

What President Trump's Actions Mean for the Future of Federal Environmental Policy: A Reflection

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Opinion

The first 10 months of the second Trump administration have brought with them a flurry of executive action aimed at reshaping the bureaucracy. In the wake of new developments, several establishments of the federal government have been hit exceptionally hard - one of the main ones being the Environmental Protection Agency.¹ As the only federal regulator of environmental policy, the EPA has been an institution in the federal government since the 1970s, signed into law by President Nixon. The institution was created to consolidate governmental regulatory responsibilities - such as pollution control, water quality, and pesticide programs - into a central federal agency. As one of its major functions, the EPA provides regulations and implementation instructions for environmental laws passed by Congress. Its statutory mission - to protect Americans' health and the environment - has been respected, albeit through varying interpretations, throughout both Republican and Democratic administrations.² A few of the agency's essential functions include regulating dangerous chemicals, ensuring that Americans have access to clean air and water, and allocating grants for scientific research and other projects. Many federal environmental laws are statutory, meaning that it is difficult to change them once they are ratified; however, the utilization of Executive Orders can direct agencies on how to implement laws according to an administration's specific goals.³ New federal directives and

¹ Stephen Lee, *Trump Radically Overhauls EPA Mission, Scope in First Six Months*, BLOOMBERG LAW (Oct. 15, 2025, 6:07 PM), <https://news.bloomberglaw.com/environment-and-energy/trump-radically-overhauls-epa-missionscope-in-first-six-months>

² *Our Mission and What We Do*. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Oct. 20, 2025, 2:30 PM), <http://www.epa.gov/aboutepa/our-mission-and-what-we-do>

³ Bella Sewall et. al., *NEPA Reimagined: The Ongoing Overhaul of Federal Environmental Review*, BROWNSTEIN (Oct. 24, 2025, 3:55 PM), <https://www.bhfs.com/insight/nepa-reimagined-the-ongoing-overhaul-of-federal-environmental-review/>

interpretations of existing environmental law will have longer-lasting implications than just the foreseeable future, as even short-term policies can impact the environment for years to come. An important aspect of the government's ability to regulate federal environmental actions is the National Environmental Policy Act (NEPA), which was ratified in 1969 and established the Council on Environmental Quality (CEQ). NEPA's purpose is to require environmental impact reviews to ensure adequate protection for existing ecosystems and groups under federal policy. NEPA states that whenever the federal government takes "major" action that may "significantly impact" the environment, its proposal must be deferred to an agency for review on a variety of criteria for both governmental and public acknowledgement.⁴ This also includes federal spending on state projects. NEPA is implemented by federal agencies, many of which have established offices to oversee this process.

Environmental impact data is presented through Environmental Impact Statements (EIS). These statements are filed in anticipation of any major federal projects to assess risk and potential environmental detriment. Then, the EPA processes and oversees these statements, with the ability to provide suggestions and comments to the entities that submitted them, and make sure they adhere to the CEQ's standards.⁵ For example, EIS's have historically required consideration of factors such as direct and indirect impacts, or the acknowledgement of potential undue burdens which may be posed on minority or disadvantaged groups as a result of industrial siting or activity.⁶ NEPA has been amended, interpreted, and used to direct agencies differently across presidential administrations, but despite this fact, there have been long-standing CEQ regulations used to oversee the correct administration of the law - until now.

President Trump's Unleashing American Energy Executive Order (Jan. 20, 2025) rescinded and changed the scope of CEQ regulations and NEPA review.⁶ It revoked President Jimmy Carter's Executive Order 11991, which had standardized NEPA review rules through the CEQ - in other words, it created consistency across federal agencies when implementing NEPA and

⁴ *What is the National Environmental Policy Act?* UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Oct. 20, 2025, 3:00 PM), <https://www.epa.gov/nepa/what-national-environmental-policy-act>

⁵ *Environmental Impact Statement Filing Guidance*, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Oct. 20, 2025, 2:46 PM), <https://www.epa.gov/nepa/environmental-impact-statement-filing-guidance> ⁶ James M. McElfish, Jr., *What's Left of Federal Environmental Justice?*, ENVIRONMENTAL LAW INSTITUTE (Oct. 10, 2025, 11:30 AM), <https://www.eli.org/vibrant-environment-blog/whats-left-federal-environmental-justice>

