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# Environmental Protection in the Trump Era

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## Other Pipelines

Pipeline	Location	Status
Southeast Markets	Alabama, Florida, Georgia	<i>Sierra Club v. Ferc</i> : D.C. Circuit Court of Appeals granted Sierra Club’s appeal in part and remanded for further review by FERC. Court found that FERC failed to adequately address climate change concerns in developing its EIS. However, Court found that FERC adequately addressed EJ concerns in EIS.  <a href="#">Opinion</a>
TransMountain “Northwest”	Alberta and British Columbia, Canada; Washington, USA	<i>Tsleil-Waututh Nation v. Canada (NEB)</i> : Federal Court of Appeal of Canada denied appeal by Tsleil-Waututh Nation to block pipeline.  <a href="#">Opinion</a>
Atlantic Coast	North Carolina, Virginia, West Virginia	Has received FERC approval to start tree-felling in certain regions; has received approval by Army Corps of Engineers.
Atlantic Sunrise	Pennsylvania	<i>Adorers of the Blood of Christ v. FERC</i> : Religious challenge in District Court denied; pending appeal in Third Circuit Court of Appeals.
Rover	Michigan, Ohio, Pennsylvania, West Virginia	ETP granted permission from the Federal Energy Regulatory Commission to resume hydraulic directional drilling on its Rover pipeline project under the Tuscarawas River in Ohio after the company strengthened its plans to monitor for inadvertent returns at the site.
Bayou Bridge	Louisiana	In Louisiana State Court; <i>Pastor Harry Joseph, Sr. v. Louisiana Dep’t of Natural Resources</i>  Faces additional legal challenge by Earthjustice.
Mariner East 2	Ohio, Pennsylvania, West Virginia	Philadelphia Department of Environmental Protection halts Mariner East 2 work amid “egregious” violations.
Mountain Valley	Virginia, West Virginia	Environmentalists suing VA regulators over approval of water permit for natural gas pipeline.
Constitution	New York, Pennsylvania	FERC denied water quality permit for the project, Constitution seeks rehearing or appeal of FERC’s decision.

## Other Water Crises

Location	Status
<a href="#">East Chicago, Indiana</a>	Governor Holcomb declared disaster site: provides East Chicago financial assistance to clean up Superfund site that has forced resident relocations and a school closure; EPA estimates 90% of homes have lead in water lines; U.S. Army Corps of Engineers planning to dispose of contaminated sediment in the city. EPA <a href="#">has put six companies</a> “on the hook” for Superfund cleanup.
<a href="#">North Carolina</a>	North Carolina Department of Environmental Quality states that the Chemours Company leak of GenX into NC drinking water has halted, and the water quality has returned to standards “within state goals.” No federal action.
<a href="#">Pittsburgh, Pennsylvania</a>	After private management company likely caused dangerous levels of lead in the city water system, Pittsburgh took remedial actions. Water <a href="#">now testing just below</a> federal threshold. No federal action.
<a href="#">St. Joseph, Louisiana</a>	After years of having discolored water, St. Joseph received money from the state and replaced its aging pipes after lead was found in the water and the town was declared a public health emergency. Many citizens are struggling to pay increased water rates. No federal action.
<a href="#">Belmont, Michigan</a>	In the 1960s, a footwear company put chemical-laden tannery sludge into unlined trenches at its 76-acre landfill, contaminating local drinking water. Michigan DEQ said that they had never seen such high levels of toxins in a private drinking water well. The company is providing alternate drinking solutions until a cleanup solution is reached. No federal action.

**Administrative Procedure Act (APA)** Governs the procedures that federal agencies must follow to create legally-binding regulations (also known as rules). The APA provides the default framework for judicial review of agency regulations and other actions.

**Antiquities Act of 1906** Grants the president the power to publicly designate federally-owned lands that contain “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest” as protected national monuments.

**Army Corps of Engineers (“the Corps”)** Federal agency within the Department of Defense that oversees and develops a range of public works projects, including dams, canals, and flood prevention infrastructure. The Corps also engages in ecosystem restoration projects and determines whether to issue permits under the Clean Water Act for the dredging and filling of “waters of the United States.”

**Bureau of Safety and Environmental Enforcement (BSEE)** An agency within the Department of the Interior, created in 2012 in response to the *Deepwater Horizon* spill of 2010, that seeks to reduce the human and environmental risks associated with offshore oil and gas production through regulation, engagement with the industry, enforcement, and coordination among related federal programs.

**Clean Air Act (CAA)** The nation’s central law for addressing air pollution. The CAA requires EPA to create emissions standards and pollution-abatement technology standards for mobile and stationary sources of air pollution. EPA enforces the CAA largely through permits issued to stationary sources, such as coal-fired power plants.

**Clean Water Act (CWA)** The nation’s central law for addressing water pollution, which prohibits the discharge of any pollutant from a point source into “navigable waters” without a permit. “Navigable waters” are defined by the CWA as “waters of the United States,” which in turn are defined in regulations of EPA and the U.S. Army Corps of Engineers (and interpreted in a series of Supreme Court cases). The CWA also grants EPA the authority to approve water quality standards for individual bodies of water, and to set effluent guidelines for use in federal and state discharge permits. It also requires private parties to obtain federal permits from the Corps of Engineers before discharging fill material into waters of the United States.

**Congressional Review Act (CRA)** Legislation that allows Congress to use a streamlined procedure to invalidate recently promulgated agency rules, subject to a presidential signature or veto.

