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Obama's Environmental Policy: High Hopes, Harsh Reality

Barack Obama's victory in the 2008 US presidential elections was historic. As the first Afro-American to be elected, Obama generated a great deal of hope, especially for improved race relations, but also for a proactive environmental protection program. Following the pro-fossil fuel, pro-business policies of the George W. Bush administration, environmentalists were particularly attentive to Obama's campaign platform that promised "a new energy future...embracing alternative and renewable energy, ending our addiction to foreign oil, addressing the global climate crisis and creating millions of new jobs that cannot be shipped overseas."¹ Environmentalists' expectations for assertive action at the federal level were very high. Pro-business, staunch conservatives, on the other hand, were opposed to any furtherance of environmental regulations. It is not surprising then, that after eight years of initiatives in environmental protection and energy policy, assessments of President Barack Obama's environmental legacy are mixed. Some observers consider his results "wobbly"; others call him one of the best environmental presidents in US history. Evaluations differ widely according to the metrics used to assess a president's record: words or actions, the means employed, short-term or long-term results, the popularity of the measures undertaken, and not least, the perspective of the evaluator.

This article will start by giving a brief historical contextualization of American environmentalism before situating the Obama presidency in the contemporary context of polarized American politics. We will then take a look at the tools available to the US president and give an overview of the Obama administration's domestic and international initiatives in the environmental field.

Historical Overview

It would be misleading to hold a microscope to the Obama presidency's environmental actions without placing this period in the broader social and political contexts. A short historical overview will illustrate the conditions in which the American environmental movement was spawned.

After the Great Depression and World War II, the country's mood was focused on material wellbeing with little thought for the environment. The economy - as well as the population - boomed during the postwar period. Rapid development, accompanied by burgeoning mass consumerism, generated huge amounts of waste and pollution that was affecting public health. A growing, relatively affluent, middle class was able to turn its attention to quality-of-life issues and the health of their overall environment. For example, the chemical and atomic industries had exploded after the war, and studies found that pregnant women's milk was contaminated with DDT. Housewives, already worried about the nuclear threat, were outraged by such findings and campaigned for many causes, including clean air, safe drinking water, and against nuclear fallout. Along with many other protest movements, the environmental

¹ White House, "Energy and Environment" (March 2009) <http://whitehouse.gov/issues/energy-and-environment>

movement blossomed in the 1960s, particularly after Rachel Carson's *Silent Spring* drew attention to the devastating impact pesticides were having on plant and animal life. Weary of the constant tension caused by the Vietnam War, the Civil Rights movement and others, politicians were relieved to have an issue that most could agree upon. On the first Earth Day, April 22, 1970, an ABC news commentator remarked, "In a time of strife and stress, it [pollution] has at least united the country in opposition to it. Republicans, Democrats, radicals and rightists, young and old, rich and poor, finally found a war all can support – a war on pollution."² Thus, with strong public support, major environmental protection legislation was passed in late 1969 and the 1970s, "the environmental decade." Most of the laws were voted with overwhelming majorities, a fact which testifies to the reigning consensus on these issues. For example, the National Environmental Policy Act passed unanimously in the Senate and 372-15 in the House of Representatives. The Clean Air Act amendments of 1970 passed 73-0 in the Senate and 375-1 in the House of Representatives. The Endangered Species Act passed in the Senate by voice vote and in the House by 355-4. This level of consensus has virtually been unheard of in recent decades.

A Polarized Political Context

Indeed, by the time Barack Obama became president, it had become commonplace for elected officials to vote along strict party lines. Therefore, presidents being slowed down or blocked by Congress is nothing new: the governmental system of checks and balances has institutionalized Congress's ability to do just that. Theoretically, the separation of powers, which confers on each branch of government the ability to check the others, was designed to prevent a concentration of too much power in one branch. Checks between the executive and legislative branches are illustrated by the passage of a bill: the president has the power to veto a bill, which still can pass if the legislature approves the bill by a two thirds majority of the members present for the vote. Overriding a presidential veto is rare, but Congress achieved this in 1972 when President Nixon vetoed the Clean Water Act due to its 24-billion-dollar budget³. Congress overwhelmingly approved the bill despite the veto (Senate: 52-12-36 abstained; House: 247-13-160 abstained). Similarly, Congress overrode President Reagan's veto of the Clean Water Act amendment bill in 1987: Senate: 93-6, House: 408-6.⁴ These examples demonstrate how solid congressional (and public) support for pollution control was, as well as the power of the legislative branch.

