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## Environmental politics in the Trump era

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## **PROFILE**

### **Environmental Politics in the Trump Era: An Early Assessment**

#### **Introduction**

Although neither climate change nor the environment featured as central issues of the US presidential election, Trump's rhetoric during the campaign - his promise to 'end the war on coal' and 'cancel' the Paris climate agreement, as well as his depiction of climate change as a hoax - led most observers to worry about Trump's impact on environmental and climate protection both within the US and globally. The election of Republican majorities in both houses of Congress magnified concern amongst environmentalists.

Here, I examine the first 100 days of the Administration and the implications for environmental policy and politics. Scholarship on environmental, constitutional and multilevel politics suggests that the Trump Administration poses a seriously debilitating but not necessarily fatal blow to US and global initiatives to address climate change and environmental protection. Constitutional checks, societal, local and sub-national mobilization, combined with the economic trajectory of low carbon energy, could well offset the President's moves to dismantle environmental protection and climate policy and action. In the end Trump's impact will depend less on what he does, and more on what others do.

#### **Early Warnings**

For those worried by Trump's election, the first months did little to reassure. Trump's cabinet appointments sent a clear signal about the new Administration's environmental and climate priorities. The men (they were all men) chosen to fill relevant cabinet posts included the former attorney general of Oklahoma, Scott Pruitt, as Head of the Environmental Protection Agency (EPA), the federal institution charged with upholding and implementing environmental legislation. Pruitt had been one of the fiercest critics of the EPA, suing it multiple times and challenging its entire remit. An oil man, former CEO of ExxonMobil Rex Tillerson, was appointed as Secretary of State. The new head of the Office of Management and Budget Mick Mulvaney declared federal funding for climate a 'waste of money'. Meanwhile, heading the Department of Energy is Rick Perry who earlier (in his own bid for the Presidency) promised to scrap the very agency he now leads. Montana congressman Ryan Zinke, an avid hunter and proponent of increased shale extraction and oil pipelines, now heads the Department of Interior, which is in charge of protecting federal lands and natural resources, as well as oversight of the Endangered Species Act. Finally, Trump's chief strategist and advisor Steve Bannon – the former chairman of the ultra right, conspiracy-rich media group Breitbart News - rounded off an Administration well versed in climate scepticism and outright denial. An unexpected Cabinet respite is Secretary of Defense James 'Mad Dog' Mattis, one of few cabinet members to recognise publically the security and wider risks of climate change and the need to address it.

The second cause for alarm was Trump's early actions as President. Among his first moves, several executive orders attempted to dismantle Obama's environment and climate policies. Most notable was Trump's attempt to eviscerate the Clean Power Plan (CPP), which includes a swathe of regulatory action to limit emissions in the power sector. Trump's other early executive orders included reversal of the moratorium on coal leases on federal land, granting permits for the construction of the Keystone XL pipeline (which stretches 1,200-miles, connecting Alberta's oil sands to refineries in Texas), and releasing restrictions on the Dakota Access pipeline (DAPL) (which runs across several Midwest states and near the Standing Rock Sioux Reservation and its sacred tribal burial site). Finally, Trump's proposed budget featured drastic funding cuts for the EPA and core science and weather agencies such as the National Aeronautical and Space Administration (NASA) and the National Oceanic and Atmospheric Administration (NOAA) – the key repositories of environmental and climate information. No official statement has yet been issued regarding the US commitment to the UNFCCC Paris climate agreement, but the Trump Administration's favoured options appear to be to 'pull out' or just ignore the agreement.

### **How Grim Is It?**

For many the situation appears unremittingly grim. But a close look at US intergovernmental, constitutional and environmental politics raises questions about what, precisely, Trump can do and what is likely to be done (or undone). Media coverage of the US pays considerable attention to the actions of the President and his power. But in practice the President's power is strictly limited. The US political system is complex, full of veto points, checks and balances, and replete with countervailing forces that may facilitate, but may also mitigate, block, or reverse Trump's actions and aspirations.

### *Congress*

The constitutional separation of powers makes policymaking difficult and gridlock more likely, even when the same party controls both executive and legislative branches. Many of Trump's budget and legislative initiatives are only possible with congressional support. Despite their minority status (48 seats to the Republicans' 52) many Senate Democrats have vowed to block Trump's more excessive proposals; they could do so with filibuster in the Senate, which requires 60 votes to override. In the lower House several Republican climate deniers will endorse Trump's proposals but many other Republicans – all up for re-election in 2018 - are much more wary of Trump's plans and how they will be received by their constituencies. Especially vulnerable are 25 Republican seats, several from marginal districts in Florida where awareness of climate change's impact is significant. To illustrate, membership of the bipartisan Climate Solutions Caucus – chaired by two Florida congressmen and designed to find climate solutions across partisan lines - has increased to nearly 40 members since Trump's election, reflecting the concern of at least some of Congress' most electorally

vulnerable members. Similarly, only Congress can approve national budgets. Some of the EPA's budget cuts will be agreed but certainly not all; many members' districts benefit enormously from EPA programmes in water protection, toxic clean-up, NASA and NOAA employment and funding. In short, some of Trump's actions (such as approving permits for pipelines) will initially go ahead because they do not need congressional approval. But others – including most EPA changes - are intertwined with legislation that can only be revised with congressional approval. Trump cannot assume those actions will be supported by Congress, especially where such programmes benefit individual constituencies.

