, and ultra-energy-efficient appliances and technologies. In doing so, he would both defend against climate change—which even the military sees as a major national security threat—and generate millions of high-quality jobs for American families. To spur the demand for green energy, he could require government agencies to use their federal procurement powers to buy those American-made, labor-protective goods as part of fulfilling their greater mandate to be powered by 100 percent clean energy—and to adopt energy conservation measures.

Leaning on powers he already possesses without the emergency declaration, Biden could direct the secretary of the interior to stop issuing new leases and permitting for onshore extraction of oil, gas, and coal. He could withdraw all remaining offshore unleased waters from further leasing under the authority of the Outer Continental Shelf Lands Act and then establish an ambitious schedule for drawing down existing fossil fuel extraction on public lands to zero by 2040.

He could direct the Environmental Protection Agency to set new standards that require 100 percent electric vehicles for cars and light trucks by 2030, as most northern European countries already have. Then he could direct it to establish similarly stringent standards for planes, ships, trains, and heavy-duty vehicles. Rather than lagging behind the rest of the world, the U.S. could lead by example.

Under the Clean Air Act, Biden's EPA can put strict limits on methane and volatile organic compounds that will help phase out fracking on both public and private lands. His administration can promote large-scale distributed solar development by extending critical loan guarantees to clean energy companies, communities, and electric cooperatives for distributed energy systems; it can reallocate Department of Energy resources to expand technical expertise programs for community solar programs. Under the Rural Electrification Act, Biden can have the Department of Agriculture's Rural Utilities Service buy out the stranded fossil fuel assets of rural cooperatives as long as they transition to 100 percent clean energy portfolios by 2030.

An address to the nation declaring climate change a national emergency would also give Biden an opportunity to do what no U.S. politician has had the courage to do before: put the blame for the existential threat of climate change squarely where it belongs. In what's likely the most destructive disinformation campaign in history, the fossil fuel industry, despite knowing since the

1960s that carbon emissions from its products were likely warming the planet, spread malignant lies downplaying the dangers.

No longer should that industry be given a get-out-of-jail-free card on its mealy-mouthed greenwashing. After spending billions to sow disinformation for decades, oil companies are now spending mere pocket change on clean energy. Royal Dutch Shell, touted as an oil industry leader on green energy, has committed less than 10 percent of its spending to renewables—and is failing to meet even that Mini-Me goal. And regardless of what they spend on clean energy, oil and gas titans continue to lobby against a swift, massive clean energy transition involving fossil fuel phaseouts that would require a radical transformation of their business model. However logical from a self-interest perspective, this lobbying is killing millions of people every year through fossil fuels' impacts on clean air and water, not to mention global warming's effects on food security.

Rather than tiptoe around the issue, as presidents have so far, Biden should name and shame these bad actors—and take powerful action to stop them. That means directing his attorney general to prioritize and investigate all legal violations, including fraud, by fossil fuel polluters and utilities and prosecute them to the fullest extent of the law. A high-level task force should thoroughly review and investigate the actions of fossil fuel producers and other polluters.

Through amicus briefs or even formally joining the suits, the Justice Department can intervene to support more than a dozen cases already brought against oil and gas companies by states and localities, including the Minnesota attorney general's lawsuit against fossil fuel companies and the Massachusetts attorney general's case against Exxon for fraud in its communications to investors and consumers. It could do the same for class-action lawsuits by shareholders against fossil fuel companies for misrepresenting climate change risks. And to bring true environmental justice to all, the Department of Justice could promote efforts to ensure that the right to a livable climate is a "cognizable" entitlement under the U.S. Constitution—and to hold those who infringe on the rights of children and unborn generations to live in a safe world liable for the vast damages they're causing.

The president's emergency powers were granted by Congress to defend the nation in times of deep crisis. Climate change is a universal threat, and the time to save ourselves can only be now.

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