Biden Administration Energy and Regulatory Milestones Timeline

This resource includes key specific milestones included in Executive Orders: 13990 (Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis); 13992 (Revocation of Certain Executive Orders Concerning Federal Regulation); 14008 (Tackling the Climate Crisis at Home and Abroad); 14018 (Revocation of Certain Presidential Actions); and 14002 (Economic Relief Related to the COVID-19 Pandemic).

Full list of 104 agency actions across 10 agencies (WH Council on Environmental Quality[2], Departments of Agriculture[1], Commerce[5], Interior[31], Energy[10], Transportation[3], Justice[1], Defense[2], Labor [1] and Environmental Protection Agency[48]) that are specifically identified for agencies to “consider publishing for notice and comment a proposed rule suspending, revising, or rescinding” the agency action, several of which have specific timeframes noted below.

In addition, specific milestones for the following memoranda are also incorporated (but non-specific milestones may be omitted): Memo on Regulatory Freeze Pending Review; Memo on Modernizing Regulatory Review; and Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking.

Items with an asterisk (*) have significant overlap with President Biden’s fact sheet on The America Jobs Plan (as announced on 3/31/21), those in italics are opportunities for greater transparency, and those highlighted may be of particular legal and policy interest. Feel free to contact cwoods@afphq.org for additional information.

Specific Milestones, February 2021 – August 2021

**February 19, 2021** – [H]eads of agencies shall submit to the Director of the Office of Management and Budget (OMB) a preliminary list of any actions being considered pursuant to section (2)(a) of this order that would be completed by December 31, 2021, and that would be subject to OMB review…. At the time of submission to the Director of OMB, heads of agencies shall also send each list to the National Climate Advisor. In addition, and at the same time, heads of agencies shall send to the National Climate Advisor a list of additional actions being considered pursuant to section (2)(a) of this order that would not be subject to OMB review. (Sec. 2(b) of EO 13990)

**February 19, 2021** – The Interagency Working Group on the Social Cost of Greenhouse Gases shall publish an interim social cost of greenhouse gases (including carbon, nitrous oxide, and methane) “which agencies shall use when monetizing the value of changes in greenhouse gas emissions resulting from regulations and other relevant agency actions until final values are published.” (Sec. 5 of EO 13990)

- **February 26, 2021** – New “interim” social cost of greenhouse gases estimates issued.

**March 21, 2021** – The Secretary of the Interior, as appropriate and consistent with applicable law, including the Antiquities Act, 54 U.S.C. 320301 et seq., shall, in consultation with the Attorney General, the Secretaries of Agriculture and Commerce, the Chair of the Council on Environmental Quality, and Tribal governments, conduct a review of the monument boundaries and conditions that were established by Proclamation 9681, Proclamation 9682, and Proclamation 10049 to determine whether restoration of the monument boundaries and conditions that existed as of January 20, 2017, would be appropriate. The Secretary of the Interior shall submit a report to the President summarizing the findings of the review conducted, which shall include recommendations for such Presidential actions or other actions consistent with law as the Secretary may consider appropriate to carry out the policy set forth in this order. (EO 13990)

**March 28, 2021** - Review and, as needed, update within 60 days of the date of this memorandum any website content, and within 300 days of the date of this memorandum any agency reports, data, and other agency materials issued or published since January 20, 2017, that are inconsistent with the principles set forth in this memorandum and that remain in use by the agency or its stakeholders (Sec. 3 of Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking)
March 28, 2021 – The Secretary of State shall prepare, a transmittal package seeking the Senate’s advice and consent to ratification of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, regarding the phasedown of the production and consumption of hydrofluorocarbons. (Sec. 102(j) of EO 14008)

March 28, 2021 – The Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, shall initiate efforts to collect input from fishermen, regional ocean councils, fishery management councils, scientists, and other stakeholders on how to make fisheries and protected resources more resilient to climate change, including changes in management and conservation measures, and improvements in science, monitoring, and cooperative research. (EO 14008)

