

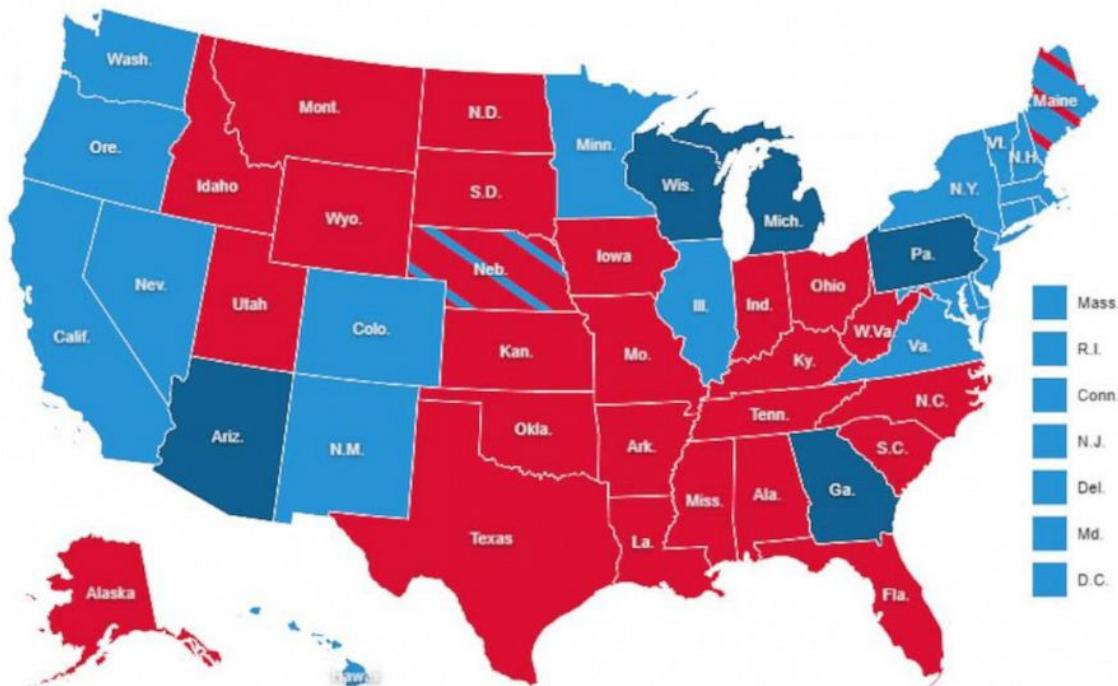


# 2020 ELECTION ANALYSIS



NOVEMBER  
2020

HOUSEHOLD & COMMERCIAL  
PRODUCTS ASSOCIATION



# PRESIDENTIAL RESULTS

After several days of counting votes in key battleground states, most major news outlets called the presidential race for President-elect Joseph R. Biden on Saturday, November 7. Since then, all outstanding states have been called, giving the President-elect a 306-232 Electoral College victory over President Donald J. Trump.

Biden was able to hold all of the states that former Secretary of State Hillary Clinton won in 2016. In addition, Biden was able to flip three midwestern “blue wall” states that Trump had won in 2016: Wisconsin, Michigan, and Pennsylvania. On top of that, Biden also flipped Arizona and Georgia, giving him the same number of electoral votes that Trump won in the 2016 election.

Although a small number of votes are still being counted, it is predicted that Biden has earned more than 78 million votes nationwide for 50.9 percent of the popular vote, compared with Trump’s 73 million votes (47.3 percent).

Although President Trump has refused to concede the election, has made unsubstantiated claims of voter fraud, and has pressed dozens of longshot lawsuits to challenge election results, President-elect Biden has started transition procedures to review federal agencies and prepare for a new administration.



# KEY TAKEAWAYS

**President Trump outperformed projections.** Nationally, President Trump received 63 million votes in 2016, a total he clearly eclipsed in 2020 (with at least 73 million votes as of November 17). His better-than-expected performance in key battleground states also appears to have helped vulnerable down-ballot Senate candidates, like Sen. Joni Ernst in Iowa and Sen. Steve Daines in Montana.

**States conducted an unprecedented election with few snags.** An election that some observers expected could be marked by long lines, polling station problems, voter intimidation, foreign interference, or other impediments saw virtually none of that. Instead, local election officials ran largely smooth elections that were able to accommodate a record turnout. The U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) recently stated that the election was "the most secure in American history."