### *Courts and Litigation*

An even more formidable hurdle for Trump will be legal challenges. Take, for example, Trump's executive order seeking to undo the Clean Power Plan (CPP). Any proposed dismantling will be legally complex, drawn out, and not at all certain to succeed. Under the constitution an executive order cannot simply overturn a regulation; the President can only ask for review, possible revision or replacement. Trump has instructed the EPA to start that process but it will last for many years. Not only does the Trump Administration need to produce a compelling explanation for why new laws are necessary, but the new plan will then require both a 'notice' and 'comment' period during which millions of comments can (and almost certainly will) be made and must be answered. That stage is followed by period of judicial review during which we can expect litigation from environmental NGOs ('We're ready!' said a Sierra Club spokesperson in March) but also labour and health groups.<sup>1</sup> Moreover, regardless of whether NGOs are successful in their legal challenge, the delay could last longer than the presidential term itself.

### *Market forces*

Broader market forces will also thwart some of Trump's initiatives. Coal is a rapidly declining sector in the United States. Hundreds of US coal power plants have closed down in the last decades, and the number of jobs in the coal sector has dropped by 75 percent. The main reason for this decline is not regulations but market imperatives. Even coal state politicians and coal industry leaders know that economic shifts such as the mechanization of mining and competition from natural gas and renewables have rendered coal non-competitive. In particular, the rise of renewables is striking. Costs are dropping significantly as clean energy technologies become rapidly cheaper over time. In the last eight years, the cost of wind power in the US has dropped by 40 percent, solar by 60 percent, and the costs of both storage and electric car batteries have fallen as well. In the electricity sector, jobs in solar alone now outstrip jobs in oil and gas (DoE 2017, p30). Crucially, this embrace of clean and renewable energy is not limited to traditional 'green' states or sectors but is part of a wider transition to technologically savvy, economic opportunities. Trump will slow this transition by cutting funds for research and development, and his actions will mean missed opportunities for more rapid growth within the low carbon technology sectors. But Trump cannot stop this trend towards clean energy, neither in the US nor globally.

### *States and cities*

The most profound counter to Trump's anti-environmental crusade is occurring below the federal level – within states and cities, where clean energy but also ambitious climate and environmental initiatives are much more pronounced. They will continue. In times of federal stagnation or retreat, subnational entities can and do fill the void. Much of the statutory power – and certainly the creativity - in climate and environment policy is found here. Best known are initiatives in 'pioneer' states such as California or New York, which together currently account for 10 percent of US total emissions; both have committed to supply 50 percent of state electricity from renewables by 2030. California has made explicit its challenge to Trump policies. The Governor has signed agreements with other sub-state entities (Quebec, Scotland) and vowed publically and robustly to defy any federal encroachment, such as the Administration's threat to end a waiver allowing California to enact more robust environmental legislation. (The previously fierce 'states rights' advocate Pruitt has flipped sides, now arguing that state rights should be subordinate to federal rules.) If so, California is clearly up for the fight, having hired Obama's attorney general to represent it in expected legal battles against the Trump Administration, which, while it can reduce federal funding and make progress more difficult, cannot stop California or other states from continuing their own initiatives in key areas of climate and environment.

Nor is this embrace of an environmental or low-carbon agenda limited to 'blue' Democratic states; it extends to many other states including, crucially, 'red' states led by Republican governors. The main growth in the US renewable power sector has occurred in midwest states such as Kansas, Iowa, Texas, and Oklahoma who now source 10-30 percent of their power from solar and wind. Because these states have benefitted enormously from an influx of jobs, investment, and reduced energy costs, their governors and politicians have become unexpected champions of low-carbon economies, and supportive of low-carbon policies. Suggestions that the Trump Administration may curb federal tax credits for low-carbon energy have been robustly countered.

Nor will cities and towns stop taking climate and environmental action. Large, coastal cities in particular are keenly aware of a changing climate because they are most vulnerable to flooding or damaged infrastructure. Hundreds have enacted local ordinances that prevent offshore drilling. Inland, many mayors of cities now view low-carbon measures as an energy and cost saving initiative if not an environmental one. Since Trump's election more mayors have signed the mayoral compact on climate and around 20 have now committed their cities to be powered solely by renewables. Nor are these climate-active cities only found in liberal enclaves: they include many Republican-led cities in both blue and red states responding to the economic, environmental and public safety rationale of climate and environmental action.

