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## ENVIRONMENTAL LAW

# Trump Administration Overview: Environmental Issues and Changing EPA Policy

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*Special to the Legal*

With the inauguration of Donald J. Trump last month, the anticipated shifts in the executive branch's environmental and energy priorities issues are well underway. Some of these changes echo the prior Trump administration's goals in these areas, including emphasis on energy independence, deregulation and rollback of climate-related regulations. While a recent flurry of executive orders shows that the new administration is keen to advance their environmental priorities, exactly what all this activity means for the regulated community and the public at large is still uncertain.

### THE EPA'S NEW PRIORITIES— POWERING THE GREAT AMERICAN COMEBACK INITIATIVE

President Trump's nominee to lead the U.S. Environmental Protection Agency, Lee Zeldin, was confirmed by the Senate on Jan. 29, 2025. Though former Republican New York Congressman Zeldin lacks significant environmental experience, he expressed during his confirmation hearings that he would "enthusiastically uphold" the agency's core values of protecting human health and the environment.

During his first week in his new post, Zeldin announced the EPA's Powering the Great American Comeback Initiative (the initiative), which consists of five pillars: clean air, land, and water for



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every American; restore American energy dominance; permitting reform, cooperative federalism, and cross-agency partnership; make the United States the artificial intelligence capital of the world; and protecting and bringing back American automotive manufacturing jobs. He has stated that the EPA will work to achieve these pillars during the new administration's first 100 days. The details of how exactly the EPA intends to advance the initiative are still developing, though Trump's initial executive orders touching on energy and the environment might provide some insight.

### CLIMATE-RELATED POLICY

Perhaps in furtherance of a number of the initiative's pillars, the Trump administration took several early actions addressing climate policy. On his very first day in office, Trump removed the

United States from the Paris Climate Agreement, mirroring the same action taken during day one of his first term. The Trump administration also has repudiated the Biden administration goals for growth of electric vehicle sales, discontinued the federal government's net-zero goals for emissions, and signed an executive order encouraging the use of plastic drinking straws, signaling a move away from trying to limit single-use plastics.

On the campaign trail, President-elect Trump called for repeal of climate change related regulations, as well as repeal of the Inflation Reduction Act, which includes tax credits and other incentives designed to promote the use of clean energy sources. While funds appropriated for Green New Deal programs under the Inflation Reduction Act were "immediately paused" by an early executive order, the scope of this pause and the funds covered is unclear. What is clear, however, is that the new administration is focused on getting a handle on how the executive branch has been spending money on climate-related initiatives in order to rollback those expenditures.

### RESTORE AMERICAN ENERGY DOMINANCE

Trump issued additional executive orders setting energy-related priorities through the declaration of a national energy emergency and a promise to unleash American energy to address it, including through development of energy resources in Alaska.

Notably, these executive orders exclude solar and wind from the definition of

energy (hydropower remains included). The Trump administration’s articulated means for fostering energy independence place an emphasis on increased drilling and fracking for oil, as well as an expansion of production and use of fossil fuels with a corresponding rollback of renewable energy sources. It is anticipated that investment in biofuels, including by the U.S. military, will be reduced as encouragement of fossil fuel production becomes the priority. In this effort, the Trump administration may prioritize heavy investment in science and energy development to ensure access to affordable and reliable energy in the domestic market.

Additionally, an “all of the above” energy policy (but without wind and solar) will foster more private sector competition and innovation that will best serve the American people. These production efforts will potentially be bolstered by the U.S. Court of Appeals for the D.C. Circuit’s recent decision in *Marin Audubon Society v. Federal Aviation Administration*, No. 23-1067 (D.C. Cir. Nov. 12, 2024), finding that regulations under the National Environmental Policy Act (NEPA) to be nonbinding where they have been published by the Council on Environmental Quality (CEQ). Consistent with this decision, another of Trump’s executive orders directs CEQ to rescind its NEPA regulations.

## PERMITTING REFORM, COOPERATIVE FEDERALISM AND CROSS-AGENCY PARTNERSHIP

In terms of actions dovetailing with the initiative’s third pillar, Trump has taken a number of significant early actions. This includes a mandate in the “Unleashing American Energy” executive order that the heads of major administrative agencies—including Defense, Interior, HUD, Agriculture, Commerce, Transportation and Homeland Security—work with the EPA to “eliminate all delays within their respective permitting processes, including through, but not limited to, the use of general permitting and permit by rule.” Calculation or other consideration of any costs related to the “social cost of carbon” are to be eliminated from permitting and regulatory decision-making. That same executive

order rescinded a number of federal environmental justice related policies, including the Biden administration’s April 2023 executive order titled, “Revitalizing Our Nation’s Commitment to Environmental Justice.” The Trump administration recently informed the staff members in the EPA’s Office of Environmental Justice and External Civil Rights that the office will be closed.

In an executive order titled “Unleashing Prosperity Through Deregulation,” Trump announced his administration’s goal of eliminating 10 regulations for each new regulation to be issued. A critical component of this 10-for-1 policy is that the cost of the new regulation, including the repealed 10 regulations, must be “significantly less than zero.” New EPA administrator Zeldin has linked the initiative’s fifth pillar—protecting and bringing back auto jobs—to streamlining regulations that apply to this important sector of the economy.

Consistent with these deregulatory objectives, we also anticipate the EPA to rollback Biden administration guidance documents and rules in the first instance, particularly those related to climate and environmental justice. Trump is expected to attempt to rescind other EPA rules and guidance materials adopted during the Biden administration, as well as grants of funding as the incoming administration assesses personnel, budgets, climate-related policies, and rules to stay and (potentially) re-propose. In recent days, the administration has warned hundreds of EPA employees that their jobs may be in jeopardy.

Zeldin also has spoken publicly about renewing a focus on supporting environmental efforts at the state and local level, rather than having the EPA forge the path on environmental issues. We have already seen an example of this with the agency’s withdrawal of a proposed Biden administration rule that would have set—for the first time—federal discharge limits for certain types of PFAS chemicals in industrial wastewater. This approach could lead to decreased federal enforcement efforts, as well as an increase in cooperative efforts with the regulated community to evaluate environmental issues and compliance. An exception may be for the Superfund

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program, which remained strong during the first Trump administration.

## CONCLUSION

A few weeks into the new administration, there have been sharp changes in policy and shakeups across the executive branch. While the specifics of these shifts have been hard to predict, we expect they will continue and have effects on the regulated community in both the short- and long-term.

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