**Consumer Product Safety Act (CPSA)** Federal law that established the Consumer Product Safety Commission (CPSC) and authorizes the agency to take action—including issuing safety standards and product bans – to address injury risks from a wide range of consumer products. The law was amended in 2008 by the Consumer Product Safety Improvement Act, which gave the CPSC additional regulatory authorities and established new requirements to ensure the safety of children’s products.

**Council on Environmental Quality (CEQ)** An executive branch office that advises, and helps to coordinate environmental activities among, the federal agencies that administer environmental law. The CEQ focuses on administration of the National Environmental Policy Act.

**Department of Energy (DOE)** Executive branch agency that implements policies addressing nuclear power, fossil fuels, and alternative energy sources. Among other functions, the agency establishes

and implements the National Energy Policy, funds and oversees extensive scientific research programs, and oversees cleanup and legacy management of the nation's nuclear weapons complex.

**Endangered Species Act (ESA)** The nation's central law for the conservation of threatened and endangered species and their habitat. The law prohibits "take" of listed species, and requires that federal agencies engage in consultation with the U.S. Fish & Wildlife Service and the National Oceanic and Atmospheric Administration with respect to federal actions that may result in jeopardy to listed species or adversely modify a critical habitat.

**Energy Policy and Conservation Act (EPCA)** Federal law that established a number of energy-related policies and programs. EPCA directs the Department of Energy to set energy conservation standards for consumer products, authorizes the Strategic Petroleum Reserve, and establishes the Corporate Average Fuel Economy program for vehicles.

**Environmental impact statement (EIS)** Public report prepared by a federal agency that details the effect(s) that an action of the agency will have on the environment. The National Environmental Policy Act, along with regulations of the Council of Environmental Quality, mandates the preparation of an EIS for certain federal actions, and describes what kinds of analysis the statements must include.

**Environmental justice (EJ)** Umbrella term for studying, crafting, and advocating for policies that address the disparate impacts of environmental pollution, along with inequitable access to environmental amenities, suffered by low-income and minority populations. No congressional legislation explicitly addresses EJ, but a patchwork of executive orders, regulations, and agency policy and guidance documents requires the consideration of EJ for certain federal government activities.

**Environmental Protection Agency (EPA)** The principal executive branch agency tasked with implementing federal environmental laws, such as the Clean Air Act and the Clean Water Act. The agency promulgates regulations under its guiding statutes, conducts scientific and policy research, conducts oversight of state programs delegated authority to carry out federal laws, and issues guidance on how the agency may interpret and enforce its statutory mandates.

**Federal Land Policy and Management Act of 1976** Established a mandate for the U.S. Bureau of Land Management (an office within the Department of the Interior) to manage federally-owned lands (for multiple uses), and to identify potential federally-protected wilderness areas, subject to the formal legislative approval of Congress.

**National Environmental Policy Act (NEPA)** Compels federal agencies to consider and analyze the environmental impacts of their proposed projects, identify alternatives, and document those analyses.

**National Oceanic and Atmospheric Administration (NOAA)** Executive branch agency located within the Department of Commerce that focuses on collecting and studying scientific data on Earth's ocean and weather systems, preparation of fisheries management plans, and administration of the Coastal Zone Management Act.

**Office of Environmental Justice (OEJ)** Office within EPA that coordinates the agency's activities relating to environmental justice. The OEJ oversees and manages both the National Environmental Justice Advisory Council and the Federal Interagency Working Group on Environmental Justice.

**Office of Information and Regulatory Affairs (OIRA)** Located within the Office of Management and

Budget, OIRA conducts centralized review of regulations prepared by executive agencies and issues guidance to agencies on compliance with a wide range of statutes and executive orders.

**Outer Continental Shelf Lands Act (OCSLA)** Establishes as federally owned the submerged lands from 3 to 200 miles seaward of the coasts of the United States (the “Outer Continental Shelf” as expanded by the nation’s exclusive economic zone), and establishes planning and standards for leasing and energy development of such lands. OCSLA also grants the president the authority to create moratoria on oil and gas leasing on unleased areas of the Outer Continental Shelf.

**Reductions in force (RIFs)** The process by which federal agencies reduce their number of employees in response to funding shortages, reorganization, lack of work, and other circumstances. Regulations of the Office of Personnel Management (OPM), the agency that manages the civil service, govern how RIFs must be implemented by agencies.

**Resource Conservation and Recovery Act (RCRA)** The primary law governing the generation, transportation, treatment, storage, disposal, and overall handling of hazardous and non-hazardous solid wastes. EPA sets standards for all of these activities, including permits for facilities that treat, store, or dispose of hazardous wastes and for the cleanup and closure of such facilities.

**Supplemental environmental project (SEP)** An environmentally beneficial project that a defendant agrees to undertake as part of a settlement of an enforcement action. SEPs seek to obtain environmental and public health benefits that may not otherwise have occurred in the settlement of the enforcement action.

**Toxic Substances Control Act (TSCA)** The principal federal law governing chemicals management in the United States. TSCA authorizes EPA to screen new chemicals, test existing chemicals, and restrict the use of chemicals that present unreasonable risks. In 2016, TSCA was amended significantly to strengthen EPA authorities and requirements, including new directives for agency review of existing chemicals.

**U.N. Framework Convention on Climate Change (UNFCCC)** The central international treaty for addressing climate change through reductions in greenhouse gas emissions. The treaty itself does not set targets for greenhouse gas emissions, but provides the organizational and procedural mechanisms through which member nations may create and enforce further treaties that set individual, binding emission reductions targets (commonly called “protocols,” such as the Kyoto Protocol).