Ironically, environmental protection, the sphere that was lauded for its non-partisan character in the 1970s, has since become one of the most contentious areas of policymaking. In contrast to the supportive role the three branches of the federal government had played during the 1960s-70s, Ronald Reagan was openly hostile to environmental protection. He campaigned on a deregulation platform: not only was he ideologically opposed to government in general, he

² Quoted in Finis Dunaway, "Gas masks, Pogo, and the Ecological Indian: Earth Day and the Visual Politics of American Environmentalism," (*American Quarterly* 60, 2008): 68. See also: <https://abcnews.go.com/Archives/video/april-22-1970-earth-day-9779207>

³ Gerhard Peters and John Woolley, "Richard Nixon: Veto of the Federal Water Pollution Control Act Amendments of 1972," <http://www.presidency.ucsb.edu/ws/?pid=3634>

⁴ Philip Shabecoff, "Senate Passes Clean Water Bill; Reagan Compromise is Rejected," *New York Times*, Jan. 22, 1987

also believed that the new laws against pollution and protecting wilderness areas, like the vast tracts protected by the Alaskan National Interest Lands Conservation Act of 1980, were obstacles to free enterprise and energy exploration. The “Reagan Revolution” was the beginning of the conservative movement, which, one may venture, has reached its peak under the Trump administration.

Environmental protection affects nearly every aspect of public policy, including energy, air and water quality, land use, toxic substance production and disposal, wildlife and habitat. Free market, pro-business conservatives consider most environmental regulations as anti-growth, anti-economic, and an overreach of authority. As the Republican Party has moved rightward on the ideological spectrum, elected officials, especially moderates, have adapted their positions to the increasingly extreme, uncompromising, anti-environmental stances of the neoconservatives and Tea Party advocates. Republicans’ strategy, from the start of the Obama presidency, appears to have been obstructionism - whatever the policy or the national interest.⁵ Shortly before the midterm elections in October 2010, the Senate Republican minority leader, Mitch McConnell famously said, "The single most important thing we want to achieve is for President Obama to be a one-term president."

Indeed, the political and ideological polarization, which has steadily intensified since the 1980s, is well documented. Members of both houses of Congress have become increasingly intransigent ideologically, refusing to engage in bipartisanship, which makes legislating difficult in a system based on compromise. For example, in 2009-10, not one Republican in the House or the Senate voted for major legislation such as the Affordable Care Act. Consequently, “gridlock” is the word that has most frequently characterized the legislative branch in the last few decades, and encouraged the rise of the “administrative presidency.”

An Increasingly Polarized Public

Moreover, the partisan divide that was largely limited to Congress has become apparent in the general population in recent years, and the issue of climate change has become politicized as well. Whereas the casual observer could easily see polluted air and water in the 1960s, climate change is much more of a complex, abstract concept for the general public. Compared to Europe, Americans have been less convinced that human activity is a principal cause for climate change. A 2015 Pew survey of global attitudes found that 60% of Europeans versus 41% of Americans believed that climate change was already harming people around the world.⁶ Considering that the United States was the precursor in environmental protection in the 1960s and 1970s, this skepticism seems puzzling. One explanation sees it as the result of a successful effort to sow doubt in the public’s minds as to the existence, or at least, the origin, of climate change. By the time global warming and climate change became mainstream concerns in the 2000s, conservative ideologues, financiers and fossil fuel proponents had embarked on a concerted campaign to convince the public that greenhouse gases were a

⁵ See Joshua Green’s excellent article on Mitch McConnell in *The Atlantic*:
<https://www.theatlantic.com/magazine/archive/2011/01/strict-obstructionist/308344/>