March 28, 2021 – As part of this effort, the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization shall submit a report to the President describing all mechanisms, consistent with applicable law, to prioritize grantmaking, Federal loan programs, technical assistance, financing, procurement, or other existing programs to support and revitalize the economies of coal and power plant communities, and providing recommendations for action consistent with the goals of the Interagency Working Group. (EO 14008)


March 2021 – DOE propose major revisions to “Energy Conservation Program for Appliance Standards: Procedures for Evaluating Statutory Factors for Use in New or Revised Energy Conservation Standards” (EO 13990)

April 20, 2021 – Heads of agencies shall submit to the Director of OMB an updated list of any actions being considered pursuant to section (2)(a) of this order that would be completed by December 31, 2025, and that would be subject to OMB review. At the time of submission to the Director of OMB, heads of agencies shall also send each list to the National Climate Advisor. In addition, and at the same time, heads of agencies shall send to the National Climate Advisor a list of additional actions being considered pursuant to section (2)(a) of this order that would not be subject to OMB review. (Sec. 2(b) of EO 13990)

April 20, 2021 – Executive Order 13920 of May 1, 2020 (Securing the United States Bulk-Power System), is hereby suspended for 90 days. The Secretary of Energy and the Director of OMB shall jointly consider whether to recommend that a replacement order be issued. (EO 13990)

April 27, 2021 - Within 90 days of the date of this memorandum (1/27/21), heads of agencies shall review their current and future needs for independent scientific and technological advice from Federal advisory committees, commissions, and boards. The review should include an evaluation of those advisory bodies established by law, and should consider both current and anticipated needs…. Upon completion of their 90-day review, heads of agencies shall provide a summary report to the Director and the Director of OMB with recommendations on which Federal scientific and technological advisory committees should be rechartered or recreated in accordance with subsection (b) of this section; which scientific and technological advisory committees should be prioritized for membership appointments to ensure they provide wellrounded and expert advice reflecting diverse perspectives, in accordance with subsection (c) of this section; and which agency policies, processes, or practices, if any, should be updated to encourage relevant and highly qualified external experts to serve on such committees. (Sec. 7 of Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking)

April 27, 2021 – Agencies that engage in extensive international work shall develop, in coordination with the Special Presidential Envoy for Climate, and submit to the President, through the Assistant to the President for National Security Affairs, strategies and implementation plans for integrating climate considerations into their international work, as appropriate and consistent with applicable law. (EO 14008)
April 27, 2021 – Federal Clean Electricity and Vehicle Procurement Strategy. The Chair of the Council on Environmental Quality, the Administrator of General Services, and the Director of the Office and Management and Budget, in coordination with the Secretary of Commerce, the Secretary of Labor, the Secretary of Energy, and the heads of other relevant agencies, shall assist the National Climate Advisor, through the Task Force established in section 203 of this order, in developing a comprehensive plan to create good jobs and stimulate clean energy industries by revitalizing the Federal Government’s sustainability efforts. The plan shall also aim to ensure that the United States retains the union jobs integral to and involved in running and maintaining clean and zero-emission fleets, while spurring the creation of union jobs in the manufacture of those new vehicles. (EO 14008) [National Climate Task Force]

April 27, 2021 – Civilian Climate Corps. The Secretary of the Interior, in collaboration with the Secretary of Agriculture and the heads of other relevant agencies, shall submit a strategy to the Task Force for creating a Civilian Climate Corps Initiative, within existing appropriations, to mobilize the next generation of conservation and resilience workers and maximize the creation of accessible training opportunities and good jobs. (EO 14008) [National Climate Task Force]

April 27, 2021 – Conserving Our Nation’s Lands and Waters. The Secretary of the Interior, in consultation with the Secretary of Agriculture, the Secretary of Commerce, the Chair of the Council on Environmental Quality, and the heads of other relevant agencies, shall submit a report to the Task Force recommending steps that the United States should take, working with State, local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of our lands and waters by 2030. (EO 14008) [National Climate Task Force]

