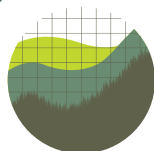




Justice Imperiled

The Rise and Fall of Federal Environmental Justice

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Introduction

This report contextualizes and charts the second Trump Administration's efforts to eliminate federal environmental justice initiatives. The Administration's actions, which conflict with more than 30 years of federal practice, are having dire consequences. But by showing that demands for environmental justice have persisted for decades, and will persist outside the federal government, this report illustrates that this Administration by no means marks the end of environmental justice, as either a movement or a governing agenda.

Over more than three decades, environmental justice initiatives evolved into a durable feature of federal governance. This trajectory began under President Clinton, with the first presidential directive on environmental justice, Executive Order 12,898. From there, Republican administrations including the first Trump Administration deprioritized environmental justice and defined it narrowly. But even during these periods of retrenchment, the federal government maintained a foundational commitment to identifying and addressing disproportionate environmental and public health burdens borne by low-income communities and communities of color. President Biden's tenure marked the apex of environmental justice's federal institutionalization. Under the Biden Administration, environmental justice benefitted from coordinated executive action, formalized interagency structures, strengthened analytic practices, and unprecedented levels of federal investment.

Beginning on day one of his second administration, however, President Trump initiated a systematic dismantling of federal environmental justice policy and institutional infrastructure—rescinding cornerstone executive orders, eliminating dedicated environmental justice and civil rights offices, weakening analytic and procedural frameworks, rolling back environmental and public health protections, bypassing public participation in rulemaking, and terminating funding streams meant to serve overburdened communities.

In rolling back many environmental, civil rights, and public health protections, the second Trump Administration has often used unilateral executive actions that bypass the notice-and-comment requirements that allow for public participation in the decisions. Eliminating public participation violates key procedural-justice principles of environmental justice. The Trump Administration has also contended that environmental justice considerations are categorically impermissible in agency decisionmaking. Additionally, the Trump Administration has advanced an overarching legal and rhetorical framework to justify its environmental justice rollbacks: recasting environmental justice as incompatible with federal civil rights law and as a subset of disfavored diversity, equity, and inclusion (DEI) initiatives. The Administration has invoked the Supreme Court's 2023 decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College (SFFA)* to assert that constitutional law compels the wholesale elimination of environmental justice initiatives.

For more in-depth analysis on the legal flaws with the second Trump Administration's actions to dismantle federal environmental justice programs, read a companion to this report entitled **Justice Imperiled: Assessing the Legal Arguments for the Trump Administration's Assault on**

Federal Environmental Justice Programs. That report includes a detailed analysis of how *SFFA* does not compel the wholesale rescission of environmental justice programs.

Notwithstanding the Trump Administration's efforts, environmental justice cannot be erased by executive action or even by legislation. The demand for environmental justice is not a federal construct but a reflection of conditions—including cumulative pollution burdens, disparate health outcomes, and unequal exposure to environmental risk—that persist regardless of federal recognition. Long before its incorporation into federal policy and grants, environmental justice was built through the persistent organizing of communities that documented, challenged, and rejected the unequal distribution of environmental harm. That grassroots advocacy ultimately forced federal action. And while the current administration has attacked environmental justice policies and cancelled environmental justice grants, it cannot cancel the movement itself. The conditions to which these communities responded continue to confront federal agencies in permitting, rulemaking, infrastructure planning, and enforcement.

By attempting to excise environmental justice from federal decisionmaking, the Trump Administration has merely diminished the federal government's capacity to address these problems in a coherent, evidence-informed, and administratively sound manner. The result is a governance vacuum in which agencies must still grapple with environmental justice realities, but without the policies, tools, and institutional capacity that previously supported consistent, reasoned, and credible decisionmaking.

I. The History of Environmental Justice in the Federal Government Before the Second Trump Administration

The federal government’s engagement with environmental justice has its origins in grassroots-driven struggles against the disproportionate impacts of environmental hazards on communities of color, low-income populations, and indigenous peoples.¹ Some fifty years ago, issues at the confluence of race, class, and the environment did not even have a name.² The concentration of environmental hazards in poor communities and communities of color was treated not as an injustice, but as an unremarkable feature of industrial life, accepted without meaningful challenge by government, industry, and society at large.³

Some scholars trace the origins of the environmental justice movement to earlier civil rights struggles, including a 1968 sanitation workers’ strike in Memphis, Tennessee, which exposed how hazardous working and environmental conditions disproportionately burdened Black communities.⁴ During the following decades, local conflicts over landfill siting, hazardous waste disposal, and industrial pollution increasingly revealed patterns of environmental inequality.⁵ In Houston, Texas, residents challenged the siting of a municipal landfill in *Bean v. Southwestern Waste Management* in 1979, one of the first lawsuits in the United States to frame environmental discrimination through civil rights law.⁶ Research in support of the case systematically documented the location of Houston’s landfills and incinerators in relation to neighborhood demographics and revealed that the overwhelming majority were located in predominantly Black neighborhoods.⁷ This work provided one of the earliest empirical demonstrations of environmental racism.

¹ LUKE W. COLE & SHEILA R. FOSTER, FROM THE GROUND UP: ENVIRONMENTAL RACISM AND THE RISE OF THE ENVIRONMENTAL JUSTICE MOVEMENT 151–56, 161–64 (2000)

² See Robert D. Bullard, *Introduction*, in CONFRONTING ENVIRONMENTAL RACISM: VOICES FROM THE GRASSROOTS 7, 9 (Robert D. Bullard, ed., 1993); Robert D. Bullard, *Environmental Justice in the 21st Century: Race Still Matters*, 49 PHYLON 151, 151 (2001). For an early example of an analysis of discrimination in siting without reference to “environmental justice,” see GEN. ACCOUNTING OFF., GAO/RCED-83-168, SITING OF HAZARDOUS WASTE LANDFILLS AND THEIR CORRELATION WITH RACIAL AND ECONOMIC STATUS OF SURROUNDING COMMUNITIES (1983), <https://www.gao.gov/products/rced-83-168>.

³ See Robert D. Bullard, *Introduction: Environmental Justice—Once a Footnote, Now a Headline*, 45 HARV. ENV’T L. REV. 243, 243 (2021).

⁴ See COLE & FOSTER, *supra* note 1, at 19. For discussion of the strike, see MICHAEL K. HONEY, GOING DOWN JERICO ROAD: THE MEMPHIS STRIKE, MARTIN LUTHER KING’S LAST CAMPAIGN (2007).

⁵ See ROBERT D. BULLARD, DUMPING IN DIXIE: RACE, CLASS, AND ENVIRONMENTAL QUALITY 1 (3d. ed. 2018).

⁶ *Bean v. Sw. Waste Mgmt. Corp.*, 482 F. Supp. 673 (S.D. Tex. 1979); See also *Hawkins v. Town of Shaw*, 437 F.2d 1286 (5th Cir. 1971) (challenging racial discrimination in provision of municipal services, including sewage and surface-water drainage, under § 1983).

⁷ Robert D. Bullard, *Solid Waste Sites and the Black Houston Community*, 53 SOCIO. INQUIRY 273, 285 (1983).

