

# First Month of the Trump Administration: Environmental Summaries and Insights

Alert

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By Aimee Davenport, Kristen Ellis Johnson & Betsy Moedritzer

President Donald Trump has kicked off his second term with multiple headline-grabbing environmental acts. The Stinson LLP environmental team summarizes major actions and provides insight below on what it means for the industry to operate in the midst of deregulation.

When thinking through operational changes, it is important to keep in mind that the powers of the president are limited by checks and balances of the legislative and judiciary branches. While statements of policy in executive orders may lead to some directly implementable changes, like establishing agency priorities and staffing, some of the proposed changes must be implemented following legally required processes, such as notice and comment rulemaking or even congressional involvement. Several of the administration's actions in the first month may be locked in litigation for the foreseeable future. It is imperative to keep track of the regulatory and legal requirements applicable to your business and seek compliance counsel before making any changes to business operations in response to headlines. Certain changes in operations may require notice under various permits that remain in full force and effect, as well.

## ENVIRONMENTAL CHANGES IMPLEMENTED BY THE TRUMP ADMINISTRATION

### Changes at EPA

**Tone Shift.** In 2021, former President Joe Biden's Day One executive orders established a policy of prioritizing environmental justice, regulatory enforcement, and addressing global climate change. President Trump's Day One 2025 executive orders reversed these priorities, and EPA has eliminated most instances of the terms "environmental justice" and "climate change" from the Environmental Protection

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Agency (EPA) website.

- As expected, EPA issued [press releases](#) naming Lee Zeldin as Administrator and naming Regional Administrators, emphasizing themes of “Unleashing American Greatness.”
- The executive orders issued use religious statements intended to convey a message of American independence and self-reliance, that “America is blessed with abundant energy,” which is consistent with other faith-based language used by the Trump administration (e.g., “[Establishment of the White House Faith Office](#),” [Executive Order 14205](#)). They also include militaristic language to support the declaration of a National Energy Emergency (e.g., “the Active threat to American people from high energy prices is exacerbated by our Nation’s diminished capacity to insulate itself from hostile foreign actors.”)

**Communication Freeze.** On January 24, just days after President Trump’s inauguration and before EPA Administrator Zeldin’s appointment, Acting EPA Administrator James Payne issued a directive for EPA staff to halt all communications with external parties. This is slowing EPA response time on pending settlements and enforcement actions.

**Five Pillars.** Administrator Zeldin announced the “Powering the Great American Comeback Initiative.” The five pillars are:

1. Clean Air, Land and Water for Every American.
2. Restore American Energy Dominance.
3. Permitting Reform, Cooperative Federalism and Cross-Agency Partnership.
4. Make the United States the Artificial Intelligence Capital of the World.
5. Protecting and Bringing Back American Auto Jobs.

**Staffing.** EPA will likely reassign senior career officials, like deputy assistant administrators, to other positions. Already, on February 6, EPA placed approximately 170 staff with diversity, equity, and inclusion or environmental justice positions on indefinite administrative leave. Four of the 10 section chiefs of the environmental division of the U.S. Department of Justice have already been reassigned to immigration posts.

Like other federal agency employees, EPA employees have received a buyout offer to resign from their roles. After a week of litigation and uncertainty, as of February 12, a federal judge has allowed the Trump administration to move forward with the buyout offer. As of February 12, the Office of Personnel Management (OPM) said 75,000 federal employees had accepted the offer, and on the evening of February 12, OPM sent an email stating that resignations received after 7:20 p.m. EST February 12 would not be accepted.

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**Funding.** The Trump administration issued a funding freeze, and agency employees have been told not to respond to grants related to Green New Deal funding, particularly the bipartisan infrastructure law and the Inflation Reduction Act. The funding freeze was blocked by a federal judge on January 31, and on February 10, a federal judge ruled that the Trump administration was not complying with the funding freeze and ordered the administration to immediately restore the frozen funds. At the time of this publication, the Trump administration has appealed to the U.S. Court of Appeals for the First Circuit and is seeking an immediate administrative stay, as well as a stay pending appeal.

## Deregulatory Agenda, Delays, Withdrawals and Abeyances

**10-to-1 Deregulation Initiative.** On January 31, President Trump issued an [executive order](#) requiring that, for every new rule promulgated, an agency must identify at least 10 existing rules, regulations or guidance to repeal.

**Reopening or Delaying Rules.** EPA has reopened or extended at least nine comment periods, and has delayed multiple rules from taking effect. On [January 28, 2025](#), EPA delayed the effective date of four rules to March 21, 2025, including a Toxic Substances Control Act TCE (Trichloroethylene) risk management rule, and Revisions to Air Quality Model Guidance. On [February 5, 2025](#), EPA delayed the effective date of two rules to March 21, 2025: the Hazardous Waste Generator Improvements Rule, and the PFAS Toxic Release Inventory rule. While review of pending rules is typical in an administration change, when coupled with the 10-to-1 Deregulation Initiative, the expectation is that the scope of this review may extend further, potentially reopening existing regulations in order to repeal them.

**Pending Rules and Guidance Withdrawn.** On January 21, the Office of Management and Budget [withdrew a proposed Clean Water Act \(CWA\) regulation](#) that would implement effluent limitations and standards for PFAS manufacturers under the "Organic Chemicals, Plastics and Synthetic Fibers Point Source" category. On January 22, EPA withdrew the Biden administration's guidance on *County of Maui v. Hawaii Wildlife Fund* and withdrew a Biden-era proposal authorizing nutrient trading in CWA permits.

