

# WE ARE IN A CLIMATE EMERGENCY. PRESIDENT BIDEN NEEDS TO TAKE ACTION.

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In 2021, President Biden promised to reduce US emissions by 50-52% (from 2005 levels) by 2030 — a goal that itself [falls short of the fair share of emissions reductions the US owes the world](#). Yet even with the renewable energy incentives in IRA, the US has only closed **half of the gap** between the current emissions reductions and Biden's pledge for a 50-52% reduction. We are therefore falling far short of what is necessary to stay on track for a 1.5-degree target. To protect Americans, our wildlife and the world from intensifying and irreversible catastrophe, President Biden must also phase out the [production of climate-heating fossil fuels](#) and fully deploy our nation's time-tested, successful pollution-reduction statutes.

In the leadup to the COP27 UN Climate Conference, President Biden should take bold action by declaring a climate emergency and showing the world that the largest historical emitter is all hands on deck to end fossil fuel production and build the robust, just and regenerative energy system we need.

President Biden maintains extensive executive powers to advance needed climate protections. The president should wield his full presidential authorities under [existing statutes](#) and [emergency authorities](#). These include incentives and regulations that cut fossil fuel production and emissions — both crucial to confronting the climate crisis.

## **1 | Declare a [climate emergency](#) to limit fossil fuel exports and investments abroad and invest in renewable energy at home.**

**Restrict fossil fuel exports and investments in fossil fuels abroad.** Under the Energy Policy and Conservation Act, upon declaring a national climate emergency, the president can reinstate the ban on crude oil exports that was repealed in 2015 after having been in place for 40 years. Lifting the ban incentivized a 20-30% U.S. oil production surge, with [virtually all](#) the increases going to export. Restoring the ban would be the climate equivalent of shuttering [up to 42 coal plants](#).

In addition, last year the United States [exported 85 million short tons of coal](#) — equal to [15% of U.S. coal production](#) and releasing the equivalent carbon emissions of 48 coal-fired power plants when burned. By declaring a climate emergency, the president can invoke the International Emergency Economic Powers Act (IEEPA) to halt exports of coal and petroleum products that are the primary drivers of the climate emergency threatening U.S. security and its economy.

The president can also invoke IEEPA to halt the hundreds of billions of private dollars that fund coal, oil and gas projects abroad. From 2016 to 2020, 16 U.S. financial institutions, led by BlackRock, invested hundreds of billions of dollars in [12 non-U.S. fossil fuel expansion projects](#). These projects alone are expected to produce at least 175 gigatons of carbon emissions — almost half the carbon budget scientists say we have to limit warming to 1.5 degrees Celsius.

**Invest in renewables at home.** President Biden can use domestic defense and disaster statutes to expand renewables and enhance climate resiliency at home. By [invoking](#) the Defense Production Act earlier this year to jumpstart renewable energy manufacturing, Biden signaled a sea change in climate policy that must continue. He should [expand his use of the DPA](#) to advance electric transportation — including infrastructure, public transit, and freight transport and equipment. In addition to dedicated DPA appropriations from Congress, President Biden can declare a climate emergency under the [Stafford Act](#) — and encourage states, territories, and Tribal nations to request federal major disaster declarations — to unlock disaster-mitigation and relief funding for construction of resilient renewable energy systems, prioritizing frontline communities.

## 2 | Phase out federal fossil fuel production and infrastructure approvals.

Global climate scientists have been absolutely clear: To avoid irreversible climate devastation, we must [end](#) all new investment in fossil fuel projects and [phase out](#) production, keeping as much as [40 percent](#) of the fossil fuels from already-developed fields in the ground. President Biden must act in line with science.

**Phase out federal fossil fuel production.** President Biden should use his existing executive powers under the Mineral Leasing Act, the Outer Continental Shelf Lands Act (OCSLA), and the Naval Petroleum Reserves Production Act to [phase down the rate of production](#) of onshore and offshore oil and gas to reach near zero extraction by 2035. He can also [suspend offshore drilling](#) under OCSLA upon declaring a national climate emergency under the National Emergencies Act.

**Stop approvals of new fossil fuel infrastructure.** The Biden administration should also use its existing authority under the Clean Water Act and Rivers and Harbors Act to [stop issuing federal permits](#) for all new fossil fuel infrastructure projects – including pipelines, import/export terminals, deepwater ports, refineries, and petrochemical plants – and limit gas exports to the extent feasible under the Natural Gas Act. Halting just [twenty-four](#) fossil fuel infrastructure projects could prevent the release of approximately 1.6 billion tons of carbon pollution each year, equivalent to approximately 30% of U.S. annual emissions, and protect communities from toxic air and water pollution.

## 3 | Curb greenhouse gas pollution by maximizing use of the Clean Air Act.

**Establish national limits for greenhouse gases under the Clean Air Act.** In 2009, the Center for Biological Diversity and 350.org [petitioned](#) the Environmental Protection Agency to list greenhouse gases as “criteria pollutants” under the Clean Air Act and set a science-based nationwide emissions cap in the form of a National Ambient Air Quality Standard (NAAQS). This year, seven states and the territory of Guam [called on](#) the administration to do the same.

The NAAQS program is the [“engine that drives”](#) the Clean Air Act. It provides a national framework for addressing the most pervasive forms of air pollution emitted from “numerous or diverse” sources. A standard for greenhouse gas pollution would have a [huge impact](#) because it would apply across all sectors of the economy, not just fossil fuel power plants. States get the flexibility to choose how they cut pollution to meet the national cap.

In his majority opinion striking down the Clean Power Plan in [West Virginia v. EPA](#), Supreme Court Chief Justice John Roberts indicated that setting a national, science-based cap may be a “sensible solution” to greenhouse gas regulation.

**Decarbonize transportation.** Transportation is the nation’s largest source of climate-heating pollution, producing about [one-third](#) of the nation’s greenhouse gas emissions. The Clean Air Act authorizes or directs the EPA to set strong pollution reduction rules for all major transport and shipping modes, including cars and pick-ups, buses, trucks, airplanes, ships, and trains. As the EPA is working on a new rule for light cars and trucks, President Biden should direct the agency to establish strong reductions in greenhouse gas emissions – at least 7% per year – and enact requirements that phase out most gas-powered auto sales by 2030. And rather than rely on Trump-era do-nothing standards for aircraft, the Biden administration should [enact strong rules](#) for greenhouse gas emissions from airplanes and other modes of transportation, including ships and trains, which EPA has not regulated.

**“Of all of the shared problems we face, climate change is the greatest and potentially existential for all nations.”**  
— *White House National Security Strategy, October 2022*

**Tell Biden to take action: [bit.ly/EndFossilFuelEra](https://bit.ly/EndFossilFuelEra)**