Grassroots activism intensified during the early 1980s, most notably in Warren County, North Carolina, where residents protested the siting of a hazardous polychlorinated biphenyl (PCB) landfill in a majority Black rural community.⁸ Although the landfill was ultimately built, the protests drew national attention to the racial dimensions of hazardous waste disposal and prompted a federal investigation. The U.S. General Accounting Office⁹ subsequently found that hazardous-waste landfills in the southeastern United States were disproportionately located in communities with higher percentages of Black residents.¹⁰

In 1987, the United Church of Christ Commission for Racial Justice published a landmark report, *Toxic Wastes and Race in the United States: A National Report on the Racial and Socio-Economic Characteristics of Communities with Hazardous Waste Sites* (Toxic Wastes and Race).¹¹ This was the first national study to link waste facility locations with demographic characteristics and finding that race was the strongest predictor of where these facilities were sited, outweighing poverty, land values, and home ownership.¹² By the early 1990s, environmental justice had emerged as a national movement. In 1991, more than seven hundred activists, scholars, and community leaders gathered at the First National People of Color Environmental Leadership Summit, where participants adopted the Seventeen Principles of Environmental Justice and articulated a framework grounded in community self-determination, environmental protection, and human rights.¹³ In 1992, acting on a recommendation from the Toxic Wastes and Race report,¹⁴ environmental justice finally gained a federal foothold when the Office of Environmental Equity was established by EPA Administrator William K. Reilly under President George H. W. Bush.¹⁵

From the collective history of the movement and drawing upon the Seventeen Principles of Environmental Justice, scholars and advocates have distilled the environmental justice movement's demands into a set of core pillars that have guided efforts to address environmental inequity in government.

⁸ See generally Eileen Maura McGurty, *From NIMBY to Civil Rights: The Origins of the Environmental Justice Movement*, 2 ENV'T HIST. 301 (1997).

⁹ The U.S. General Accounting Office, established by the Budget and Accounting Act of 1921, was redesignated the Government Accountability Office (GAO) in 2004. GAO Human Capital Reform Act of 2004, Pub. L. No. 108-271 § 8, 118 Stat. 811 (2004).

¹⁰ See GEN. ACCOUNTING OFF., *supra* note 2, at 1.

¹¹ COMM'N FOR RACIAL JUSTICE, UNITED CHURCH OF CHRIST, *TOXIC WASTES AND RACE IN THE UNITED STATES: A NATIONAL REPORT ON THE RACIAL AND SOCIO-ECONOMIC CHARACTERISTICS OF COMMUNITIES WITH HAZARDOUS WASTE SITES* (1987) [hereinafter *TOXIC WASTES AND RACE*].

¹² See *id.* at xiii, ix.

¹³ See COLE & FOSTER, *supra* note 1, at 31–32; Bullard, *supra* note 3, at 245; *Principles of Environmental Justice*, First Nat'l People of Color Env't Leadership Summit (Oct. 27, 1991), <https://perma.cc/3G3Z-DMLD>.

¹⁴ See *TOXIC WASTES AND RACE*, *supra* note 11, at xv.

¹⁵ See COLE & FOSTER, *supra* note 1, at 162; see also U.S. ENV'T PROT. AGENCY, *ENVIRONMENTAL EQUITY: REDUCING RISK FOR ALL COMMUNITIES* (1992) (report produced by EPA Environmental Equity Workgroup).

The Four Pillars of Environmental Justice

Pillar	Core Principle
Distributive Justice ¹⁶	The equitable distribution of environmental burdens and benefits across populations, regardless of race, ethnicity, or income.
Procedural Justice ¹⁷	The right of all communities to meaningful participation in environmental decision-making, including siting, permitting, and rulemaking.
Corrective Justice ¹⁸	Fair enforcement of environmental laws and meaningful remedies for communities that have already been harmed.
Social Justice ¹⁹	Recognition that environmental inequities are inseparable from broader social, economic, and racial inequalities, including cumulative impacts.

A. Executive Order 12,898: Foundation of environmental justice in the federal government

In 1994, President Clinton issued Executive Order 12,898, directing each federal agency to identify and address disproportionately high and adverse health or environmental effects on minority and low-income populations.²⁰ The executive order also directed each federal agency to “make achieving environmental justice part of its mission” across its programs, policies, and activities,²¹ introducing environmental justice considerations into rulemaking, permitting, enforcement, budgeting, research, and grantmaking across the federal government.²²

Executive Order 12,898 also created processes for carrying out its broad mandates. For one thing, it required federal agencies to develop and update environmental justice strategies and implementation plans.²³ These documents mapped out how agencies were expected to identify

¹⁶ See Robert R. Kuehn, *A Taxonomy of Environmental Justice*, 30 ENV'T L. REP. 10681, 10683–88 (2000) (distributive justice); see also Spencer Banzhaf, Lala Ma & Christopher Timmins, *Environmental Justice: The Economics of Race, Place, and Pollution*, 33 J. ECON. PERSPS. 185, 187–97 (2019) (documenting disparities in pollution exposure and analyzing residential sorting mechanisms).

¹⁷ See Kuehn, *supra* note 16, at 10,688–93.

¹⁸ See *id.* at 10,693–98.

¹⁹ See *id.* at 10,698–703; see also Banzhaf, Ma & Timmins, *supra* note 16, at 203 (concluding that reducing income inequality may effectively reduce environmental inequalities).

²⁰ Exec. Order No. 12,898, 59 Fed. Reg. 7,629 (Feb. 16, 1994).

²¹ *Id.* § 1-101, 59 Fed. Reg. at 7,629 (“[E]ach Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”).

²² *Id.* §§ 2-2 (setting forth “Federal Agency Responsibilities for Federal Programs”), 3-3 (addressing “Research, Data Collection, and Analysis”), 59 Fed. Reg. at 7,629–31.

²³ Exec. Order No. 12,898 § 1-103, 59 Fed. Reg. at 7,630.

and address disproportionate impacts, ensure greater public participation, and collect and analyze relevant data on the environmental and health conditions of minority and low-income populations.²⁴ The executive order also called for action under Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color, or national origin by recipients of federal financial assistance.²⁵ Specifically, Executive Order 12,898 directed EPA and other agencies to use their authority under Title VI to investigate and address disparate impacts of environmental decisionmaking on minority and low-income populations, including through enforcement actions and compliance reviews of state and local recipients of federal environmental funds.²⁶

The presidential memorandum accompanying Executive Order 12,898 reinforced these directives. Among other things, it instructed agencies enforcing Title VI to ensure that federally funded programs affecting the environment and human health did not have discriminatory effects on the basis of race, color, or national origin.²⁷ The memorandum also directed consideration of environmental justice in reviews under the National Environmental Policy Act (NEPA).²⁸

Both before Executive Order 12,898's promulgation and under its auspices, the Clinton Administration established enduring federal environmental justice infrastructure, including (1) the National Environmental Justice Advisory Council (NEJAC), an independent advisory body established pursuant to the Federal Advisory Committee Act to provide recommendations to the EPA Administrator;²⁹ (2) the Interagency Working Group on Environmental Justice, chaired by the EPA Administrator, to coordinate environmental justice strategies across federal agencies;³⁰ and (3) a portfolio of environmental justice grants and technical-assistance programs, including the Environmental Justice Small Grants Program, which supported community-based projects.³¹ The Clinton administration also prioritized the work of EPA's Office of Environmental Equity, renaming it the Office of Environmental Justice (OEJ).³²

In the years following Executive Order 12,898, the federal government issued a comprehensive body of guidance on environmental justice. Both EPA and the Council on Environmental Quality (CEQ) published guidance on incorporating environmental justice considerations into NEPA reviews.³³ EPA also catalyzed the development of analytical tools for identifying and assessing

²⁴ *Id.*

²⁵ See 42 U.S.C. § 2000d, *et seq.*

²⁶ Exec. Order. No. 12,898 § 2-2, 59 Fed. Reg. at 7,630–31.

