

Author

Linda K. Breggin - Environmental Law Institute

Current Issue

[September-October 2025](#)

Volume

42

Issue

4

Reading Options

[Distraction Free](#)

[View PDF](#)



Amidst unprecedented federal regulatory rollbacks and draconian staff and funding cuts, many are pointing to the critical role that state attorneys general are playing in protecting the environment and advancing clean energy.

David Hayes, Stanford Law School professor and founding executive director of New York University Law School's State Energy & Environmental Impact Center, explains that the AGs are "extremely important, because as state-wide officials they have the standing and authority to represent their constituents' interest in ensuring that the law is being followed and enforced appropriately." According to Hayes: "As climate and environment have risen in importance, so has the role of AGs in protecting their constituents' interests."

The NYU center's database shows that AGs sprang into action quickly in the new administration and are acting both collaboratively and independently. Their efforts are not limited to litigation and include filings in regulatory proceedings, sending

letters to Congress, and holding town hall meetings.

Specifically, AGs have engaged in multistate litigation in 18 cases—with the number of states participating ranging from two to 23. In most cases, the AGs initiated litigation, but in others they filed amicus briefs or a motion to intervene. At this point in the Biden administration, AGs had engaged in only two multistate actions.

To date, multistate litigation has involved some or all of the 21 Democratic AGs. This partisan alignment is nothing new in an era of political polarization, but Hayes says he expects some level of bipartisan cooperation. He explains: “AGs have traditionally worked together across states on matters of great importance to Americans broadly, such as tobacco and opioids, to strengthen their cases and expand the relief that courts can provide.”

Many of the multistate cases focus on systemic issues—funding and program cuts. These lawsuits address support for states’ environmental and clean energy work, such as funding for resiliency, electric vehicles, emergency infrastructure improvements, and clean energy. But the cases also challenge reductions in broader programs, including funding for scientific research, communications during disasters, and the AmeriCorps program.

Other multistate litigation addresses specific regulatory and permitting rollbacks. These actions include challenges to the repeal of the California Clean Vehicle Program, the moratorium on onshore and offshore wind energy project permits, and the executive order declaring a national energy emergency, which paved the way for permitting of energy projects without environmental reviews. Individual AGs are also engaged in over 30 actions that include pollution-related cases against individual companies.

In addition to litigation, AGs are jointly involved in over 20 federal administrative proceedings. For example, AGs have submitted joint comments to numerous federal agencies on topics that include offshore oil and gas drilling, endangered species protections, energy efficiency standards, and pesticide residues in food. And individual AGs are also engaging in administrative proceedings related to facilities in their states.

Moreover, AGs have collaborated on four letters to Congress, including a letter signed by 39 opposing potential funding cuts to the World Trade Center Health Program that supports September 11 first responders and survivors. The letter

represents the only time so far in 2025 that any of the 28 Republican AGs have joined their Democratic counterparts. Other letters have urged Congress to: oppose weakening Endangered Species Act protections; maintain the Environmental Protection Agency’s reliance on science; and end the national energy emergency.

The work of the AGs is occurring against the backdrop of an April executive order entitled “Protecting American Energy From State Overreach” which, according to a White House fact sheet, directs the U.S. attorney general to “prioritize taking action against laws and policies purporting to address ‘climate change’ policies, or involving ‘environmental, social, and governance’ initiatives, ‘environmental justice,’ carbon or ‘greenhouse gas’ emissions, and funds to collect carbon penalties or carbon taxes.”

In response to AG activism, there is legislation in North Carolina that would limit its AG’s authority to challenge presidential executive orders. Hayes emphasizes that such measures are “an existential threat to federalism and state prerogatives” that could “undermine the basic system that we have had in place since our founding.”

It is too early to tell whether efforts to narrow the scope of their authority will gain momentum. In the meantime, the AGs are likely to continue their actions apace.

In the meantime, the AGs are likely to continue their actions apace.

Copyright ©2025, Environmental Law Institute®, Washington D.C. www.eli.org.
Reprinted by permission from The Environmental Forum®, September/October.

[< Previous Article](#)

[Next Article >](#)

? Aa

- + Light Dark