⁶ <https://www.pewresearch.org/fact-tank/2016/04/18/what-the-world-thinks-about-climate-change-in-7-charts/>

natural phenomenon and that there was no need to curb consumption. Several techniques were employed to influence public opinion. For example, conservative think tanks, like the Heritage Foundation, the Heartland Institute and the Competitive Enterprise Institute, were created to produce studies that contradicted the prevailing scientific consensus on climate change. Certain scientists, like Fred Singer, who had written reports denying the link between smoking and cancer, were hired to discredit scientific reports on the danger of global warming.⁷ With generous corporate funding and frequent airtime on conservative media outlets like Fox News, the campaign succeeded in swaying public opinion. The impact of this public opinion campaign has been greater on conservative-leaning Americans: 68% of Democrats versus 20% of Republicans believed that climate change was a serious problem.⁸ It is only very recently, as extreme weather events (severe hurricanes, droughts and wildfires, flooding) hit the United States, that public opinion is changing. Several recent polls have found that 70+ % of Americans now believe that climate change is occurring and a majority believes that the change is due to human activity. Direct experience with extreme weather is cited as the primary reason.⁹

Given the success of the conservative wing of the Republican Party in swaying public opinion on environmental issues, the recalcitrance of Republicans in Congress, added to the financial crisis that broke shortly before Obama took office, the context was not welcoming for a proactive environmental protection program.

Executive Tools

The Obama presidency, sandwiched between the two most anti-environmental administrations to date, generated great expectations on the environmental protection front and may be judged more favorably by posterity due to this particularity. In addition, facing an uncooperative Congress, legislation to strengthen environmental protection was quickly shown to be an impossible endeavor. President Obama did, however, manage to move his environmental agenda forward, both domestically and internationally, thanks to the considerable arsenal of executive tools at his disposal. Much has been written in the last few decades about the expansion of presidential power in the United States. It could be argued that, in the face of congressional inaction, gridlock and obstructionism, executive power has grown, in part, out of necessity. This section will outline a selection of the administrative powers available to the president, Obama's attempts at following the legislative path and his use of unilateral action to further his environmental agenda.

⁷ Oreskes, Naomi, Erik M. Conway, *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming* (Bloomsbury Press, 2010).

⁸ <https://www.pewresearch.org/fact-tank/2016/04/18/what-the-world-thinks-about-climate-change-in-7-charts/>

⁹ Umir Irfan, "Americans are worried about climate change," *Vox*, Jan. 28, 2019. See also: Oliver Milman, "Americans' climate change concerns surge to record levels, poll shows," *Guardian*, Jan. 22, 2019.

Arriving in office during the worst recession since the 1930s, environmental protection was not at the top of the list of priorities. Instead, President Obama concentrated on passing the emergency stimulus bill, the American Recovery and Reinvestment Act of 2009 (ARRA). As Norman Veg notes, however, the bill included \$80 billion of new spending and tax incentives to promote automobile fuel efficiency, mass transit systems, energy efficiency, as well as the development of cleaner fuel technologies and renewable energy sources. Thus, without publicizing it as an environmental program, the ARRA advanced Obama's environmental agenda.

A proponent of bilateralism and compromise, Obama actively sought consensus with Republicans in Congress during his first term when he enjoyed the majority in both houses of Congress. It quickly became evident, however, that Republicans were not interested in bipartisan cooperation. As mentioned earlier, Obama's signature piece of legislation during his first term, known as Obamacare, required a protracted period of negotiations to convince conservative, pro-life Democrats in the House, and obtain a super majority of 60 votes in the Senate for major legislation, which ensures against a filibuster.¹⁰ Both houses passed their bills at the end of 2009, but it was then necessary to "reconcile" the two versions to present one bill to the President. This drawn-out, argumentative process that lasted through March 2010, cost President Obama much of his political capital, which was used to convince reticent Democrats; no Republicans voted in favor.

Meanwhile, other Representatives were working on the first American attempt at a cap-and-trade climate bill, known as the Waxman-Markey Bill, which narrowly passed the House of Representatives in November 2009. It would be an even tougher sell to the Senate. In March 2010, Obama announced that the administration would propose that Congress expand oil and gas exploration in the Gulf of Mexico. Rosenbaum notes that this overture to Congress was a reluctant concession to Senate Republicans – the price to pay for their support of his climate change legislation. A month later, in April 2010, the BP Deepwater Horizon oil rig exploded in that very region, causing massive devastation, and the President backtracked. For environmentalists, this was one more indication of Obama's willingness to exploit fossil fuels. In the summer of 2010, when the Senate finally turned its attention to the Waxman-Markey Bill, it was evident that there were not enough votes to pass it.¹¹ Environmentalists criticized Obama for not having made environmental issues more of a priority, for this bill was the first serious American attempt to address climate change, and the opportunity of passing a bill would be lost after the midterm elections and an expected loss of seats.