²⁷ See Memorandum on Environmental Justice, 30 Weekly Comp. Pres. Doc. 279, 280 (Feb. 11, 1994).

²⁸ See *id.*

²⁹ See EPA, NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL: 20-YEAR RETROSPECTIVE REPORT (1994–2014) 10 (2016).

³⁰ *Id.* § 1-102, 59 Fed. Reg. at 7,629 (establishing the Interagency Working Group on Environmental Justice chaired by the EPA Administrator and comprising the heads of seventeen federal agencies and offices).

³¹ EPA, Off. of Env't Justice, *About the Office of Environmental Justice* 1 (2017), <https://perma.cc/XZ8V-WQQ8> (noting establishment of the Environmental Justice Small Grants Program in 1994).

³² EPA, OFF. OF INSPECTOR GEN., REP. NO. 2004-P-00007, EPA NEEDS TO CONSISTENTLY IMPLEMENT THE INTENT OF THE EXECUTIVE ORDER ON ENVIRONMENTAL JUSTICE 4 (2004), <https://perma.cc/D62J-84BZ> [hereinafter *OIG Report*].

³³ COUNCIL ON ENV'T QUALITY, ENVIRONMENTAL JUSTICE: GUIDANCE UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT (1997), <https://perma.cc/8EN5-K9TG>; EPA, FINAL GUIDANCE FOR INCORPORATING ENVIRONMENTAL JUSTICE CONCERNS IN EPA'S NEPA COMPLIANCE ANALYSES (1998), <https://perma.cc/576S-QKNK> [hereinafter *1998 Guidance*].

environmental justice concerns.³⁴ NEJAC—which included community members, academics, state and government officials, and representatives of business and non-governmental organizations—released six recommendation reports during the Clinton Administration.³⁵ on issues ranging from a model guide for meaningful public participation to guidance on consulting and collaborating with tribal governments.³⁶ Nonetheless, Executive Order 12,898 faced some implementation challenges during the Clinton Administration.³⁷

Executive Order 12,898 proved remarkably durable as a bipartisan commitment. Every subsequent president—George W. Bush, Barack Obama, and Donald Trump during his first administration—either reaffirmed or left the executive order in place.³⁸ It was not until January 2025, at the outset of President Trump’s second administration, that Executive Order 12,898 was revoked. That revocation, together with President Trump’s other recent actions affecting environmental justice, is discussed in depth in Section II of this report.

B. Environmental justice in the federal government from 2001–2025

1. George W. Bush Administration (2001–2009)

The federal environmental justice agenda experienced a partial but marked period of retrenchment during the presidency of George W. Bush. Although the administration did not formally rescind Executive Order 12,898, it substantially deprioritized that order’s implementation and enforcement. A 2004 report by EPA’s Office of Inspector General (OIG) concluded that EPA had failed to consistently integrate environmental justice into its core programs, had not established clear definitions or criteria for identifying affected populations, and lacked meaningful benchmarks for assessing progress.³⁹ During this period of retrenchment, the absence of sustained federal leadership compelled affected communities to rely more heavily on state-level advocacy, grassroots organizing, and private litigation to vindicate their environmental justice claims.⁴⁰

Scholars concluded that EPA had failed to integrate environmental justice considerations into its decisions concerning permitting and regulatory.⁴¹ The U.S. Commission on Civil Rights observed contemporaneously that federal agencies had largely failed to implement Executive Order

³⁴ See, e.g., 1998 Guidance, *supra* note 33, at ch. 5.

³⁵ See *National Environmental Justice Advisory Council Recommendations*, EPA, <https://perma.cc/YM7P-XY5C> [hereinafter NEJAC Reports].

³⁶ See *id.*

³⁷ See OIG Report, *supra* note 32, at i (“Although [EPA] has been actively involved in implementing Executive Order 12898 for 10 years, it has not developed a clear vision or a comprehensive strategic plan, and has not established values, goals, expectations, and performance measurements.”).

³⁸ See Angela C. Jones, Cong. Rsch. Serv., IF12922, TRUMP ADMINISTRATION ENVIRONMENTAL-JUSTICE-RELATED EXECUTIVE ORDERS: POTENTIAL IMPLICATIONS FOR EPA PROGRAMS 1 (2025).

³⁹ See OIG Report, *supra* note 32, at i–ii.

⁴⁰ See ROBERT D. BULLARD ET AL., TOXIC WASTES AND RACE AT TWENTY: 1987–2007, at 11–13 (2007) [hereinafter TOXIC WASTES AND RACE AT TWENTY].

⁴¹ See Eileen Gauna, *Federal Environmental Justice Policy in Permitting*, in *FAILED PROMISES: EVALUATING THE FEDERAL GOVERNMENT’S RESPONSE TO ENVIRONMENTAL JUSTICE* 57, 77 (David M. Konisky, ed., 2015); Douglas S. Noonan, *Assessing the EPA’s Experience With Equity in Standard Setting*, in *FAILED PROMISES*, *supra*, at 804, 102–03.

12,898 in a manner consistent with its objectives, contributing to a persistent gap between policy aspirations and on-the-ground outcomes.⁴² The consequences of this federal retreat were brought into sharp relief by Hurricane Katrina in 2005, which exposed the deep entanglement of race, poverty, and environmental vulnerability along the Gulf Coast and prompted widespread criticism that the federal government had failed to protect its most marginalized communities from foreseeable environmental catastrophe.⁴³

One significant action taken by the Bush Administration was defining environmental justice as race neutral. “[E]nvironmental justice,” the EPA Administrator explained, “is the goal to be achieved for all communities and persons across this Nation.”⁴⁴ The OIG report noted that while the view that “environmental justice is for everyone” was “consistent with EPA’s overall mission,” the Administrator’s statement did “not address the Executive Order’s intent to provide specific actions for minority and low-income populations.”⁴⁵

Nevertheless, much of the environmental justice infrastructure established under President Clinton remained in place under President Bush. NEJAC released 13 reports⁴⁶ and, as the OIG Report acknowledged, EPA “made an attempt to issue an environmental justice toolkit; endorsed environmental justice training; and required that all regional and programmatic offices submit ‘Action Plans’ to develop some accountability for environmental justice integration.”⁴⁷

2. Obama Administration (2009–2017)

The Obama Administration reinvigorated the federal environmental justice agenda. In 2011, EPA built upon Executive Order 12,898 by developing Plan EJ 2014, a strategy to embed environmental justice into rulemaking, permitting, compliance, and enforcement.⁴⁸ That same year, 17 federal agencies joined a 2011 Memorandum of Understanding recommitting the government to coordinated action through a revitalized Interagency Working Group.⁴⁹ EPA also established a new position, Senior Advisor for Environmental Justice.⁵⁰ In so doing, the agency elevated environmental justice from the Office of Enforcement and Compliance Assurance⁵¹ to the Administrator level, making it an agency-wide priority.⁵²

⁴² See U.S. COMM’N ON CIVIL RIGHTS, NOT IN MY BACKYARD: EXECUTIVE ORDER 12,898 AND TITLE VI AS TOOLS FOR ACHIEVING ENVIRONMENTAL JUSTICE 7–9 (2003).