April 27, 2021 – The Department of Agriculture shall submit a report making recommendations for an agricultural and forestry climate strategy to the Task Force. (EO 14008) [National Climate Task Force]


May 7, 2021 – The Director of the Office of Science and Technology Policy shall, in consultation with the National Climate Advisor, within existing appropriations publish a report identifying the climate strategies and technologies that will result in the most air and water quality improvements, which shall be made public to the maximum extent possible and published on the Office’s website. (EO 14008)

May 27, 2021 - Within 120 days of the date of this memorandum, the heads of agencies that fund, conduct, or oversee scientific research shall, to the extent consistent with applicable law, designate a senior agency employee for the role of chief science officer, science advisor, or chief scientist (“Chief Science Officer”)… (Sec. 6 of Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking)

May 27, 2021 - Within 120 days of the date of this memorandum, after consultation with the Director, the Director of the Office of Management and Budget (OMB) shall issue guidance to improve agencies’ evidence-building plans and annual evaluation plans. (Sec. 5 of Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking)

May 27, 2021 – Justice40 Initiative. The Chair of the Council on Environmental Quality, the Director of the Office of Management and Budget, and the National Climate Advisor, in consultation with the Advisory Council, shall jointly publish recommendations on how certain Federal investments might be made toward a goal that 40 percent of the overall benefits flow to disadvantaged communities. The recommendations shall focus on investments in the areas of clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure. (EO 14008)
May 27, 2021 – The Director of National Intelligence shall prepare a National Intelligence Estimate on the national and economic security impacts of climate change. (EO 14008)

May 27, 2021 – The Secretary of Defense, in coordination with the heads of other agencies as appropriate, shall develop and submit to the President, an analysis of the security implications of climate change (Climate Risk Analysis) that can be incorporated into modeling, simulation, war-gaming, and other analyses. (EO 14008)

May 27, 2021 – Climate Action Plans and Data and Information Products to Improve Adaptation and Increase Resilience. The head of each agency shall submit a draft action plan to the Task Force and the Federal Chief Sustainability Officer that describes steps the agency can take with regard to its facilities and operations to bolster adaptation and increase resilience to the impacts of climate change. Action plans should, among other things, describe the agency’s climate vulnerabilities and describe the agency’s plan to use the power of procurement to increase the energy and water efficiency of United States Government installations, buildings, and facilities and ensure they are climate-ready. (EO 14008) [National Climate Task Force]


*July 27, 2021 – The Chair of the Council on Environmental Quality shall create a geospatial Climate and Economic Justice Screening Tool and shall annually publish interactive maps highlighting disadvantaged communities. (EO 14008)


August 3, 2021 – The Assistant to the President for National Security Affairs, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, the Administrator of the United States Agency for International Development, and the Director of National Intelligence, shall prepare and submit to the President a report on climate change and its impact on migration, including forced migration, internal displacement, and planned relocation. (EO 14013)


Non-Specific Milestones (likely to be completed in 2021)

“Promptly” - All executive departments and agencies (agencies) shall promptly identify actions they can take within existing authorities to address the current economic crisis resulting from the pandemic. (EO 14002)
“Promptly” - The Director of the Office of Management and Budget and the heads of executive departments and agencies shall promptly consider taking steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, implementing or enforcing the Presidential actions identified…

  Revoked EOs include:

  • Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs), Executive Order 13777 of February 24, 2017 (Enforcing the Regulatory Reform Agenda), Executive Order 13875 of June 14, 2019 (Evaluating and Improving the Utility of Federal Advisory Committees), Executive Order 13891 of October 9, 2019 (Promoting the Rule of Law Through Improved Agency Guidance Documents), Executive Order 13892 of October 9, 2019 (Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication), and Executive Order 13893 of October 10, 2019 (Increasing Government Accountability for Administrative Actions by Reinvigorating Administrative PAYGO) (EO 13992)