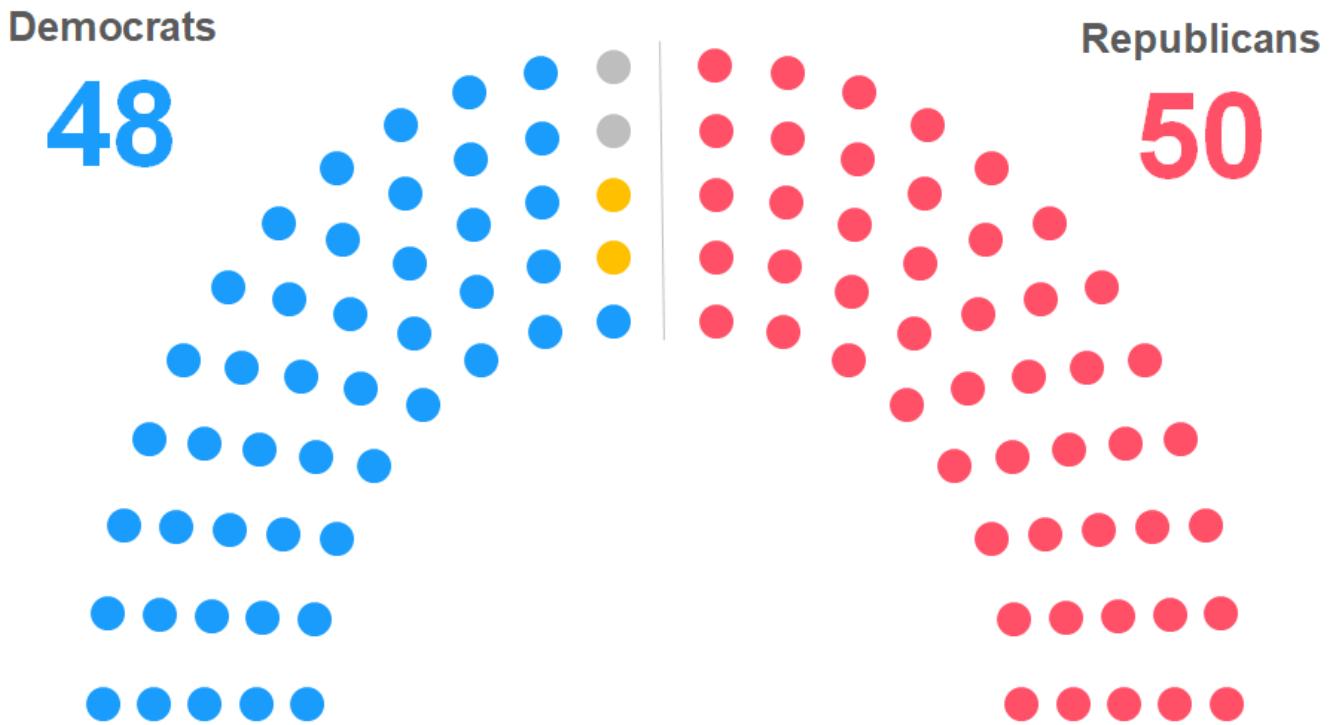
**Latinos are not a monolith.** President Trump increased his 2016 vote count in South Florida by at least 200,000 votes, where two Democratic House incumbents were also defeated, at least in part because of the President's support from Cuban- and Venezuelan-Americans. While Biden seems to have won over Latinos in Arizona, those in Florida proved receptive to Republican messaging on the threat of socialism from Democrats.

**Youth voters turn out in key battleground states.** Early results suggest the youth vote (ages 18-29) could exceed 50 percent in swing states, building on historic turnout from 2018 and a double-digit jump from 2016 turnout, which in the low forties.

**Progressives may have to temper their expectations.** The left's vision of a Biden New Deal, progressive tax reform, aggressive Wall Street regulators, social justice reform including policing, an expanded Supreme Court, and reforms to the Senate's legislative filibuster may have to wait. A Biden-Harris Administration will face a closely divided Senate in 2021, which may make it difficult to confirm left-leaning judges and political appointees, and prevent the passage of progressive policy proposals that emerge from the House.