⁴³ ROBERT D. BULLARD & BEVERLY WRIGHT, RACE, PLACE, AND ENVIRONMENTAL JUSTICE AFTER HURRICANE KATRINA: STRUGGLES TO RECLAIM, REBUILD, AND REVITALIZE NEW ORLEANS AND THE GULF COAST 1–13 (2009).

⁴⁴ Christine Todd Whitman, Memorandum re EPA’s Commitment to Environmental Justice (Aug. 9, 2001), *reprinted in* OIG Report, *supra* note 32, at 35, 35.

⁴⁵ OIG Report, *supra* note 32, at 7.

⁴⁶ See NEJAC Reports, *supra* note 35.

⁴⁷ OIG Report, *supra* note 32, at i.

⁴⁸ EPA, PLAN EJ 2014 (2011), <https://perma.cc/DH6U-RU2L>.

⁴⁹ MEMORANDUM OF UNDERSTANDING ON ENVIRONMENTAL JUSTICE AND EXECUTIVE ORDER 12898 (2011), <https://perma.cc/8LAL-KRZU>.

⁵⁰ Press Release, EPA, EPA Administrator Lisa P. Jackson to Highlight Environmental Justice Initiatives at a Conference in New Orleans (Jan. 25, 2010), <https://perma.cc/JSA9-H8H6>.

⁵¹ See OIG Report, *supra* note 32, at 4.

⁵² See *Biography of Lisa P. Jackson*, EPA, <https://perma.cc/U9H2-U6JN>.

In its regulatory agenda, the administration advanced Mercury and Air Toxics Standards targeting emissions from fossil fuel power plants that disproportionately burden low-income communities and communities of color.⁵³ The administration also launched EJSCREEN, a publicly accessible mapping and screening tool that enabled federal agencies, state and local governments, and affected communities to identify areas with heightened environmental and demographic indicators of vulnerability.⁵⁴

On the international stage, the administration championed the 2015 Paris Agreement, which incorporated climate justice provisions addressing the differential vulnerabilities of developing nations and marginalized populations.⁵⁵

The Obama Administration's environmental justice commitments were tested most visibly in the Dakota Access Pipeline (DAPL) controversy and the Flint water crisis. In Flint, Michigan, a predominantly low-income, Black community⁵⁶ suffered widespread toxic lead exposure from drinking water after the Obama administration's EPA delayed emergency intervention for seven months despite possessing clear evidence of the contamination,⁵⁷ culminating in a late federal emergency declaration in 2016.⁵⁸ With DAPL, in the last days of the Obama Administration, the Department of the Army, after much public controversy and sustained protest by the Standing Rock Sioux Tribe,⁵⁹ ultimately denied the pipeline's easement beneath Lake Oahe in December 2016, a decision the incoming Trump administration promptly reversed.⁶⁰

During his presidency, Obama declined to issue a new executive order on environmental justice to update Executive Order 12,898, which was then two decades old. His administration also faced longstanding implementation challenges: a 2011 Government Accountability Office report found that EPA lacked clear definitions for key terms, adequate performance measures, and sufficient assessment of resource needs to carry out its environmental justice mandate effectively.⁶¹

⁵³ National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units, 77 Fed. Reg. 9,304 (Feb. 16, 2012).

⁵⁴ See *EJSCREEN: Environmental Justice Screening and Mapping Tool*, EPA, <https://perma.cc/5HK7-V4X2>.

⁵⁵ Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104.

⁵⁶ See David A. Dana & Deborah Tuerkheimer, *After Flint: Environmental Justice as Equal Protection*, 111 Nw. U. L. REV. ONLINE 879, 881 (2017).

⁵⁷ EPA, OFF. OF INSPECTOR GEN., REP. NO. 17-P-0004, MANAGEMENT ALERT: DRINKING WATER CONTAMINATION IN FLINT, MICHIGAN, DEMONSTRATES A NEED TO CLARIFY EPA AUTHORITY TO ISSUE EMERGENCY ORDERS TO PROTECT THE PUBLIC 4 (2016), <https://perma.cc/5QFY-7H3H>, (finding that the EPA regional office possessed sufficient data to issue a Safe Drinking Water Act emergency order a full seven months before eventually taking emergency intervention action).

⁵⁸ See Press Release, White House Office of the Press Secretary, *President Obama Signs Michigan Emergency Declaration* (Jan. 16, 2016), <https://perma.cc/GG2T-E8HB>.

⁵⁹ Eric Wolff, *Obama Administration Blocks Dakota Pipeline, Angering Trump Allies*, POLITICO (Dec. 4, 2016), <https://www.politico.com/story/2016/12/us-army-corps-blocks-dakota-access-pipeline-232172>

⁶⁰ Jo-Ellen Darcy, Memorandum for Commander, U.S. Army Corps of Eng'rs re Proposed Dakota Access Pipeline Crossing at Lake Oahe, N.D. (Dec. 4, 2016), <https://perma.cc/B6H8-2BS2>; see also *Standing Rock Sioux Tribe v. U.S. Army Corps of Eng'rs*, 255 F. Supp. 3d 101, 117–20 (D.D.C. 2017).

⁶¹ Gov't Accountability Office, GAO-12-77, ENVIRONMENTAL JUSTICE: EPA NEEDS TO TAKE ADDITIONAL ACTIONS TO HELP ENSURE EFFECTIVE IMPLEMENTATION 31 (2011).

3. First Trump Administration (2017–2021)

The first Trump Administration substantially deprioritized environmental justice while keeping its essential institutional infrastructure. The OEJ was not formally abolished and continued to operate, even though the administration repeatedly proposed eliminating EPA’s environmental justice funding; Congress declined to enact those cuts.⁶² Environmental justice’s institutional influence within EPA, however, was widely regarded as significantly diminished.⁶³ The departure of Mustafa Ali, who had helped found the office and served for twenty-four years, signaled the depth of the shift; in his resignation letter to Administrator Scott Pruitt, Ali indicated that the new leadership had not meaningfully engaged with vulnerable communities confronting disproportionate environmental burdens.⁶⁴ Moreover, the administration’s FY 2018–2022 EPA Strategic Plan did not include environmental justice as a standalone strategic goal, objective, or agency priority — a departure from earlier EPA strategic plans, which had treated it as a cross-cutting priority.⁶⁵

The practical consequences of this institutional deprioritization extended beyond budgetary and strategic plan omissions. The first Trump Administration embarked on a broader deregulatory agenda—including weakened enforcement against industrial polluters⁶⁶ and scientific integrity that underlies decisions⁶⁷—that compounded harms in communities already subject to disproportionate environmental exposure. Moreover, in 2017, EPA relocated the OEJ from the Office of Enforcement and Compliance Assurance to the Office of Policy⁶⁸—a move critics

⁶² Compare EPA, FY 2018 EPA BUDGET IN BRIEF 33, 36, 62 (2017), <https://perma.cc/UU9M-7PQR>, (proposing numerous program eliminations and identifying the Environmental Justice program among the activities slated for elimination), with Consolidated Appropriations Act, 2018, Pub. L. No. 115-141 div. G, tit. II, 132 Stat. 348 (2018). (appropriating fiscal year 2018 funds for the Environmental Protection Agency, including the Environmental Programs and Management account that houses the agency’s environmental justice program).