⁶ Kerry L. McGrath et. al., *Trump Administration Initiates Major Changes for NEPA Reviews*, HUNTON (Oct. 30, 2025, 4:25 PM) <https://www.hunton.com/the-nickel-report/trump-administration-initiates-major-changes-for-nepareviews>

creating environmental reviews - prior to this, agencies had each adhered to their own rules and standards.⁷ Signed in 1977, EO 11991 has now been revoked by President Trump, reverting back to a standard which allows agencies to create their own EIS regulations under NEPA, therefore granting the CEQ less direct oversight, and likely less cohesion across the federal government when regulating environmental actions and interpreting policies.⁸

Prior to Unleashing American Energy, the CEQ's standards were the baseline that agencies could build off of in regard to impact statements, and now these baseline standards no longer apply in the same way. President Trump's action here emphasizes expediting EIS reviews in order to lower the burden on industries and the government when undertaking projects. Specifically, the administration pays special consideration to efficient energy, which was one of President Trump's campaign promises. The current Council on Environmental Quality has issued statements to agencies which have emphasized this goal: "guidance emphasizes the need to "expedite permitting approvals and meet deadlines," and "prioritize efficiency and certainty over any other policy objectives that could add delays and ambiguity to the permitting process".⁹ Part of this involves disregarding cumulative impacts when discussing the environmental impact of legislation. As aforementioned, the prior federal definition of the word "impacts" included both indirect *and* cumulative effects on the environment - now, this has been interpreted to mean *only* direct impacts.¹⁰ This is significant because cumulative impacts refer to indirect impacts of a project that may occur in the future - one main example being climate change due to greenhouse gas emissions. Direct impacts, as opposed to cumulative, refer to only effects which can be seen as a direct result of the project on the environment, such as habitat destruction or physical alteration of the landscape. President Trump's order compels agencies to only focus on the direct and observable environmental impacts when evaluating federal projects.

⁷ Gerhard Peters and John T. Woolley, *Jimmy Carter, Executive Order 11991—Environmental Impact Statements Online*, UC SANTA BARBARA (Dec. 03, 2025, 3:48 PM), <https://www.presidency.ucsb.edu/node/243181>

⁸ Bella Sewall et. al., *NEPA Reimagined: The Ongoing Overhaul of Federal Environmental Review*, BROWNSTEIN (Oct. 24, 2025, 3:55 PM), <https://www.bhfs.com/insight/nepa-reimagined-the-ongoing-overhaul-of-federal-environmental-review/>

⁹ Kerry L. McGrath et. al., *Trump Administration Initiates Major Changes for NEPA Reviews*, HUNTON (Oct. 30, 2025, 4:25 PM) <https://www.hunton.com/the-nickel-report/trump-administration-initiates-major-changes-for-nepa-reviews>

¹⁰ Eliza Martin & Hannah Perls, *Decoding Agencies' New NEPA Procedures: Takeaways from CEQ's Draft Template*, HARVARD LAW SCHOOL (Oct. 15, 2025, 6:15 PM) <https://eelp.law.harvard.edu/wpcontent/uploads/2025/07/CEQ-Draft-Template-NEPA-Rules-Analysis.pdf>

A significant indirect impact that has been revoked from consideration is environmental justice. Environmental justice, widely directed through President Clinton's Executive Order 12898 (1994),¹¹ focuses on addressing "Disproportionately high and adverse human health or environmental effects created by programs, policies, and activities on minority populations and low-income populations".¹² This included consideration of disproportionate impacts in Environmental Impact Statements. President Trump has rescinded EO 12898, and with it, most offices that had focused on its implementation and protecting these communities.¹³ Moreover, the EPA's Office of Enforcement and Compliance Assistance issued a memorandum prohibiting agencies from using data from EJScreen - a tool established as a database of demographic and pollution data for regulators and the public - in "any enforcement or compliance activity" that the federal government undertakes.¹⁴

It's important to acknowledge that environmental regulation is never a simple task - it relies on a variety of scientific, political, and social factors, some of which may remain inconclusive throughout the process. However, there has never been a degree of change this large with the transition between a Republican and Democratic administration, and in a way that many federal entities - such as the EPA, NOAA, and FEMA - are unsure how to respond to.¹⁵ As aforementioned, many of the Executive Orders that have been overturned have been in place for decades, some since as early as the 1970s, and have lived on throughout both Democratic and Republican presidential administrations, despite potential differences in their interpretation and implementation. Democratic presidents have broadly adopted more of a regulatory approach to issues such as environmental justice and climate change, while Republicans have tended to favor

¹¹ Robert Bullard & Glenn S. Johnson, *Environmentalism and Public Policy: Environmental Justice: Grassroots Activism and Its Impact on Public Policy Decision Making*. 56(3) JOURNAL OF SOCIAL ISSUES, 555–578 (2000).