Indeed, the midterm elections in November 2010 resulted in large gains for Republicans, both in Congress and in state governorships. Republicans took control of the House of Representatives and narrowed the margin in the Senate. In the 2012 and 2014 elections, Republicans remained in control of the House and took the Senate in 2014. Consequently, President Obama had no chance of passing environmental legislation through Congress. Like

¹⁰ A filibuster is a political strategy in which a senator speaks—or threatens to speak—for hours on end to delay efforts to vote for a bill. See <https://www.history.com/topics/us-government/history-of-the-filibuster>

¹¹ Carl Hulse, D. Herszenhorn, "Democrats Call Off Climate Bill Effort," *New York Times*, July 22, 2010.

his predecessors, Presidents Clinton and GW Bush, in particular, Obama resorted to an administrative strategy when the legislative path was blocked.

Appointments

The Executive Office of the President encompasses a wide range of agencies as well as the president's personal staff. Most of the 1,800 employees are permanent civil servants, which provide continuity from one administration to another. Some of the most important leaders of environmental policy at the federal level, in particular the secretary of the Interior, secretary of Energy, and the head of the Environmental Protection Agency, are appointed by the president. Presidential appointees to the most important positions, such as these, must be approved by the Senate. Once they are confirmed, the president and his chosen leaders have significant power.

The Department of the Interior is key in determining federal land policy and few environmental issues escape its purview. One of the oldest cabinet-level positions in the U.S. government, the Interior Secretary has many responsibilities, such as managing millions of acres of federal lands (roughly 28% of the nation's land is owned by the federal government) and enforcing laws that protect endangered species. As the nation's principal conservation agency, the Interior Department governs several federal agencies, including the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the Minerals Management Service, the Office of Surface Mining, the Bureau of Reclamation, the U.S. Geological Survey and the Bureau of Indian Affairs.

The Department of Energy, created in 1976 in the wake of the first energy crisis, has been plagued with unpopular programs and contradictory objectives in some cases. Its responsibilities include promoting civilian nuclear power, regulating military nuclear facilities and radioactive wastes, administering federal research programs in energy and conservation, and regulating price controls for domestic petroleum and natural gas.

The Environmental Protection Agency (EPA), created by executive order in 1970, is an independent agency of the executive branch whose mission is to protect human health and the environment by writing and enforcing environmental laws passed by Congress. Its responsibilities have continually expanded to cover an increasingly large, technically complex set of programs that require substantial resources. However, the agency has been chronically underfunded and understaffed, especially under hostile administrations. The Obama administration initially increased its budget, but was forced by the recession and congressional pressure to cut its funding, which resulted in a 2015 budget that amounted to only 60% of the EPA's 1980 budget (adjusted for inflation).¹²

Contrary to Presidents Reagan, GW Bush, and Trump, who appointed environmentally hostile persons to head these offices, President Obama chose people with strong environmental protection backgrounds to lead key agencies during his first term. The 2009 team included former EPA administrators with proven track records, like Carol Browner and Lisa Jackson,

¹² Rosenbaum, Walter, *Environmental Politics and Policy*, 10th edition, (CQ Press, Thousand Oaks, CA: 2017).

as well as illustrious scientists, like Nobel Prize recipient physicist Steven Chu and physics professor John Holdren to head the Department of Energy and the Office of Advisors on Science and Technology, and Colorado Senator Ken Salazar as energy secretary.

Environmentalists were less enthusiastic about President Obama's second-term appointments, however. During the 2012 campaign for re-election, the President announced an "all of the above" energy strategy, which seemed to send out contradictory messages. On the one hand, he called for decisive action to lower greenhouse gas emissions; on the other hand, he asserted the need to develop "every source of American-made energy."¹³ Every source includes nuclear energy and hydraulic fracturing or "fracking" for natural gas, as well as oil and coal – all of which raise concerns about emissions or toxic waste. To head the EPA, Obama selected Gina McCarthy, the person who wrote the EPA air pollution rules for fracking. As Interior secretary, Obama appointed Sally Jewel, the person who has the authority to lease federal land for oil and gas fracking. She disclosed the fact that she owned stock in numerous oil and gas companies, which could influence her decisions. And as director of the Department of Energy, Obama chose Ernest Moniz, an MIT professor who supports nuclear energy, fracking and "clean coal." All of these appointees wielded significant power in determining the rules and in executing the president's orders. Environmentalists interpreted these choices as a move to prioritize the "all of the above" agenda over environmental protection.