**Pollsters had a rough night (again).** Numerous pre-election polls had Biden leading President Trump by as many as 10 points nationally and smaller margins in swing states. However, as states report results, it is clear the presidency was decided on narrower margins. Similar to 2016, commentators are attributing the polling errors to the "silent" Trump voter – those unwilling to declare their support publicly. Public and private polling also missed big in congressional races with Republicans outperforming up and down the ballot.





## SENATE RESULTS

On election night, several races for the U.S. Senate remained uncalled. As more results have come in, the picture is clearer: Republicans will have at least 50 Senate seats in the next Congress. Democrats picked up seats in Arizona and Colorado, but visions of a “blue wave” sweeping the upper chamber failed to materialize. Control of the chamber will come down to the results of two runoff elections in Georgia on January 5. Although it is unlikely, if Democrats manage to win both runoffs, Vice President Kamala Harris would break any 50-50 tie in the Senate.

Several incumbent Senators were predictably defeated – Sens. Corey Gardner (R-CO), Martha McSally (R-AZ), and Doug Jones (D-AL) all lost their re-election bids. Several incumbent Republican Senators also held on in closely contested races, including Sens. Susan Collins (R-ME), and Thom Tillis (R-NC). Democrats held a key Senate seat in Michigan, with Sen. Gary Peters (D-MI) surviving a strong challenge. Republican incumbents also beat back well-funded challengers in Iowa, Montana, and South Dakota.



# SENATE RESULTS

On January 5, incumbent Sen. David Perdue (R-GA) will face off against Democrat Jon Ossoff for a full Senate term. In the other race, incumbent Sen. Kelly Loeffler (R-GA) will face Democrat Raphael Warnock in a special election.

Although Democrats could control the Senate if they prevail in both Georgia contests, the margin would be so slim that it could lead to increased partisanship and gridlock. However, President-elect Biden and the incoming administration would need Senate control to enact many of their agenda items. As a result, there will be an intense national focus on these Georgia runoffs in the coming weeks, and both parties will likely pour resources into the state as control of the Senate is now focused on a single battleground.



Jon Ossoff



David Perdue



Raphael Warnock



Kelly Loeffler

# HOUSE RESULTS

Prior to Election Day, public polling and most commentators saw the potential for a “blue wave” to help Democrats expand their majority in the U.S. House of Representatives, in addition to flipping the Senate. Those hopes also failed to materialize.

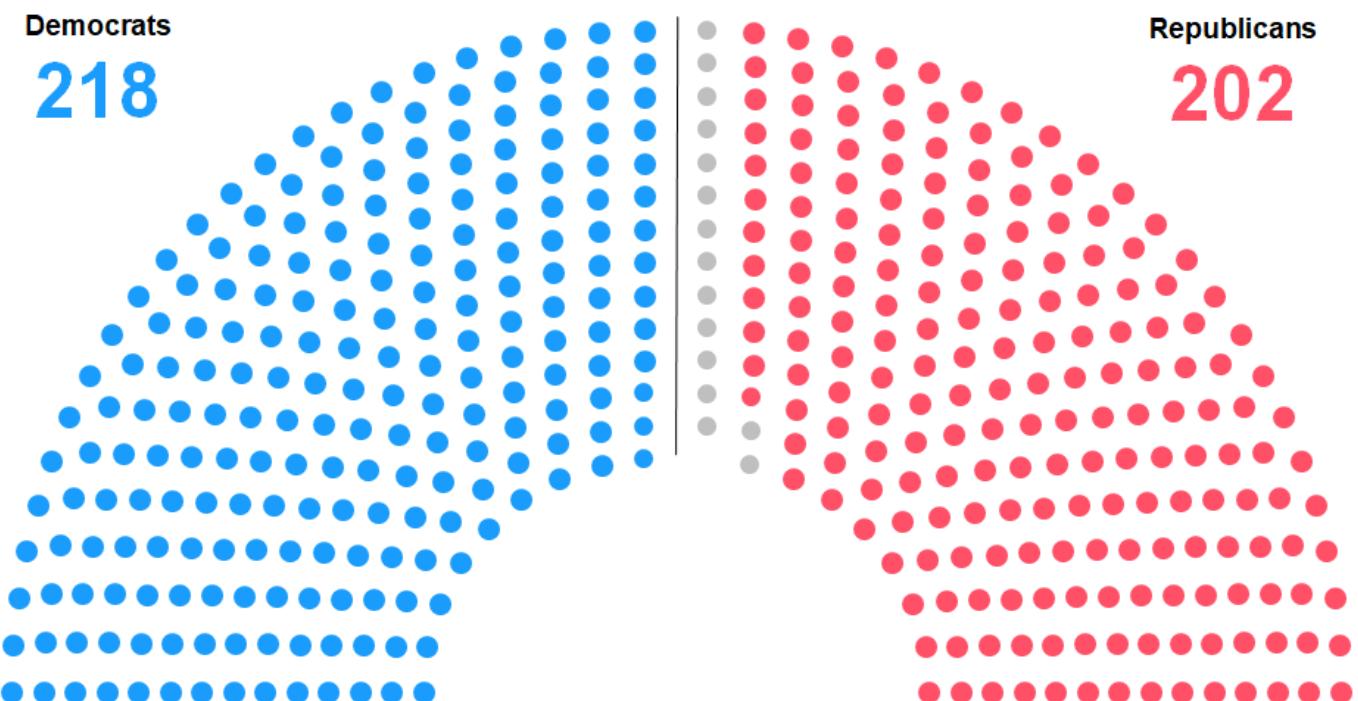
Although Democrats will retain control of the House, they will have a slimmed-down majority after losing a number of seats in close races.