⁶³ See, e.g., Uma Outka & Elizabeth Kronk Warner, *Reversing Course on Environmental Justice Under the Trump Administration*, 54 WAKE FOREST L. REV. 393, 395–96 (2019).

⁶⁴ Letter from Mustafa Santiago Ali, Asst. Assoc. Admin. for Env’t Just., EPA, to Scott Pruitt, Admin., EPA (Mar. 8, 2017), <https://embed.documentcloud.org/documents/3514958-Final-Resignation-Letter-for-Administrator/>; see also Phil McKenna, *Chief Environmental Justice Official at EPA Resigns, With Plea to Pruitt to Protect Vulnerable Communities*, INSIDE CLIMATE NEWS (Mar. 9, 2017), <https://perma.cc/3RGE-2X44>.

⁶⁵ Compare EPA, FY 2018–2022 EPA STRATEGIC PLAN 4–5 (Feb. 2018, updated Sept. 2019), <https://perma.cc/J3AB-3DQM> (organizing the agency’s work around three strategic goals — a cleaner, healthier environment; more effective partnerships; and greater certainty, compliance, and effectiveness — and six Agency Priority Goals, none of which addresses environmental justice), with EPA, FY 2014–2018 EPA STRATEGIC PLAN 4 (Apr. 10, 2014), <https://perma.cc/2U7P-6PNS> (establishing four cross-agency strategies, including “Working to Make a Visible Difference in Communities,” directed at overburdened and underserved communities).

⁶⁶ ENV’T INTEGRITY PROJECT, LESS ENFORCEMENT: COMMUNITIES AT RISK 1–2 (2019), <https://environmentalintegrity.org/wp-content/uploads/2019/02/EIP-Enforcement-Report.pdf> (documenting FY 2018 enforcement declines and profiling unaddressed industrial violations in low-income and minority communities).

⁶⁷ Brie D. Sherwin, *The Upside Down: A New Reality for Science at the EPA and Its Impact on Environmental Justice*, 27 N.Y.U. ENV’T L.J. 57, 75–80 (2019), (analyzing Trump Administration policies that undermined the role of scientific evidence in EPA decisionmaking and describing the implications for environmental justice communities).

⁶⁸ See Memorandum from Samantha Dravis, Assoc. Adm’r, Off. of Pol’y, WP, to Assistant Adm’rs et al., EPA’s Environmental Justice and Community Revitalization Priorities 1 (Feb. 23, 2018), <https://perma.cc/H6MY-ZYHX> (announcing the move of OEJ into the Office of Policy).

argued would dilute its mission.⁶⁹ The effect was visible in the agency’s rulemaking: during the first Trump Administration, a smaller share of EPA’s economically significant rules included an environmental justice analysis, and those that were performed were more often confined to qualitative discussion.⁷⁰

4. Biden Administration (2021–2025)

The Biden Administration marked the high point thus far of environmental justice in the federal government. Its distinctive strategy was a “whole-of-government approach to environmental justice,”⁷¹ aimed at embedding environmental justice principles across federal agencies and their policymaking functions.

On January 27, 2021, during his first week in office, President Biden signed Executive Order 14,008, *Tackling the Climate Crisis at Home and Abroad*, formally launching the administration’s environmental justice agenda.⁷² Executive Order 14,008 established the Justice40 initiative, which set a goal that 40 percent of certain federal investment benefits go to disadvantaged communities.⁷³ Executive Order 14,008 also instructed CEQ to develop a geospatial Climate and Economic Justice Screening Tool (CEJST) to highlight disadvantaged communities.⁷⁴ Additional structural mechanisms created by Executive Order 14,008 included: (1) an Environmental Justice Scorecard to assess the federal government’s progress on advancing environmental justice and increase accountability for federal agencies;⁷⁵ (2) the White House Environmental Justice Interagency Council (IAC), which replaced the prior EPA-based Interagency Working Group on Environmental Justice;⁷⁶ and (3) the White House Environmental Justice Advisory Council (WHEJAC), charged with providing independent advice and recommendations to the President on addressing both current and historic environmental injustices.⁷⁷ These actions reflected a deliberate effort to shift the leadership and oversight of environmental justice initiatives from EPA to the White House.⁷⁸

⁶⁹ Robin Bravender, *Pruitt Tightens Political Reins on Key Operations*, E&E News (Sept. 6, 2017), <https://www.eenews.net/stories/1060059803> (quoting former EPA enforcement chief Cynthia Giles describing moving OEJ from the Office of Enforcement and Compliance Assurance to the Office of Policy as “not a move to enhance environmental justice”).

⁷⁰ EMMA DEANGELI, RICHARD MORGENSTERN, BURÇIN ÜNEL & ANN WOLVERTON, *CONSIDERATION OF ENVIRONMENTAL JUSTICE IN EPA’S REGULATORY ANALYSES: A REVIEW AND ASSESSMENT* 7, 8–9 (Res. for the Future, Working Paper No. 24-22, 2024), https://policyintegrity.org/files/publications/WP_24-22.pdf (finding that the share of economically significant EPA rules including an environmental justice analysis fell from 68% under the Obama Administration to 58% during the Trump Administration, and that such analyses were markedly more likely to be limited to a qualitative discussion).

⁷¹ Exec. Order No. 14,096, *Revitalizing Our Nation’s Commitment to Environmental Justice for All*, 88 Fed. Reg. 25,251, 25,252 (Apr. 26, 2023).

⁷² Exec. Order No. 14,008, *Tackling the Climate Crisis at Home and Abroad*, 86 Fed. Reg. 7619, 7629–32 (Jan. 27, 2021).

⁷³ *Id.* at § 223, 86 Fed. Reg. at 7631–32.

⁷⁴ *Id.* at § 222(a), 86 Fed. Reg. at 7631.

⁷⁵ *Id.* at § 222(d), 86 Fed. Reg. at 7632.

⁷⁶ *Id.* at § 220, 86 Fed. Reg. at 7629–30.

⁷⁷ *Id.* at § 221, 86 Fed. Reg. at 7630–31.

⁷⁸ See *White House Environmental Justice Interagency Council*, WHITE HOUSE, <https://perma.cc/V6UA-TKAG>.