Executive Orders and Regulations

The president has the constitutional power to issue executive orders to all federal executive agencies. This power has been used extensively by recent presidents, which allows them to further their agendas - at least while they remain in office. The weakness, however, is that executive orders can be immediately overturned by the president's successor. Presidents Clinton, GW Bush, Obama, and Trump all revoked executive orders signed by their predecessors. President Obama, for example, in the days following his inauguration in January 2009, revoked Bush policies allowing for resource exploitation near Utah public lands and timber production in national forests.

The following examples illustrate new rulemaking by the Obama administration. When the Supreme Court ruled that the EPA had the authority to regulate carbon dioxide emissions (*Massachusetts v. EPA*, 2007), contrary to the wishes of the GW Bush administration, Obama saw it as an opening to enact more stringent air quality regulations. Consequently, he ordered the EPA to write stricter light vehicle emissions and fuel efficiency rules, similar to those in the 2002 California law that the Bush administration had blocked. Later, stricter standards were announced for heavy trucks and buses. The Obama administration instructed the EPA to issue regulations on mercury and other toxic pollution from power plants, incinerators and industrial boilers. The Cross-State Air Pollution Rule stiffened standards on emissions of sulphur dioxide, nitrogen oxides and particulates. The Waters of the United States Rule, intended to protect the quality of more than 60% of the nation's streams, was issued in 2015. Immediately contested in court by myriad interests (farmers, property developers, fertilizer

¹³ Stefanie Spear, "A Closer Look at Obama's 'All of the Above' Energy Policy," *EcoWatch*, Mar. 18, 2013, <https://www.ecowatch.com/a-closer-look-at-obamas-all-of-the-above-energy-policy-1881713052.html>

and pesticide manufacturers, etc.), the rule has gone into effect in 23 states so far (as of June 2019).¹⁴ Despite these initiatives during the first term, Obama's environmental record fell far below the expectations of the environmentalists he had cultivated during his election campaign.

President Obama signaled a bolder approach to advancing his environmental agenda at the beginning of his second term. After his re-election, he announced in his January 2013 State of the Union speech a significantly more ambitious environmental program to strengthen protections and combat climate change. In clear terms, he announced that he would take action with or without Congress. Rosenbaum credits Obama with being "the first president to actively and consistently promote climate change as a major priority in his regulatory agenda, legislative initiatives, and public speeches...crafted almost entirely through the exercise of his inherent executive powers..."¹⁵ Using the Clean Air Act and the 2007 Supreme Court decision as its justification, the EPA elaborated the Clean Power Plan. Using a state-based enforcement plan, the rule established state-by-state objectives for carbon emissions reductions from electric utilities. It estimated that countrywide emissions would drop to 32% below 2005 levels by the year 2030.¹⁶

Another important decision, which would affect carbon emissions, was whether or not to allow construction of a petroleum pipeline. President Obama, to the displeasure of environmentalists whose slogan became "Keep it in the ground," appeared very undecided on this issue. Throughout his presidency, activists protested against the proposed construction of the Keystone XL pipeline, which would connect the Canadian tar sand fields in Alberta to Texas refineries, transporting 800,000 barrels a day a distance of 1,179 miles (1,886 km). The activists cited the 26 million metric tons of carbon pollution per year this oil would produce and the danger of oil spills from the pipes that could contaminate drinking water. After years of consideration, President Obama finally announced he would reject the application in November 2015. Another pipeline proposal, started in 2014, was perhaps even more controversial because it involved Native Americans: the Dakota Access Pipeline. This pipeline impacts the Standing Rock Sioux tribe's sacred land and any leakage could contaminate their source of drinking water. The protests against the Dakota Access Pipeline were not so successful. A federal court intervened to allow construction to go forward despite the Obama administration's temporary halt on construction in September 2016.

An important tool available to the president, this time to preserve federal land and archeological sites from development, has existed and been widely used for over a century, the Antiquities Act. Ironically, Congress, via this law, granted the president the power to bypass Congress.