### *Civil society*

Following Trump's election it was easy to forget that a clear majority of Americans are convinced climate change is a problem, enthusiastically and overwhelmingly embrace renewable technologies, and are in favour of many of the regulations Trump is trying to roll back. The public is not terribly supportive of Trump's environmental actions so far. In several polls asking respondents to 'grade' Trump's performance in his first 100 days one of the most striking low marks was on the President's handling of climate change. When asked how well the President is doing in addressing this issue, a clear majority rated his performance below average, and 32 percent marked him as F or fail (Shephard 2017). Moreover, we know from research on environmental activism and mobilization that forms and expression of environmental concern constantly change and adapt to new challenges. The election of Trump was followed by an increase in the membership of 'traditional' environmental NGOs, but it also sparked mobilization of less expected groups. Two major marches (in Washington DC but with satellite marches in cities across the US) illustrated the public's growing concern. On Earth Day 2017 a 'March for Science' was the largest ever assembled in Washington DC. The rationale for the march was not strictly environmental but, rather, concern about the Trump Administration's dismissive view of scientific research and data including on the issue of climate change. The next week the People's Climate March emphasized not just the environmental, but also the social, health and justice implications of climate change and inaction. Meanwhile, opposition to the Keystone and DAPL pipelines has increased since Trump's decision to allow permits. That opposition has now grown into the largest Native American protest in recent history, bringing together citizens galvanised by environmental, community, health and religious concerns.<sup>2</sup> These overlapping but distinct marches – together mobilizing millions of Americans - illustrate the growing range of societal concern over Trump's climate and environment proposals.

### *Global response*

Of course the impact of the Trump Administration's actions reaches far beyond US borders, many fearing that Trump would scupper the UNFCCC climate agreement reached in December 2015. Without the US, many warned, the Paris deal was dead. But again, these dire predictions need context. First, whatever he promised during the campaign, Trump cannot 'cancel' Paris; no President can cancel a multilateral United Nations accord. He can withdraw the US from the Paris agreement (and may be tempted by the 'anti-establishment' message that would send) but that would take a minimum of four years (longer than his term) because of stipulations written into the Paris Agreement (Chemnick 2016). Pulling out would also be strategically risky if not foolhardy; it would create diplomatic backlash and ill will, and would bring little gain (under the Paris Agreement states make their own nationally determined commitments which are non-binding; pulling out would thus not 'relieve' the US of otherwise binding targets). Many within Trump's closest circle of advisors are thus urging the US 'keep a seat at the table' (in the words of Secretary of State Tillerson). Either way the Trump Administration will weaken the US nationally determined commitments. That unilateral move is certainly counterproductive, but its global impact remains open.

So far several other parties to the Agreement have promised to fill the void left by US inaction. European Union Commissioners have declared the EU 'ready to lead the fight' for global emissions reductions with or without US participation. Perhaps even more consequential is China's role. China is acutely vulnerable to climate change, its middle class has grown increasingly angry about dangerous levels of urban pollution and it has already taken the economic lead on the global development of renewables. In Feb 2017 President Xi Jinping voiced his 'unequivocal' commitment to the Paris Agreement and vowed to work with others. Whatever the US does, China looks poised to take a leadership role: it will embrace climate action as long as the diplomatic, economic, and domestic environmental opportunities presented by such action remain. Less clear is what role other major emitters such as India will play, especially if, as is likely, the US reduces its contribution to the green climate fund promised to developing countries. What will ultimately shape the global impact of Trump's decision on Paris is what *other* signatories do: whether they take it as excuse to shirk their own responsibilities, or step up to fill the void. While the latter is not guaranteed, there is plenty of evidence to suggest that the environmental, economic and diplomatic incentives for moving forward on Paris outweigh the temptation to follow the example of a laggard.

### **Conclusion**

Trump's first 100 days may alarm observers of environmental policy and politics. His initial actions to undo regulations and initiatives enacted to protect the environment and climate have been swift and harsh. But their impact is not yet clear. On one hand, the damage could be severe. In the short term coal production will increase and the process will be dirtier; polluters and climate sceptics will be emboldened; core protections of ocean, waterways and land will be relaxed; budget slashes mean crucial research will not be carried out. The loss of federal budgets for R&D or technological support for clean technology will slow positive trends in areas of energy efficiency and carbon reductions. These are big problems.

However, countervailing forces will be equally and, in some cases, more important. Some of these counter trends are recent (such as the rise of renewables or the growing diversity of societal mobilization); some are entrenched features of the US system (such as institutional and constitutional checks). Observers need to keep close watch on Trump's actions but not let the gloom obscure the role of other actors in environmental politics. Citizens, cities, states, judiciaries, members of Congress, as well as countries and leaders beyond the US will ultimately shape the impact of Trump's action. Some will help Trump but others will mitigate, resist, counter, or halt his actions. Put another way, what Trump does is not as important as he thinks. What will matter most is not his actions but how others react, respond, pre-empt or prevent.

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**NOTES**

<sup>1</sup> A focus of many groups is dismantling of the CPP which, according to the EPA, will save billions of dollars in health costs due to reduction in respiratory disease, missed work and premature deaths

<sup>2</sup> Nor is the battle over; planning permission for pipelines traversing states needs not just federal but also state approval. Responding to protests, the relevant commission in Nebraska has thus far withheld that permission.



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