On April 21, 2023, President Biden built upon Executive Order 14,008 by signing Executive Order 14,096.⁷⁹ Executive Order 14,096 established the first government-wide definition of “environmental justice,”⁸⁰ created a new White House Office of Environmental Justice (WHOEJ) within CEQ,⁸¹ and required covered agencies to submit Environmental Justice Strategic Plans to CEQ.⁸² The executive order also explicitly directed agencies to include environmental justice analyses in National Environmental Policy Act (NEPA) reviews, permitting, and rulemaking decisions, as well as to meaningfully engage overburdened communities throughout federal decisionmaking processes.⁸³ Executive Order 14,096 also required that WHEJAC and the IAC hold at least one joint public meeting per year to ensure there was interaction between communities and the federal environmental justice accountability structures.⁸⁴

Executive Order 14,096’s definition of environmental justice departed in several important respects from Executive Order 12,898’s framework. First and most fundamentally, whereas Executive Order 12,898 confined environmental justice to specific groups, Executive Order 14,096 adopted a universal approach. This shift is captured in the orders’ titles: President Clinton’s order was called *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*; President Biden’s was entitled *Revitalizing Our Nation’s Commitment to Environmental Justice for All*. Executive Order 14,096 defined environmental justice as “the just treatment and meaningful involvement of *all people*, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment.”⁸⁵ Through this definition, Executive Order 14,096 ensured that protections extend to any community experiencing disproportionate environmental burdens—including, for example, rural communities burdened by legacy mining pollution and sensitive populations facing unique exposure risks. The order also newly embraced Tribal affiliation and disability, reflecting an understanding of environmental vulnerability that was both more inclusive and more accurate.

By emphasizing the historical causes of environmental injustice, Executive Order 14,096’s universal language did not replicate the Bush Administration’s superficially similar rhetoric. Even as Executive Order 14,096 extended environmental justice to “all persons,” it recognized that race has played—and still plays—a significant role in environmental disparities:

Communities with environmental justice concerns face entrenched disparities that are often the legacy of racial discrimination and segregation, redlining, exclusionary zoning, and other discriminatory land use decisions or patterns. These decisions and patterns may include the placement of polluting industries, hazardous waste sites, and landfills in locations that cause cumulative impacts to the public health

⁷⁹ Exec. Order. No. 14,096, 88 Fed. Reg. at 25,251.

⁸⁰ *Id.* § 2(b), 88 Fed. Reg. at 25,253.

⁸¹ *Id.* § 8, 88 Fed. Reg. at 25,260.

⁸² *Id.* § 4, 88 Fed. Reg. at 25,256.

⁸³ *Id.* § 3(a)(ix), 88 Fed. Reg. at 25,254–55.

⁸⁴ *Id.* §§ 6(f), 6(i), 7, .

⁸⁵ *Id.* § 2(b), 88 Fed. Reg. at 25,253 (emphasis added).

of communities and the routing of highways and other transportation corridors in ways that divide neighborhoods. These remnants of discrimination persist today.⁸⁶

Executive Order 14,096's definition of environmental justice also referred to "the legacy of racism or other structural or systemic barriers."⁸⁷ Thus, President Biden's order made clear that federal decisionmakers must consider this country's history of racial inequality as a root cause of environmental justice when addressing contemporary problems. The Bush Administration's agenda did not reflect similar historical sensitivity.

Second, Executive Order 14,096's definition of environmental justice also referred to the *environmental* causes of injustice. In particular, it explicitly acknowledged climate change and cumulative environmental burdens, thereby acknowledging processes that Executive Order 12,898 left implicit.⁸⁸

Third, Executive Order 14,096 framed environmental justice affirmatively: people shall "have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices."⁸⁹ The order thereby created—as a matter of policy, if not of law—a positive entitlement to environmental health rather than merely an obligation to minimize harm.

Fourth, and finally, whereas Executive Order 12,898 addressed "disproportionately high" adverse environmental effects, Executive Order 14,096 referred to "disproportionate" ones. As the White House explained, although these phrases had "the same meaning," eliminating "high" would prevent any "potential misunderstanding that agencies should only be considering larger disproportionate effects."⁹⁰ By directing agencies to respond to *any* disproportionate harm, however modest in scale, the change effectively lowered the threshold for agency action. In sum, Executive Order 14,096's definition of environmental justice reflected the Biden Administration's core legal strategy: extending environmental justice protections to all vulnerable communities regardless of race, while simultaneously acknowledging the role of structural racism as a contributing cause—all without making race itself the operative trigger for agency action. By focusing on vulnerability, exposure, and equitable access rather than on demographic identity, the Biden Administration sought to build its environmental justice agenda on a legally sound foundation.

a. Justice40

Justice40 set a historic federal goal: that 40 percent of the overall benefits of certain federal investments—spanning clean energy, clean transit, affordable housing, workforce development, legacy pollution remediation, and water infrastructure—flow to disadvantaged communities

⁸⁶ *Id.* § 1, 88 Fed. Reg. at 25,251.

⁸⁷ *Id.* § 2, 88 Fed. Reg. at 25,253.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Fact Sheet: President Biden Signs Executive Order to Revitalize Our Nation's Commitment to Environmental Justice for All*, WHITE HOUSE (Apr. 21, 2023), <https://perma.cc/78ER-7CXT>.

that are marginalized by underinvestment and overburdened by pollution.⁹¹ By the end of the Biden Administration, over 500 federal programs across 19 agencies had been designated as “Justice40 covered programs,” each required to track and report the share of benefits delivered to disadvantaged communities, collectively accounting for more than \$600 billion in federal investments secured over fiscal years 2022 through 2027.⁹²

b. Climate and Economic Justice Screening Tool

To operationalize Justice40, CEQ developed the CEJST, a geospatial mapping tool built by the United States Digital Service that used eight categories of burden indicators to identify census tracts as “disadvantaged.”⁹³ The CEJST did not include race as one of these categories—a decision driven by concerns about legal durability.⁹⁴ Yet independent empirical analyses confirmed that the CEJST nonetheless identified communities of color as relatively disadvantaged, because many of the tool’s indicators—such as proximity to hazardous facilities, traffic exposure, and linguistic isolation—correlate with legacies of racial discrimination and disinvestment.⁹⁵

c. Historic federal investments in environmental justice

The Biden Administration’s environmental justice agenda was dramatically amplified by two historic pieces of legislation: the Infrastructure Investment and Jobs Act (IIJA)⁹⁶ and the Inflation Reduction Act (IRA).⁹⁷ The laws represented the largest investments in climate resilience and environmental remediation in the nation’s history, with the Biden Administration targeting at least \$148 billion of combined IIJA and IRA funding to disadvantaged communities.⁹⁸

For example, the IRA appropriated: (1) \$3 billion to an Environmental and Climate Justice program for community-led projects addressing pollution and climate risks in overburdened communities;⁹⁹ (2) \$27 billion to a Greenhouse Gas Reduction Fund (GGRF), of which about \$19 billion were allocated to disadvantaged communities;¹⁰⁰ (3) \$7 billion from the GGRF to deploy zero-emission technologies specifically in low-income and disadvantaged communities;¹⁰¹ and

⁹¹ Exec. Order. No. 14,008 § 223(a), 86 Fed. Reg. at 7631-32; *Fact Sheet: Biden-Harris Administration Delivers Environmental Justice with Cleaner Air, Clean Water, and Healthier Communities*, WHITE HOUSE (July 24, 2024) [hereinafter *Biden-Harris Administration Delivers*], <https://perma.cc/82DE-EYZ3>; see also Justice40 Initiative, WHITE HOUSE, <https://perma.cc/23UU-PWWH>.