¹⁴ <https://www.epa.gov/wotus-rule/about-waters-united-states>, accessed June 15, 2019.

¹⁵ Rosenbaum, *op.cit.*, 2017 : 15

¹⁶ Union of Concerned Scientists, <https://www.ucsusa.org/our-work/global-warming/reduce-emissions/what-is-the-clean-power-plan>

Protecting Special Places: the Antiquities Act

Since the arrival of European settlers in North America, the dominant drive was to exploit the seemingly limitless natural resources. But widespread depletion of forests and a growing awareness of the finite nature of those resources, including wildlife species approaching extinction in the late nineteenth century, led to a movement to preserve some of the remaining wild areas. Congress thus created the first national parks, like Yellowstone in 1872, and passed the Forest Reserve Act in 1891. This law empowered the president to declare certain regions "forest reserves," which was intended to provide temporary protection for these areas during the time it took Congress to pass legislation. The protected areas were largely located in the sparsely settled western territories. Predictably, when President Theodore Roosevelt used the Act to designate one hundred million acres of land as forest reserves, western ranchers protested vociferously. In 1907 Congress responded by passing an amendment that prohibited the President from creating new reserves in six western states, unless he had the consent of Congress.

Congress had repeatedly refused to increase the executive branch's power, but the looting of American Indian archeological sites demanded immediate action and drove Congress to pass new legislation. In 1906 Congress, without realizing how powerful a tool it would become, replaced the 1891 Forest Reserve Act by the Antiquities Act, which allowed either the President or Congress to establish national monuments. The Antiquities Act became an important unilateral tool for the executive branch, as congressional action was not required to validate the president's proclamations. T. Roosevelt quickly took advantage of the authority given him and designated 18 threatened areas as national monuments before he left office in 1909. Since then, it has been a prized administrative tool, especially in times of gridlock. Currently, all but five presidents (Richard Nixon, Gerald Ford, Ronald Reagan, and George H.W. Bush, Donald Trump) have used the Antiquities Act to protect a total of 157 national monuments.¹⁷ President Obama holds the record, having designated 26 national monuments.

Furthermore, President Obama followed in the footsteps of Presidents Carter, Clinton, and GW Bush to use this authority to designate "midnight monuments" in the weeks before leaving office. This practice, as well as the very existence of the Antiquities Act, has long been contested by western property owners, states' rights advocates, conservative associations like the Heritage Foundation and the Federalist Society, and most recently, by President Trump.¹⁸ Shortly after taking office, President Trump ordered a review of 27 national monuments and announced his intention to shrink one of Obama's midnight monuments, Bears Ears, in Utah. The announcement is controversial, with lawyers on both sides sparring over the legality of Trump's intention. Defenders of the Antiquities Act contend that it allows a president to create a monument, but has no provisions for eliminating existing monuments.¹⁹

¹⁷ Monuments Protected Under the Antiquities Act, <https://www.npca.org/>

¹⁸ See <https://www.heritage.org/environment/report/the-antiquated-act-time-repeal-the-antiquities-act> or <https://fedsoc.org/commentary/podcasts/midnight-monuments-the-antiquities-act-and-the-executive-authority-to-designate-national-monuments-podcast>

¹⁹ Legal Analysis of Presidential Ability to Revoke National Monuments, Jan. 13, 2017, <https://www.npca.org/resources/2658-monuments-protected-under-the-antiquities-act>

Finally, the last unilateral action available to the US president that this article will consider comes under his role as chief diplomat. The president cannot commit the United States to a treaty without congressional approval, but he can enter into agreements.

International Cooperation

Change, a treaty signed by President GHW Bush in 1992 and ratified by the Senate. As such, the US participates in climate talks, known as the Conference of the Parties (COP), each year. In the 1997 Kyoto Protocol, a distinction was made between developed nations and developing nations, with the former expected to meet stricter emissions reductions. In order for the treaty to go into effect, a minimum of 55 nations representing at least 55% of world emissions had to ratify it. President Clinton signed the protocol, but US Senators drafted a resolution unanimously refusing to ratify the treaty. Two months after taking office, President George W Bush announced that the United States would not adhere to the Kyoto Protocol because it would be detrimental to the American economy. Given that the US was one of the chief emitters of greenhouse gases, this announcement was a major blow to the international effort to reduce carbon emissions. It took until 2005 before the requisite number of countries and emissions percentage were met in order to ratify the Kyoto Protocol, and it was clear that most of them were unlikely to meet their emissions reductions targets by the 2012 deadline.