As of November 17, Democrats have claimed 218 seats to the Republicans’ 202, with 15 House races still uncalled. This reflects a net gain of eight seats for House Republicans. Many of the pickups for House Republicans came in districts flipped by Democrats in 2016.



# KEY HOUSE REPUBLICAN FLIPS:

- **FL-26 and FL-27:** Freshman Democratic Reps. Debbie Mucarsel-Powell and Donna Shalala lost to Republican challengers, Carlos Gimenez and Maria Elvira Salazar, respectively, in contested South Florida districts
- **IA-01:** Freshman Democratic Rep. Abby Finkenauer lost to Republican Ashley Hinson
- **MN-07:** Republican Michelle Fischbach prevails over 15-term Rep. Collin Peterson (D-MN), the chairman of the House Agriculture Committee
- **NM-02:** Freshman Democratic Rep. Xochitl Torres Small lost to Republican Yvette Herrell
- **SC-01:** Freshman Democratic Rep. Joe Cunningham lost to Republican Nancy Mace



# BIDEN-HARRIS TRANSITION



The Biden-Harris transition team is up and running under the leadership of former Sen. Ted Kaufman (D-DE), Jeffrey Zients, New Mexico Gov. Michelle Lujan Grisham, Rep. Cedric Richmond (D-LA), and Anita Dunn. The transition has also announced details about agency review teams on its website, and has begun announcing White House senior staff appointments including Ron Klain as Chief of Staff, Mike Donilon as a senior advisor, and Steve Ricchetti as a counselor.

An important dynamic to watch in the transition is the tension between progressives and moderates in the Democratic party. President-elect Biden won the primary as a moderate and has been an establishment figure in Washington for nearly half a century, and has built a large network of Washington insiders who are not especially radical on policy or process during his years in the Senate and Obama Administration. However, the Democratic party has become more progressive in recent years, and the progressive wing of the party has already begun organizing campaigns to ensure progressives receive key advisor roles and appointments in the new administration.

Another key dynamic relates to Senate confirmation of incoming officials. Control of the Senate will not be determined until the conclusion of two January Senate runoff elections in Georgia. If Democrats control the Senate, President-elect Biden will likely achieve easy confirmation of most nominees, since executive branch nominees can be confirmed with a simple majority of votes. On the other hand, if Republicans control the Senate, the Biden administration will need to factor in whether Senate Republican Leader Mitch McConnell (R-KY) will support the nominee to meet the majority vote threshold.