⁹² *Biden-Harris Administration Delivers*, *supra* note 91.

⁹³ See *Climate and Economic Justice Screening Tool+: Methodology*, BREN SCH. OF ENV’T SCI. & MGMT, <https://perma.cc/JMJ7-CCPQ>.

⁹⁴ See Ella Nelson, *Biden Administration Prioritizes Environmental Justice Funding Without Mentioning Race, Hoping to Fend off Legal Challenge*, CNN (Feb. 18, 2022), <https://perma.cc/YP8F-YLMG>.

⁹⁵ See Naveena Sadasivam & Clayton Alder, *The White House Excluded Race From Its Environmental Justice Tool. We Put It Back In*, GRIST (Feb. 24, 2022), <https://perma.cc/W4X6-K437>.

⁹⁶ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429 (2021).

⁹⁷ Inflation Reduction Act of 2022, Pub. L. No. 117-169, 136 Stat. 1818 (2022).

⁹⁸ See CATHLEEN KELLY, MICHELE ROBERTS & RACHEL CHANG, CTR. FOR AM. PROGRESS, *SECURING ENVIRONMENTAL JUSTICE FOR ALL 1–2* (Mar. 25, 2024), <https://perma.cc/XLA2-9YYY>.

⁹⁹ *Id.* at 6.

¹⁰⁰ *Id.* at 7.

¹⁰¹ *Id.* at 13.

(4) a \$3.2 billion Neighborhood Access and Equity grant program to reconnect communities severed by highway construction.¹⁰²

The IIJA complemented these efforts by providing \$5 billion for cleaning up legacy pollution at Superfund and brownfield sites;¹⁰³ \$100 million for the pollution prevention programs in environmental justice communities;¹⁰⁴ \$15 billion to remove and replace lead drinking water pipes;¹⁰⁵ and \$5 billion for the Clean School Bus Program, with 99 percent of first-round bus awards going to school districts identified as serving low-income, rural, or Tribal student populations.¹⁰⁶ The EPA alone awarded nearly \$69 billion of combined IIJA and IRA funding, including nearly \$2 billion under the Community Change Grants program, the single largest direct environmental justice investment in U.S. history.¹⁰⁷

Both the IRA and the IIJA employed terms such as “disadvantaged,” “underserved,” and “low-income” communities rather than racial classifications.¹⁰⁸ Executive Branch implementation subsequently operationalized “disadvantaged communities” through the Justice40 framework and the CEJST, which relied on environmental, climate, and socioeconomic indicators rather than race.¹⁰⁹ The statutes thus directed federal environmental and climate investment to overburdened, low-income, and disadvantaged communities through binding law and dedicated appropriations rather than solely through executive directive—creating a legal foundation more durable, absent repeal, than the executive orders on which federal environmental justice policy had previously rested.¹¹⁰

The Biden Administration’s environmental justice agenda was distinctive in its institutional depth, legal architecture, and financial scale. Through Executive Orders 14,008 and 14,096, the administration created new institutional machinery to embed environmental justice principles across the federal government. Through the CEJST, it developed a mapping tool capable of directing resources to overburdened communities. And through the IIJA and IRA, it secured over \$148 billion in statutory funding targeted at disadvantaged communities.

¹⁰² *Id.* at 10.

¹⁰³ *Id.*

¹⁰⁴ See *Fact Sheet: EPA & The Bipartisan Infrastructure Law*, EPA (Nov. 6, 2021), <https://perma.cc/DR2J-CDUA>.

¹⁰⁵ KELLY, ROBERTS & CHANG, *supra* note 98, at 17.

¹⁰⁶ *Biden-Harris Administration Announces Nearly \$1 Billion from EPA’s Clean School Bus Program for 389 School Districts*, EPA (Oct. 26, 2022), <https://perma.cc/AMG2-9MTL>.

¹⁰⁷ *New Report Celebrates EPA’s Unprecedented Successes Under Biden-Harris Administration’s Investing in America Agenda*, EPA (Jan. 13, 2025), <https://perma.cc/B695-G26Z>.

¹⁰⁸ See Inflation Reduction Act of 2022, Pub. L. No. 117-169, § 60103(a)(1), 136 Stat. 1818, 2066.

¹⁰⁹ See Exec. Order No. 14,008, § 223, 86 Fed. Reg. 7,619, 7,631–32 (Feb. 1, 2021).

¹¹⁰ See *infra* note 112 and accompanying text.

II. The Second Trump Administration’s Elimination of Federal Environmental Justice Initiatives and Infrastructure

After three decades of sustained—if fluctuating—commitment to environmental justice, the second Trump Administration systematically dismantled federal environmental justice initiatives and infrastructure. Within his first two days in office, President Trump issued three executive orders revoking all environmental justice-related directives from previous administrations—including Executive Order 12,898, which formally established environmental justice in federal decisionmaking in 1994.¹¹¹ He also mandated that agencies eliminate environmental justice offices, programs, and positions to the maximum extent permitted by law.¹¹² These actions precipitated the closure of all federal environmental justice offices, including EPA’s Office of Environmental Justice and External Civil Rights (OEJCR), ending its government-wide leadership on environmental justice issues and stalling Title VI civil rights enforcement at EPA.¹¹³ They also led to the reassignment or termination of environmental justice staff across agencies, disabling capacity for environmental justice analysis and community engagement;¹¹⁴ the elimination of environmental justice strategic plans government-wide;¹¹⁵ and the freezing or cancellation previously awarded environmental justice-related grants worth well over a billion dollars.¹¹⁶

¹¹¹ Exec. Order No. 14,148, Initial Rescissions of Harmful Executive Orders and Actions, 90 Fed. Reg. 8237 (Jan. 28, 2025); Exec. Order No. 14,151, Ending Radical and Wasteful Government DEI Programs and Preferencing, 90 Fed. Reg. 8339 (Jan. 29, 2025); and Exec. Order No. 14,173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, 90 Fed. Reg. 8633 (Jan. 31, 2025), revoking, among others: Exec. Order No. 14,096, Revitalizing Our Nation’s Commitment to Environmental Justice for All, 88 Fed. Reg. 25,251 (Apr. 26, 2023); Exec. Order No. 14,008, Tackling the Climate Crisis at Home and Abroad, 86 Fed. Reg. 7619 (Feb. 1, 2021); Exec. Order No. 13,985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, 86 Fed. Reg. 7009 (Jan. 25, 2021); and Exec. Order No. 12,898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 Fed. Reg. 7629 (Feb. 16, 1994).

¹¹² Exec. Order No. 14,151 § 2(b)(i), 90 Fed. Reg. at 8339.

¹¹³ Press Release, EPA, EPA Terminates Biden’s Environmental Justice, DEI Arms of Agency (Mar. 12, 2025), <https://perma.cc/A8CV-AZ5Z>.

