



# FEDERALISM ISSUE: ENVIRONMENTAL POLICY

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The role the United States will play in stopping climate change is one of the key topics in the democratic primary debates. Around the world protests from the younger generation have demanded that governments hold corporations accountable for greenhouse gas emissions and other practices leading to global warming. Thus, in the United States, environmental policy is at the forefront of the 2020 election.

The Trump administration has emphasized the role of the federal government in its environmental policies, attempting to decrease the power of states such as California. For example, the current administration has decreased state emission targets set under the Clean Power Act. The Clean Power Plan, assigned states different emission reduction targets, and provided them with the flexibility to reach these targets.<sup>1</sup> Opponents of the Clean Power Plan also brought forth lawsuits against the Environmental Protection Agency (EPA) stating they had exceeded their authority and this would cause States to, for example, increase reliance on natural gas and renewable energy sources

for electricity generation. However, the EPA has implemented a new Affordable Clean Energy (ACE) rule which requires that power plants meet much more modest emission targets through on-site improvements in their heat-rate efficiency.<sup>2</sup> The new ACE act was done in “response to President Trump’s Executive Order 13873 - Promoting Energy Independence and Economic Growth.”<sup>3</sup>

Additionally the Trump administration altered the fuel economy standards to an average of about 37 miles per gallon, down from the 54 miles per gallon set by the Obama Administration.<sup>4</sup> This created a large federalism dispute between the Trump administration and California. California had received EPA waivers during the Obama administration to create its own - more stringent - policy guidelines but that waiver was revoked in 2019 leading to an ongoing legal battle.<sup>5</sup>

Finally, the Trump Administration has shown a desire to revise the Waters of the United States (WOTUS) to eliminate protections for more than half of

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<sup>1</sup> [Greg Goelzhauser, David M Konisky, The State of American Federalism 2018–2019: Litigation, Partisan Polarization, and the Administrative Presidency, Publius: The Journal of Federalism, Volume 49, Issue 3, Summer 2019, Page 389 https://doi.org/10.1093/publius/pjz014](https://doi.org/10.1093/publius/pjz014)

<sup>2</sup> Ibid.

<sup>3</sup> <https://www.epa.gov/newsreleases/epa-finalizes-affordable-clean-energy-rule-ensuring-reliable-diversified-energy>

<sup>4</sup> <https://academic.oup.com/publius/article/49/3/379/5530676>, 389

<sup>5</sup> <https://www.nytimes.com/2019/09/17/climate/trump-california-emissions-waiver.html>



all wetlands and nearly a fifth of streams that do not have relatively permanent surface water connections to nearby waterways.<sup>6</sup>

Democratic candidates, spearheaded by the joint Bernie Sanders and Alexandria Ocasio-Cortez proposal, have discussed the potential of the federal government implementing a Green New Deal (GND). This proposal aims to create new high paying jobs while also overhauling the federal government's use of fossil fuels. In essence, the Green New Deal would strive for the United States to be net-zero emissions no later than 2050.<sup>7</sup> Incentives would be rearranged to allow private corporations to receive tax cuts for transitioning to green energy sources. The Green New Deal places an emphasis on electric vehicles, improved electric public transportation, and attempting to ensure that this deal does not affect the most disadvantaged citizens in America.

In addition, all candidates would like to rejoin the Paris Climate Accord and make the U.S. the global leader in climate change reforms. The Green New Deal would increase the federal government's power over the economy and the direction of corporations - especially manufacturing companies. However, the Green New Deal would be an expensive program to implement. In total the GND is estimated to cost between \$51-\$93 trillion over the next decade.<sup>8</sup> This is roughly between two to four times the GDP of the US economy in 2018, which was 21.7 trillion in the fourth quarter of 2019.<sup>9</sup> The economic burden on citizens for the implementation of the Green New Deal would

differ by state. Part of the implementation would be focused on creating unionized jobs for workers. This could be a way to offset the growth of artificial intelligence and changing consumer habits that are decreasing the retail and trucking jobs across the United States. One consideration for the GND is whether or not it will include provisions to allow citizens to sue such as those in the 1970s Clean Air Act, Clean Water Act, and Endangered Species Act.<sup>10</sup>

## THE CANDIDATES

Here are the top three Democratic presidential candidates' visions on environmental policy:

Former Vice President Joe Biden hopes to reinstate the fuel economy standards that he and President Obama imposed during their time in office; in addition, Biden hopes to make climate change a national security priority and ensure that all Americans have safe and clean water.<sup>11</sup>

Senator Bernie Sanders hopes to achieve 100 percent renewable energy for electricity and transportation no later than 2030. In order to achieve fully electric vehicles, Sanders hopes to provide a trade-in system to allow low to middle class families to trade in their fossil fuel cars for new electric vehicles. Sanders will also sue fossil fuel companies and fully fund the Land and Water Conservation Fund.<sup>12</sup> As it relates to California's battle with the Trump administration, Sanders wants to establish national standards for auto

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<sup>6</sup> <https://academic.oup.com/publius/article/49/3/379/5530676>, 390

<sup>7</sup> <https://www.nytimes.com/2019/02/21/climate/green-new-deal-questions-answers.html>

<sup>8</sup> <https://www.aspeninstitute.org/blog-posts/how-much-will-the-green-new-deal-cost/>

<sup>9</sup> [https://apps-bea.gov/iTable/iTable-cfm?reqid=19&step=3&isuri=1&nipa\\_table\\_list=5&categories=survey](https://apps-bea.gov/iTable/iTable-cfm?reqid=19&step=3&isuri=1&nipa_table_list=5&categories=survey)

<sup>10</sup> <https://www.washingtonpost.com/outlook/2019/05/22/five-legal-principles-green-new-deal/>

<sup>11</sup> <https://joebiden.com/climate/>

<sup>12</sup> <https://berniesanders.com/issues/green-new-deal/>



manufacturing, while also allowing states to go further in their mandates. Sanders says he will reverse Trump's weakened mandate on fossil fuel emissions.<sup>13</sup>

Senator Elizabeth Warren hopes to establish a Green Manufacturing plan to incentivize the creation of clean energy made domestically.<sup>14</sup> Senator Warren's will expand offshore renewable energy in an attempt

to create 36,000 full-time jobs. In addition, Senator Warren will strive to rebuild American's fish stock and support ocean-based carbon sequestration projects, including coastal ecosystem restoration programs.<sup>15</sup> Senator Warren would take the opposite approach to the Trump administration and not sue states that pursue more aggressive climate goals than her administration.

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<sup>13</sup> <https://www.desertsun.com/story/news/politics/elections/2020/02/03/election-2020-democratic-candidates-discuss-california-emission-standards/4591416002/>

<sup>14</sup> <https://elizabethwarren.com/plans/100-clean-energy>

<sup>15</sup> <https://elizabethwarren.com/plans/blue-new-deal>