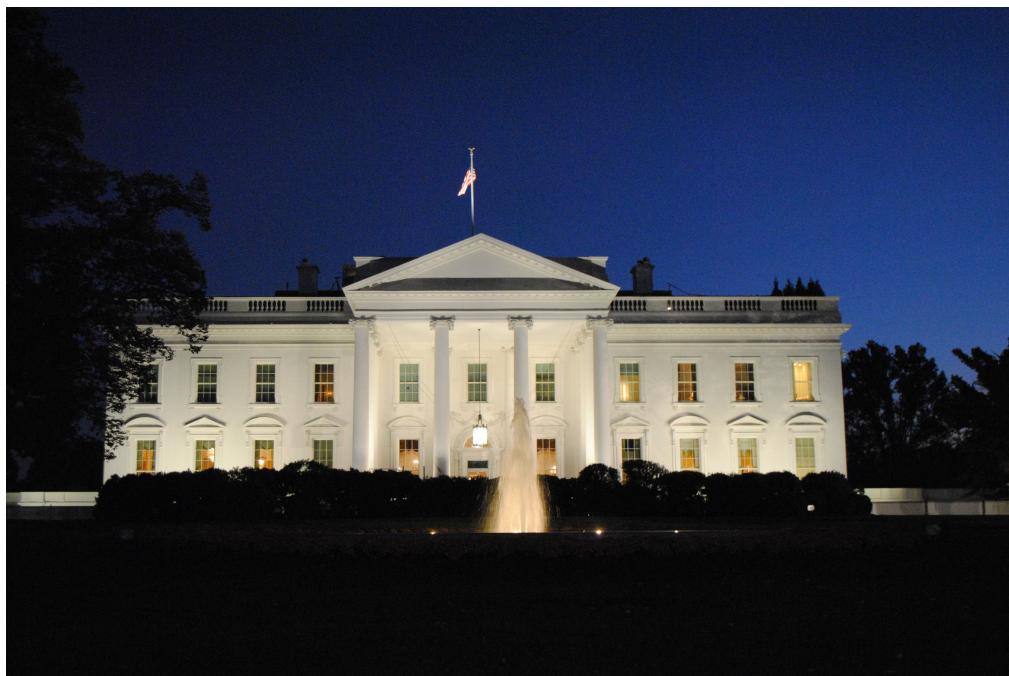
# BIDEN-HARRIS TRANSITION

The transition still faces a formal hurdle, as President-elect Biden has not yet been recognized as the election winner by the General Services Administration as required under the Presidential Transition Act. Despite that delay, the Biden-Harris team has already communicated its pandemic response for the “first 100 days” and has indicated the contents of its regulatory agenda. A few highlights below:

**Coronavirus** – in addition to working on a legislative relief package, the transition has announced a Transition COVID-19 Advisory Board, a team of leading public health experts to advise the transition.

**Economic recovery** – the President-elect is likely to call for enactment of an infrastructure and clean energy initiative as part of the recovery agenda, in addition to calls for a new “Made in America” procurement requirement and over \$2 trillion in federal spending on surface transportation, broadband, and improvements to rail and municipal transit systems.

**Executive action** – the President-elect plans to sign a series of new executive orders on the coronavirus response and the environment. Early executive actions will likely include rejoining the Paris Climate Agreement, using the Defense Production Act to address shortages in PPE and other coronavirus response supplies, setting carbon emissions goals, and others.



# POSSIBLE APPOINTMENTS

Of particular interest to HCPA members will be the new leadership in environmental policy, both at the White House and at the U.S. Environmental Protection Agency (EPA). A summary of rumored cabinet and sub-cabinet appointments is below:

## EPA Administrator:

**Mary Nichols**, head of California Air Resources Board (CARB), served as Clinton EPA assistant administrator of air and radiation

**Jay Inslee**, Washington governor

**Heather McTeer Toney**, senior director at Moms Clean Air Force, former Obama EPA regional administrator, former mayor of Greenville, Miss.

**Collin O'Mara**, CEO of the National Wildlife Federation

**Dan Esty**, former Connecticut regulator

**Christine Gregoire**, former Washington governor

**Heather Zichal**, former John Kerry staffer and Obama advisor

**Michael Regan**, Secretary of North Carolina Department of Environmental Quality

## Climate "Czar" - coordinating climate activities across agencies:

**John Kerry**, former Secretary of State  
**John Podesta**, founder of Center for American Progress, Hillary Clinton campaign chair, and Bill Clinton chief of staff

**Christy Goldfuss**, former head of Obama White House Council on Environmental Quality, EVP at Center for American Progress

**Tom Steyer**, billionaire climate activist known in recent years as a lucrative Democratic donor and founder of NextGen America, ran for president himself in 2020