¹² *Presidential Documents - 12898*. UNITED STATES FEDERAL REGISTER (Oct. 20, 2025, 3:45 PM), <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>

¹³ James M. McElfish, Jr., *What's Left of Federal Environmental Justice?*, ENVIRONMENTAL LAW INSTITUTE (Oct. 10, 2025, 11:30 AM), <https://www.eli.org/vibrant-environment-blog/whats-left-federal-environmental-justice>

¹⁴ Jeffrey Hall, *Implementing National Enforcement and Compliance Initiatives Consistently With EOs and Agency Priorities*, OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE (Oct. 25, 2025, 9:00 PM), <https://www.epa.gov/system/files/documents/2025-03/implementingnecisconsistentlywitheosandagencypriorities>

¹⁵ Hannah Chinn et. al., *Trump is gutting environmental agencies. What does that mean for Americans?: Short Wave*, NATIONAL PUBLIC RADIO (Dec. 03, 2025, 3:49 PM).

<https://www.npr.org/2025/05/20/1266983772/weather-science-trump-policy-cuts>

industries and deregulation. For example, President Joseph Biden had pledged to aim EPA and government regulations at reducing American greenhouse gas emissions by up to 66 percent in relation to pre-2005 levels by 2035.¹⁶ It's also important to note that some Republican administrations have had similar approaches to President Trump - for example, President Ronald Reagan also reduced the staffing and scope of the EPA during his presidency and pushed deregulation in order to expedite permitting for oil, gas, and other industries. However, President Reagan also emphasized and acknowledged the importance of certain environmental regulations - such as signing the Montreal Protocol in 1988, which served to protect the ozone layer from further depletion by greenhouse gases. Additionally, President Reagan acknowledged the role of science when he was making these regulatory choices. In contrast, President Trump and Lee Zeldin, the current EPA administrator, often minimize the role that science and scientific advice play in the regulatory process, which is reflected in their approach to permitting and long-term data collection for project development.¹⁷

In the end, most implications from these actions will be seen over months or years, not immediately. The new orders from President Trump will result in less cohesive environmental impact statements, which will include a less comprehensive analysis of impacts when agencies are seeking to evaluate potential effects of a federal action. This is a result of moving the central regulatory authority away from the CEQ, weakening or dismissing regulations regarding environmental impact statements, and attempting to "expedite" the process of data collection and scientific conclusions regarding federal projects. There will be less of a reliance on, or presence of, scientific evidence and data collection over a longer period of time. These actions seek to do specifically what the Trump administration has promised regarding making it easier and faster for industries to gain federal approval for activities, which, in their view, will benefit the economy. The changes that are occurring emphasize a different approach to NEPA implementation for federal actions than we have seen before, with a more direct federal overhaul of any burdens that may be placed on federal environmental actions. Implications which will

¹⁶ The White House, *Fact Sheet: President Trump Is Delivering Historic Permitting Wins Across the Federal Government*. THE WHITE HOUSE (Oct. 23, 2025, 12:01 PM) <https://www.whitehouse.gov/fact-sheets/2025/06/fact-sheet-president-trump-is-delivering-historic-permitting-wins-across-the-federal-government/>

¹⁷ Barbara Kates-Garnick, *Like Reagan, Trump is slashing US environment regulations, but his strategy may have a far deeper impact*. THE CONVERSATION, (Nov. 30, 2025, 2:44 PM), <https://doi.org/10.64628/aa.4ewuau6xf>

occur as a result of this action will likely include more comprehensive and invasive projects, more greenhouse gas emissions resulting in the weakening of the ozone layer, more frequent and dangerous natural disasters, disproportionate impact and burden on minorities or indigenous communities when considering drilling or siting for projects resulting in displacement, unforeseen cumulative impacts on these communities and the American people, and overall more power to industry and the energy sector when permitting decisions are being made.

However, much of NEPA's authority comes from federal statutes that still exist and are much harder to revoke or change. NEPA statute Section 101(b) still states the following: "(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings; (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; [and] (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice". Some interpret this to mean that agencies will still be mandated to consider disproportionate impacts and overall American well-being, at least in the short-term.¹⁸ What remains is uncertainty and patience to see how these decisions and actions play out in the long-term. Watching for decisions in the federal courts and approvals of new federal projects are ways in which the American citizen can monitor the direct implications and constitutionality of President Trump's policies and orders.

¹⁸ James M. McElfish, Jr., *What's Left of Federal Environmental Justice?*, ENVIRONMENTAL LAW INSTITUTE (Oct. 10, 2025, 11:30 AM), <https://www.eli.org/vibrant-environment-blog/whats-left-federal-environmental-justice>