“As Soon As Practicable” – The Director of OMB, in consultation with representatives of executive departments and agencies (agencies), as appropriate and as soon as practicable, begin a process with the goal of producing a set of recommendations for improving and modernizing regulatory review. These recommendations should provide concrete suggestions on how the regulatory review process can promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations. These recommendations should be informed by public engagement with relevant stakeholders. This includes revisions to OMB’s Circular A-4, Regulatory Analysis and proposing “procedures that take into account the distributional consequences of regulations, including as part of any quantitative or qualitative analysis of the costs and benefits of regulations.” (Memo on Modernizing Regulatory Reform)

“As Soon As Possible” – EPA shall consider publishing for notice and comment a proposed rule suspending, revising, or rescinding “Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process” (EO 13990)

“As Soon As Possible” – EPA shall consider publishing for notice and comment a proposed rule suspending, revising, or rescinding “Strengthening Transparency in Pivotal Science Underlying Significant Regulatory Actions and Influential Scientific Information” (EO 13990)

*No Timeline/Immediate - The Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget shall take steps, consistent with applicable law, to ensure that Federal infrastructure investment reduces climate pollution, and to require that Federal permitting decisions consider the effects of greenhouse gas emissions and climate change. In addition, they shall review, and report to the National Climate Advisor on, siting and permitting processes, including those in progress under the auspices of the Federal Permitting Improvement Steering Council, and identify steps that can be taken, consistent with applicable law, to accelerate the deployment of clean energy and transmission projects in an environmentally stable manner. Agency heads conducting infrastructure reviews shall, as appropriate, consult from an early stage with State, local, and Tribal officials involved in permitting or authorizing proposed infrastructure projects to develop efficient timelines for decision-making that are appropriate given the complexities of proposed projects. (Sec. 213 of EO 14008)
Immediate - There is hereby established a National Climate Task Force (Task Force). The Task Force shall be chaired by the National Climate Advisor. (Sec. 203 of EO 14008)

Immediate - There is hereby established the White House Office of Domestic Climate Policy (Climate Policy Office) within the Executive Office of the President, which shall coordinate the policy-making process with respect to domestic climate-policy issues; coordinate domestic climate-policy advice to the President; ensure that domestic climate-policy decisions and programs are consistent with the President's stated goals and that those goals are being effectively pursued; and monitor implementation of the President's domestic climate-policy agenda. The Climate Policy Office shall have a staff headed by the Assistant to the President and National Climate Advisor (National Climate Advisor) and shall include the Deputy Assistant to the President and Deputy National Climate Advisor. (Sec. 202 of EO 14008)

Specific Milestones, September 2021 – December 2025

September 1, 2021 – Provide recommendations to the President, regarding areas of decision-making, budgeting, and procurement by the Federal Government where the social cost of greenhouse gases should be applied. (EO 13990)

September 2021 – EPA propose rule reducing Methane Emissions in the Oil and Gas Sector: “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration” (EO 13990)

September 2021 – EPA propose new regulations to establish comprehensive standards of performance and emission guidelines for methane and volatile organic compound emissions from existing operations in the oil and gas sector, including the exploration and production, transmission, processing, and storage segments. (Sec. 2(c) of EO 13990)

November 23, 2021 - Review and, as needed, update within 60 days of the date of this memorandum any website content, and within 300 days of the date of this memorandum any agency reports, data, and other agency materials issued or published since January 20, 2017, that are inconsistent with the principles set forth in this memorandum and that remain in use by the agency or its stakeholders (Sec. 3 of Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking)

December 31, 2021 – Completion date for suspending, revising, or rescinding agency actions in February 19, 2021 list submitted to OMB and National Climate Advisor (Sec. 2(b) of EO 13990)

January 2022 – Publish final social cost of greenhouse gases (EO 13990)

