

# Trump Administration Day One Executive Orders: Key Environmental Regulatory, Permitting, and Enforcement Implications

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President Trump's first-day executive actions prioritize the development of a wide-range of domestic energy resources and take direct aim at the climate initiatives and environmental justice priorities of the Biden administration. With the declaration of a national energy emergency, President Trump has required the U.S. Environmental Protection Agency (EPA) and other federal agencies to review numerous agency actions and authorities with the goal of "unleashing American energy." These first-day executive actions do not themselves implement the desired changes, but the environmental ripple effects and legal challenges stemming from these initial actions will unfold in the weeks, months, and years ahead and are likely to involve nearly every major federal environmental law. In this *Alert*, we summarize key federal environmental regulatory, permitting, and enforcement implications from President Trump's initial executive actions.

- ***Review of Existing Regulations and Regulatory Freeze.*** EPA and other federal regulatory agencies are ordered to review and identify existing regulations and policies that unduly burden domestic energy resources and develop and begin implementing plans to expeditiously suspend, revise, or rescind the identified regulations and policies. The universe of agency actions that must be reviewed include those related to the production of oil, natural gas, coal, hydropower, biofuels, critical mineral, and nuclear energy resources.<sup>[1]</sup> Regulations and policies that unduly burden domestic mining and processing of non-fuel minerals are also covered by this mandate.<sup>[2]</sup> As is customary for a new administration, President Trump has issued a regulatory freeze designed to pause certain types of pending regulatory actions until new leadership at EPA and other agencies have an opportunity to review such actions.<sup>[3]</sup> More information regarding potential EPA rules that may be subject to the regulatory freeze can be found in this separate [\*Alert\*](#).
- ***Environmental Regulatory Litigation and Enforcement Implications.*** President Trump directed EPA and other agencies to identify unduly burdensome agency actions that are the subject of pending litigation and notify the Attorney General of these actions so that the Attorney General can seek to stay or otherwise delay these lawsuits until challenged regulations can be suspended, revised, or rescinded as ordered.<sup>[4]</sup> President Trump also ordered EPA to review and identify existing settlements and consent orders that impose an

undue burden on identification, development, and use of domestic energy resources. EPA will have 30 days to report any settlements and consent orders to the Office of Management and Budget (OMB).<sup>[5]</sup> Lastly, federal agencies are directed to assess whether enforcement discretion can be utilized to advance the Trump administration's domestic energy policy.<sup>[6]</sup>

- ***Emergency Authorities and Streamlining Permitting for Domestic Energy Projects.*** President Trump has issued broad mandates to the EPA and other federal resource agencies to identify and use “lawful emergency authorities” to facilitate generation of non-wind domestic energy resources and related infrastructure, including emergency authorities under the Clean Water Act Section 404 permitting program and the Endangered Species Act.<sup>[7]</sup> President Trump revoked a 1970's Executive Order giving the White House Council on Environmental Quality (CEQ) the authority to issue National Environmental Policy Act (NEPA) regulations and directed the CEQ to propose to rescind existing NEPA regulations to expedite and simplify permitting for energy projects.<sup>[8]</sup> EPA is directed to consider issuing emergency fuel waivers allowing for the year-round sale of E15 gasoline, and the review of applications for liquefied natural gas projects are to be restarted.<sup>[9]</sup>
- ***Climate-Related Regulatory Underpinnings and Considerations.*** President Trump revoked President Biden's Executive Orders related to climate initiatives.<sup>[10]</sup> In addition to withdrawing from the Paris Climate Agreement,<sup>[11]</sup> President Trump directed EPA to abandon the consideration of the “social cost of carbon” in regulatory determinations and submit a recommendation on the fate of the 2009 finding under the Clean Air Act that greenhouse gases threaten public health and welfare, which serves as a necessary statutory prerequisite for EPA to implement greenhouse gas emission standards for motor vehicles and other sectors.<sup>[12]</sup> All federal agencies are directed to pause clean energy and climate-related funding under the Inflation Reduction Act and Infrastructure Investment and Jobs Act, and the Trump administration has pledged to “eliminate the ‘electric vehicle (EV) mandate.’”<sup>[13]</sup>

President Trump's first-day executive actions set the stage for reshaping the federal environmental regulatory, permitting, and enforcement landscape. The actions EPA and other agencies take to implement these new directives will be closely watched and scrutinized.

<sup>[1]</sup> Executive Order: Unleashing American Energy, Section 3 (Jan. 20, 2025).

<sup>[2]</sup> Executive Order: Unleashing American Energy, Section 9(a) (Jan. 20, 2025).

<sup>[3]</sup> Memorandum: Regulatory Freeze Pending Review (Jan. 20, 2025).

<sup>[4]</sup> Executive Order: Unleashing American Energy, Section 3(b)-(d) (Jan. 20, 2025); see also Executive Order: Ending the Weaponization of the Federal Government (Jan. 20, 2025), Sec. 3(a) (requiring the Attorney General and heads of all departments and agencies to review civil and criminal enforcement activities over the last 4 years to identify instances where such authority was used to target perceived political opponents).

<sup>[5]</sup> Executive Order: Unleashing American Energy, Section 3(b) (Jan. 20, 2025).

<sup>[6]</sup> Executive Order: Unleashing American Energy, Section 7(c) (Jan. 20, 2025).

<sup>[7]</sup> Executive Order: Declaring a National Emergency, Section 2 (Jan. 20, 2025).

<sup>[8]</sup> Executive Order: Unleashing American Energy, Section 5 (Jan. 20, 2025).

<sup>[9]</sup> Executive Order: Declaring a National Emergency, Section 2(b) (Jan. 20, 2025); Executive Order: Unleashing American Energy, Section 8 (Jan. 20, 2025).

<sup>[10]</sup> Executive Order: Unleashing American Energy, Section 5 (Jan. 20, 2025).

<sup>[11]</sup> Executive Order: Putting America First in International Environmental Agreements, Section 4.

<sup>[12]</sup> Executive Order: Unleashing American Energy, Section 6 (Jan. 20, 2025).

<sup>[13]</sup> Executive Order: Unleashing American Energy, Sections 2(e) and 7 (Jan. 20, 2025).

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