**Ali Zaidi**, New York state energy official and former Obama Office of Management and Budget (OMB) official, has been intimately involved in campaign efforts since Biden secured nomination



# POSSIBLE APPOINTMENTS

## U.S. Trade Representative:

- **Rep. Ron Kind**, member of the House Ways and Means subcommittee on trade
- **Darci Vetter**, former chief agriculture negotiator in the U.S. Trade Representative's office during the Obama administration

## White House Energy/Environmental Advisor:

- **Brian Deese**, former Obama advisor and current BlackRock executive
- **Jeff Zients**, former Obama OMB director
- **Jason Bordoff**, founding director of the Columbia University Center on Global Energy Policy and former Obama energy advisor
- **Kerry Duggan**, former energy/environment advisor to Vice President Biden, executive with environmental consulting firm, former League of Conservation Voters official
- **Christy Goldfuss**
- **Ali Zaidi**

## EPA Assistant Administrator for Chemical Safety and Pollution Prevention:

- **Dr. Michael Freedhof**, Director of Oversight, Senate Environment and Public Works Committee, longtime staffer for Sen. Ed Markey, played a significant role in TSCA reform negotiations
- **Dr. Meredith Williams**, Director of California Department of Toxic Substances Control (DTSC), has expertise in R&D, product management, and operations for Fortune 500 companies in the technology, consumer product, and chemical sectors, including 3M and Applied Materials, a leading semiconductor manufacturer
- **Dr. Gina Solomon**, Clinical Professor of Medicine at UC San Francisco, served as Deputy Secretary for Science and Health at CalEPA from 2012-2018 and as senior scientist as the Natural Resources Defense Council from 1996-2012

## Other EPA Appointments:

- **Ian Bowles**, former head of energy and environmental affairs in Massachusetts
- **Jared Blumenfeld**, California's secretary for environmental protection



# LAME DUCK AGENDA

There is still plenty of work left to be done on Capitol Hill in the final weeks of 2020. Congress has reconvened in Washington, and it remains to be seen whether both chambers will agree on a set of big-ticket items, including:

**Funding for the federal government expires on December 11.** If Congress fails to address other “must pass” items, we may see those pieces tacked on to government funding measures. Congress may elect to pass a “continuing resolution” to maintain current funding levels, pass appropriations bills either by themselves or as an “omnibus,” or some combination of the two approaches – that is, continuing funds for some departments and agencies while passing appropriations bills for others.

**HCPA Priority Issue** – HCPA has successfully advocated for the inclusion of language supporting the EPA’s Safer Choice program in the report accompanying the Senate FY 2021 Interior-EPA appropriations bill. This sends a strong message to the agency about Congress’ intent that the program be funded and operated consistent with prior years.

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**Reauthorization of the National Defense Authorization Act (NDAA).** Failure to do so would mark the first time in its 60-year history.

**HCPA Priority Issue** – the Sustainable Chemistry Research & Development Act has been included in both the House and Senate versions of the NDAA. As the NDAA goes to conference, we are optimistic that the bill will remain in the final version.

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**Coronavirus relief package.** Although negotiations on coronavirus relief funds have stalled since the summer, a recent spike of cases nationwide has placed a renewed focus on this issue in Congress. Although President-elect Biden has promised immediate action to stop the spread of the virus, congressional leaders still must agree on a relief package. The sides still appear far apart.

**HCPA Priority Issue** – the Clean Start: Back to Work Tax Credit and other similar measures have been considered for inclusion in a coronavirus relief package. HCPA will continue to advocate for its inclusion in such legislation.



# 117TH CONGRESS



Congressional Democrats' priorities in the new Congress (particularly the House) will likely include infrastructure, climate change, and other key issues that impact HCPA members, while continuing congressional oversight of regulatory activities from the Trump administration. Because the Biden administration will inherit the Trump administration's litigation postures across federal agencies, and will likely have to make early decisions on high-profile litigation, additional congressional action may emerge from changing legal postures. On the Senate side, Republicans will likely focus most of their energy on evaluating appointments to key roles in the Biden administration.

The parties will be conducting leadership elections over the next several weeks to fill intra-party leadership positions and name new committee leaders. This process may be complicated, particularly in the House, by the Democrats' narrowing majority, and this could force the reallocation of the numbers of Republicans and Democrats on key committees.