January 2022 – EPA Proposing a Federal Implementation Plan in accordance with the Environmental Protection Agency’s “Findings of Failure To Submit State Implementation Plan Revisions in Response to the 2016 Oil and Natural Gas Industry Control Techniques Guidelines for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) and for States in the Ozone Transport Region,” for California, Connecticut, New York, Pennsylvania, and Texas. (EO 13990)

Starting January 2022 – The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall consider the security implications of climate change, including any relevant information from the Climate Risk Analysis, in developing the National Defense Strategy, Defense Planning Guidance, Chairman’s Risk Assessment, and other relevant strategy, planning, and programming documents and processes. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall provide an annual update, through the National Security Council, on the progress made in incorporating the security implications of climate change into these documents and processes. (EO 14008)

Starting January 2022 – The Secretary of Homeland Security shall consider the implications of climate change in the Arctic, along our Nation’s borders, and to National Critical Functions, including any relevant information from the Climate Risk Analysis, in developing relevant strategy, planning, and programming documents and processes. The
Secretary of Homeland Security shall provide an annual update, through the National Security Council, on the progress made in incorporating the homeland security implications of climate change into these documents and processes. (EO 14008)

**February 2022** – The Director of the Office of Management and Budget, in coordination with the Chair of the Council on Environmental Quality, the Administrator of the United States Digital Service, and other relevant agency heads, shall, to the extent consistent with applicable law, publish on a public website an annual Environmental Justice Scorecard detailing agency environmental justice performance measures. (EO 14008)

**June 1, 2022** – Provide recommendations, regarding a process for reviewing, and, as appropriate, updating, the social cost of greenhouse gases to ensure that these costs are based on the best available economics and science. (EO 13990)

**June 1, 2022** – Provide recommendations to revise methodologies for calculating the social cost of greenhouse gases to take account of climate risk, environmental justice, and intergenerational equity. (EO 13990)

**December 31, 2025** – Completion date for suspending, revising, or rescinding agency actions in April 20, 2021 list submitted to OMB and National Climate Advisor (Sec. 2(b) of EO 13990)

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**Appendix**

Full list of [104 agency actions across 10 agencies](https://example.com) (WH Council on Environmental Quality[2], Departments of Agriculture[1], Commerce[5], Interior[31], Energy[10], Transportation[3], Justice[1], Defense[2], Labor [1] and Environmental Protection Agency[48]) that are specifically identified, pursuant to Executive Order 13990, for agencies to “consider publishing for notice and comment a proposed rule suspending, revising, or rescinding,” with action to be completed by December 2021 or December 2025 (with several specific deadlines outlined in the Order). All of these actions are critical, but items highlighted below may have particularly pronounced legal and policy consequences.

**COUNCIL ON ENVIRONMENTAL QUALITY**


**U.S. DEPARTMENT OF AGRICULTURE**


**U.S. DEPARTMENT OF COMMERCE**


**U.S. DEPARTMENT OF DEFENSE**


**U.S. DEPARTMENT OF ENERGY**


U.S. ENVIRONMENTAL PROTECTION AGENCY

10. “2,4,6-tris(tert-butyl)phenol (2,4,6-TTBP); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h),” 86 Fed. Reg. 866 (January 6, 2021).
35. “Air Plan Approval; Texas; Houston-Galveston-Brazoria Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards; Section 185 Fee Program,” 85 Fed. Reg. 8411 (February 14, 2020).
41. “Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h),” 84 Fed. Reg. 36728 (July 29, 2019).
45. “Methylene Chloride; Regulation of Paint and Coating Removal for Consumer Use Under TSCA Section 6(a),” 84 Fed. Reg. 11420 (March 27, 2019).

U.S. DEPARTMENT OF JUSTICE

U.S. DEPARTMENT OF THE INTERIOR

U.S. DEPARTMENT OF LABOR

U.S. DEPARTMENT OF TRANSPORTATION