Year One Report: Trends in Environmental Law Under the Trump Administration

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What We’ll Cover

• General “Big Picture” Trends
• U.S. EPA
• State & Local Governments
• Environmental Groups
• Takeaways & Opportunities
General “Big Picture” Trends

• Significant drawback from prior Administration decisions/priorities
• Focus on business/job growth, and strengthening the economy
• Reducing federal regulatory burden
• Preference for traditional manufacturing, oil and gas, etc.
U.S. Environmental Protection Agency

- Budget/Staffing
- Climate Change/Clean Air Act
- Enforcement
EPA: Climate Change/Clean Air Act

- Climate change
- Clean Air Act regulatory rollback
- Air interpretation changes by memo
EPA Enforcement

• To date, and what is expected

• FY 2017-2019 Enforcement Initiatives:
  – Reducing pollutants from largest sources
  – Cutting hazardous air pollutant emissions
  – Energy extraction
  – Reduce industrial/chemical facility accidental release risk
  – Raw sewage/storm water/animal waste/industrial pollutants to water

• Cooperative Federalism

• Coordination with TCEQ
Reactions to Trump Administration environmental policy/initiatives?

Vary widely.

Some partnering and parallel action with...
Environmental Groups

• Inspiration
  – Real or perceived reduction in EPA enforcement can invigorate NGOs, leading to more citizen suits

• Ability
  – $$$ has been rolling in

• Action
**Takeaways & Opportunities**

- Evaluate whether Executive Orders or memoranda may be relevant for rules that affect you.
- Is there permit streamlining or rule changes you would like to see? Take advantage of opportunities.
- If you are in an extended battle with EPA, consider the impact of the Trump Administration on your negotiating posture.
Takeaways & Opportunities

- Keep a close eye on regulatory developments at the state and local level.
- Be prepared to intervene in citizen suit challenges that may affect your business.
- Consider competitive advantages of voluntary environmental performance leadership.
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Questions & Discussion