**Litigation Abeyances.** EPA has asked for abeyances in pending regulatory review cases. On February 7, the U.S. Court of Appeals for the District of Columbia Circuit granted a 60-day abeyance of litigation challenging a Biden-era regulation setting limits on six PFAS in drinking water. EPA was also granted a 120-day abeyance in an appeal challenging the Biden-era coal combustion residual rule in the D.C. Circuit. EPA has asked for abeyances in appeals challenging other Biden-era regulations: a CWA effluent limits in the steam electric generator category regulation; a power plant greenhouse gas regulation; a Toxic Substances Control Act evaluations of existing chemicals regulation; and a Clean Air Act regulation governing interstate ozone and air toxics emissions. EPA has also requested district courts to pause suits litigating the Biden administration's definition of "Waters of the United States."

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## “Climate Change” and “Environmental Justice” Erasure

**Climate Change.** On January 20, President Trump issued an [executive order](#) withdrawing the United States from the Paris Agreement under the United Nations Framework Convention on Climate Change. On January 27, EPA removed all “climate change” references from its website.

**Environmental Justice.** On January 20, President Trump issued an [executive order](#) ending diversity, equity and inclusion initiatives. This executive order included a provision terminating “to the maximum extent allowed by law, all ‘environmental justice’ offices and positions.” The web page for EJScreen, a tool widely used and relied upon during the Biden administration to identify disproportionately impacted communities, no longer exists.

And, as many anticipated, on February 5, staff in EPA’s Office of Environmental Justice & External Civil Rights were told the office would be closing imminently. In a February 11 [press release](#), EPA linked to Administrator Zeldin’s X post announcing diversity, equity and inclusion and environmental justice-focused employees were placed on administrative leave. The press release also stated “The previous Administration used DEI and Environmental Justice to advance ideological priorities, distributing billions of dollars to organizations in the name of climate equity. This ends now. We will be good stewards of tax dollars and do everything in our power to deliver clean air, land, and water to every American, regardless of race, religion, background, and creed.”

## National Environmental Policy Act (NEPA) Review and Expedited Permitting

**NEPA.** On January 20, President Trump issued an [executive order](#) ordering the Chairmen of the Council on Environmental Quality (CEQ) to propose rescinding NEPA regulations found at 40 C.F.R. 1500 *et seq.* On February 16, 2025, CEQ sent an interim final rule to White House regulatory reviewers that would immediately withdraw its NEPA Implementing Regulations in compliance with the executive order. When coupled with the recent D.C. Circuit case, *Marin Audubon Society v. Federal Aviation Administration*, No. 23-1067 (D.C. Cir. 2014), we expect litigation regarding the scope of CEQ’s authority and the act itself to intensify.

**“Emergency Powers” to Expedite Permitting.** President Trump’s Unleashing American Energy executive order mandates certain federal agency heads, like the EPA Administrator, Secretary of Interior and Secretary of Defense, to expedite the federal permitting process when “essential for the Nation’s economy or national security.” After this executive order was issued, the U.S. Government Accountability Office [issued a report](#) urging the Army Corps of Engineers to be more transparent in its expedited permitting process. The Declaring a National Energy Emergency executive order also convenes a committee on the Endangered Species Act (ESA) to review and consider applications for permits and licenses when seeking exemptions from section 7 ESA consultations, and in the absence of such applications, to identify obstacles

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to domestic energy and infrastructure from the implementation of the ESA or the Marine Mammal Protection Act with the aim of developing regulatory and interagency improvements.

## Actions Impacting Power Generation

**Freeze on CWA Solar and Wind Permitting to Favor Fossil Fuels.** The Army Corps of Engineers has paused CWA permitting decisions related to wind and solar development projects in response to a [January 20 memo](#) to the Secretaries of the Treasury, Interior, Agriculture, the Administrator of EPA and the U.S. Attorney General, which directed a halt to wind lease sales and permitting and loans for new and existing projects on federal lands and the Outer Continental Shelf. The directive for temporary cessation applies to both on- and offshore wind projects and is effective until revoked “pending the completion of a comprehensive assessment and review of Federal wind leasing and permitting practices.”

**Utility Industry Whitepaper.** On January 15, a coalition of power utilities published a letter to Administrator Zeldin requesting the Trump administration to immediately review and potentially rescind Biden administration regulations related to greenhouse gas emissions, legacy coal combustion residuals (CCR), CWA effluent limits, and the “Good Neighbor Plan.” Utilities further request that the administration cease defending the Biden-era CCR and greenhouse gas rules in the D.C. Circuit and to halt its CCR enforcement initiatives, among other items.

Stinson’s environmental team continues to read and analyze environmental law developments under the Trump administration. For more information on these environmental developments, please contact [Brittany Barrientos](#), [Aimee Guzman Davenport](#), [Andrew Davis](#), [Quint Doan](#), [Kristen Ellis Johnson](#), [Kyle Foote](#), [Marshall Kelner](#), [Betsy Moedritzer](#), [Joshua Poertner](#), [Sarah Struby](#), [Claire Williams](#) or the Stinson LLP contact with whom you regularly work.

## CONTACTS

Aimee Guzman Davenport

Kristen Ellis Johnson

Betsy C. Moedritzer

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