# COMMITTEE LEADERSHIP

Although Senate leadership will ultimately be determined after the runoff elections in Georgia, below are projections of key House and Senate committee leadership in the 117th Congress:

## House Agriculture Committee

**Chairman** – Reps. David Scott (D-GA), Jim Costa (D-CA), Marcia Fudge (D-OH) [*Rep. Collin Peterson (D-MN) lost*]  
**Ranking Member** – Reps. G.T. Thompson (R-PA), Rick Crawford (R-AR) [*Rep. Mike Conaway (R-TX) is retiring*]

## Senate Agriculture Committee

**Chairman** – Sen. John Boozman (R-AR) [*Sen. Pat Roberts (R-KS) is retiring*]  
**Ranking Member** – Sen. Debbie Stabenow (D-MI)

## House Appropriations Committee

**Chairwoman** – Reps. Marcy Kaptur (D-OH), Rosa DeLauro (D-CT), Debbie Wasserman Schultz (D-FL) [*Rep. Nita Lowey (D-NY) is retiring*]  
**Ranking Member** – Rep. Kay Granger (R-TX)

## Senate Appropriations Committee

**Chairman** – Sen. Richard Shelby (R-AL)  
**Ranking Member** – Sen. Patrick Leahy (D-VT)

## House Energy & Commerce Committee

**Chairman** – Rep. Frank Pallone (D-NJ)  
**Ranking Member** – Rep. Cathy McMorris Rodgers (R-WA) [*Rep. Greg Walden (R-OR) is retiring*]

## Senate Commerce, Science, and Transportation Committee

**Chairman** – Sen. Roger Wicker (R-MS)  
**Ranking Member** – Sen. Maria Cantwell (D-WA)



# PRIORITY ISSUES

Below is an overview of HCPA priority issues, and the developments we may see in the new Congress on those issues:

**Ingredient communication** – although many key NGOs have reiterated that they will not support movement on federal ingredient communication legislation until the regulatory process in New York state is complete, there will be opportunities to educate members of Congress and their staff on the need for a federal standard. California's Cleaning Product Right to Know Act of 2017 will take full effect in January 2021, and the pending regulation in New York will create different requirements that highlight the need for federal guidance. HCPA will continue to educate policymakers on the issue and maintain dialogue with NGOs in support of a federal solution. The House Energy & Commerce Committee will remain a focus of our advocacy, especially with a new ranking member.

**Plastics, recycling, and extended producer responsibility** – although the prospects of sweeping climate change and environmental legislation has dimmed with the Democrats' hopes of controlling the Senate, there may be an opportunity for bipartisan action on this issue. If Republicans control the Senate, there will need to be significant bipartisan agreement on any such legislation, opening the door for meaningful engagement by HCPA members. HCPA is a member of the Recycling Leadership Council, which plans to release a policy "roadmap" for action on improving recycling infrastructure.



# PRIORITY ISSUES

**International trade and tariffs** – this is a policy area with considerable uncertainty in the Biden administration and the new Congress. While President-elect Biden has indicated that he will take a more circumspect approach to international trade issues, there are indications that rollbacks of tariffs on products imported from China (under Section 301) are forthcoming, but the timeline is unclear. There is similar uncertainty on the future of the Trump administration's tariffs on foreign steel and aluminum under Section 232. HCPA will continue to monitor transition activity for further indications of the Biden administration and Congress' stances on these issues, and engage as appropriate.

**Pesticides and FIFRA reform** – last year, Rep. Joe Neguse (D-CO) and retiring Sen. Tom Udall (D-NM) introduced legislation to significantly alter the U.S. pesticide registration system. While it remains unclear whether environmental NGOs will use this bill as a template for changes to the next iteration of the Pesticide Registration Improvement Act (PRIA), this is an issue that HCPA will be monitoring closely in the new Congress. Because of Sen. Udall's impending retirement, it is unclear if this effort will have a significant Democratic sponsor in the Senate. Additionally, continued Republican control of the Senate provides a crucial backstop on this issue, as Republican Agriculture Committee leadership has not indicated any interest in pursuing such a proposal. The House Agriculture Committee will be a primary focus of relationship-building on this issue in the new Congress, especially with the departure of Chairman Collin Peterson.

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