Years of climate talks had produced few results, until COP 21 in Paris in 2015. For this conference, the international community decided to rethink its approach to the problem and allow each country to propose self-imposed reduction targets. As part of his overall program to address climate change, President Obama reached out to China, the biggest emitter by far. In November 2014, a year before COP 21, Obama and Xi Jinping secretly negotiated a deal to reduce their countries' greenhouse gas emissions, with China agreeing to cap its emissions by 2030 and the United States pledging to reduce its emissions by 26-28% below 2005 levels by the year 2025. Given that the two countries produce about half of the world's total emissions, this was a great boost to international efforts.²⁰

In Paris during the climate talks, President Obama, along with French President Hollande, continued to play an important part in convincing reticent countries to sign the Paris Agreement. The accord sets an ambitious goal of limiting the global temperature rise to 2° Celsius and keeping temperatures to 1.5°C above pre-industrial levels. After twenty years of frustrating, inconclusive talks, rich, developing and poor countries committed to work together to reach zero emissions by 2050. Developed countries agreed to raise \$100 billion per year to help poorer countries adapt their economies. In the space of ten months, the minimum requirements had been met, and the agreement went into force less than a year after COP 21, compared to eight years for the Kyoto Protocol. The accord was designed as an international agreement rather than a treaty to facilitate approval, especially for the United States. Like the executive orders, it is much easier to withdraw from an agreement than from a treaty. As promised during his campaign, President Trump announced US withdrawal from

²⁰ US-China Joint Presidential Statement on Climate Change Sept. 25, 2015, <https://obamawhitehouse.archives.gov/the-press-office/2015/09/25/us-china-joint-presidential-statement-climate-change>

the Paris Agreement as soon as he was inaugurated. The normal procedure to withdraw takes four years, but in practice, with all of the changes Trump has made in environmental policy, the country is effectively no longer attempting to meet the goals set out in 2015. Furthermore, preliminary progress reports of COP 21 targets have found that most countries are behind in their progress towards the objectives they pledged to meet.²¹

Conclusion

Congressional gridlock has become the norm in Washington, DC, which renders policymaking difficult. Nevertheless, the president has considerable powers attributed by the Constitution and by Congress, which allow the executive to advance its agenda despite a lack of congressional cooperation. And this state of affairs has contributed to an expansion of presidential power. However, unilateral actions are often considered, by adversaries, if not by allies, to lack legitimacy and are frequently disputed in court.

The assessments of the Obama administration's environmental legacy are mixed. Some analysts assert that Obama was the "most environmental president ever" while others contend that many of his energy policies were a continuation of his predecessor and that he fell far short of his promises. Barack Obama campaigned as an environmentally friendly candidate in 2007-08, but once in office, was unable to implement most of the ambitious measures during his first term for a number of reasons. First, environmental politics has become one of the most contentious areas of American policy and congressional stalemate has become the norm. Second, the economic recession that began shortly before he took office lingered and forced him to make budget cuts, which affected all programs. Third, from the perspective of many environmentalists, Obama lacked a firm commitment to environmental principles and the combativeness and decisiveness that the urgency of the issues demanded. Much more assertive in his second term, with substantial policies like the Clean Power Plan and the successful enabling of international agreements, Obama redeemed himself in the eyes of less critical observers. Many environmentalists, on the other hand, were unhappy with his "all of the above" energy strategy, and his inaction on the Keystone XL pipeline, both of which were deemed irreconcilable with the goal of reducing carbon emissions to combat climate change. Furthermore, most of his accomplishments were enacted unilaterally without the approval of Congress and often hotly contested in the courts. Thus, his successor, President Trump, has the authority to revoke many of Obama's initiatives, including the Clean Power Plan and the Paris Agreement.

Obama's environmental legacy? It is too early to know how many of President Obama's environmental actions will stand the test of time, especially with adversaries in power who have openly stated their intent to reverse his initiatives.

²¹ Fiona Harvey, "World must triple efforts or face catastrophic climate change, says UN," Guardian, 27 Nov 2019

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