¹¹⁴ Valerie Volcovici et al., *Trump Administration Cuts Environmental Justice Programs at EPA, DOJ*, REUTERS (Feb. 6, 2025), <https://www.reuters.com/world/us/trump-administration-cuts-environmental-justice-programs-epa-doj-sources-say-2025-02-06>.

¹¹⁵ *EJ Tracker Update: Agencies Removed Environmental Justice Strategic Plans*, ENV’T & ENERGY L. PROGRAM, HARV. L. SCH. (last updated Jan. 20, 2025), <https://eelp.law.harvard.edu/tracker/agencies-removed-ej-strategic-plans>.

¹¹⁶ U.S. Env’t Prot. Agency, Off. of Inspector Gen., Rep. No. 26-E-0016, Evaluation of the EPA’s Review of Track I Community Change Grant Applications 1 (Mar. 4, 2026), <https://perma.cc/SV5U-AK95> (noting that the EPA’s Office of Environmental Justice and External Civil Rights awarded 80 Track I grants through the Community Change Grants Program totaling approximately \$1.5 billion; EPA issued termination notices in May 2025).The

Simultaneously, the Administration rescinded core environmental, climate, and public health protections. Citing the early Executive Orders, the Administration explicitly excluded environmental justice analysis from federal environmental reviews under NEPA.¹¹⁷ On climate, the Administration withdrew from the Paris Agreement under the United Nations Framework Convention on Climate Change,¹¹⁸ rescinded EPA's greenhouse gas endangerment finding,¹¹⁹ disbanded the interagency working group on the social cost of greenhouse gases,¹²⁰ and halted work on the Sixth National Climate Assessment.¹²¹ Instead, the Administration prioritized fossil fuel development through emergency authorities, regulatory exemptions, and expanded leasing, while obstructing clean-energy transitions by eliminating tax incentives, freezing permits, and stalling renewable projects.¹²² Compounding these policy reversals, the Administration eroded federal administrative and scientific capacity through program cancellations, hiring freezes, workforce reductions, and budget cuts—particularly at EPA.¹²³

Across government, the Administration also systematically undermined public participation in decisionmaking through aggressive use of statutory exemptions, truncated comment periods, and inadequate explanation of regulatory changes.¹²⁴ This exclusion of public participation violated not just core requirements of federal administrative law,¹²⁵ but also cornerstone

Trump Administration also froze other grants aimed at providing environmental benefits for disadvantaged communities, such as the Solar for All program.

¹¹⁷ See Removal of National Environmental Policy Act Implementing Regulations, 91 Fed. Reg. 618 (Jan. 8, 2026); Council on Env't Quality, Memorandum re: Implementation of the National Environmental Policy Act 5 (Feb. 19, 2025), <https://perma.cc/YPC9-X64D> [hereinafter Interagency NEPA Memorandum].

¹¹⁸ Exec. Order No. 14,162, Putting America First in International Environmental Agreements, § 3(a), 90 Fed. Reg. 8455, 8455 (Jan. 30, 2025).

¹¹⁹ Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act, 91 Fed. Reg. 7686 (Feb. 18, 2026).

¹²⁰ Exec. Order No. 14,154, Unleashing American Energy, § 6, 90 Fed. Reg. 8353, 8356–57 (Jan. 29, 2025) (disbanding the working group and withdrawing its technical support documents).

¹²¹ Valerie Volcovici, *US Dismisses All Authors of National Climate Assessment, Email Says*, Reuters (Apr. 29, 2025), <https://www.reuters.com/sustainability/cop/trump-administration-dismisses-all-authors-key-climate-report-email-says-2025-04-28/> (reporting the dismissal of all authors of the Sixth National Climate Assessment).

¹²² See, e.g., Ted Kelly, *How the Trump Administration Is Obstructing Clean Energy – and Why It Raises Your Costs*, Climate 411 (July 31, 2025), <https://perma.cc/BN4D-GV4D> (describing the Administration's declaration of a "national energy emergency" to support fossil fuel plants, efforts to keep coal and gas facilities operating, freezes on wind permitting, procedural obstacles for renewable projects on federal lands, cancellation of transmission financing, and rollback of clean-energy tax credits). For discussion of the Trump Administration's regulatory exemptions, see Dena Adler et al., Inst. for Pol'y Integrity, *Pollution by Proclamation: How the Air Toxics Exemption Ignores the Facts and Misuses the Law* (2025), <https://policyintegrity.org/publications/detail/pollution-by-proclamation> For analysis of the Trump Administration's fossil-fuel leasing policies, see Kate Groetzinger et al., Ctr. for Western Priorities, *From Disavowal to Delivery: The Trump Administration's Rapid Implementation of Project 2025 on Public Lands* (Jan. 15, 2026), <https://perma.cc/84NM-EAAE>.

¹²³ See David Shepardson & Nichola Groom, *US EPA Cutting Workforce by 23%, Closing Research Division*, REUTERS (July 18, 2025), <https://www.reuters.com/legal/government/us-epa-cutting-workforce-by-23-closing-research-division-2025-07-18>.

¹²⁴ See generally JACK JONES & MAX SARINSKY, INST. FOR POL'Y INTEGRITY, PREVENTING PUBLIC PARTICIPATION: THE TRUMP ADMINISTRATION'S MISUSE OF THE GOOD CAUSE EXCEPTION TO FAST-TRACK DEREGULATION (2025), <https://policyintegrity.org/publications/detail/preventing-public-participation>.

¹²⁵ See, e.g., ADMIN. CONF. OF THE U.S., RECOMMENDATION 2011-2: RULEMAKING COMMENTS 1–3 (2011), <https://perma.cc/52KR-SJJA> (describing notice-and-comment rulemaking as a "primary innovation[]" of the Administrative

principles of environmental justice.¹²⁶ And it has disproportionately harmed environmental justice communities whose participation is essential to ensuring agencies understand cumulative environmental burdens.¹²⁷

Finally, the Administration departed from decades of bipartisan, if varying, treatment of environmental justice as a race-neutral implementation principle embedded within existing statutory authorities, including NEPA, Title VI of the Civil Rights Act, and core environmental statutes.¹²⁸ In its place, the Administration labeled environmental justice initiatives as “illegal,” “immoral,” and “shameful” discrimination, without offering a fully developed legal justification for the characterization.¹²⁹ The Administration has suggested that *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College (SFFA)*¹³⁰ broadly prohibits “diversity, equity, and inclusion” government programs.¹³¹

Specifically, Executive Order 14,151 directed agencies to dismantle federal environmental justice programs and offices “to the maximum extent allowed by law”—terminating “DEI, DEIA, and ‘environmental justice offices and positions” and inventorying all such programs, grants, and

Procedure Act and emphasizing that public comments are “an integral part of the overall rulemaking process”); 5 U.S.C. § 553(c) (establishing public participation as a central feature of administrative rulemaking); Cynthia R. Farina, *The Consent of the Governed: Against Simple Rules for a Complex World*, 72 CHI.-KENT L. REV. 987, 1018–20(1997) (examining public participation as essential legitimizing function of administrative process).

¹²⁶ See PRINCIPLES OF ENVIRONMENTAL JUSTICE (EJ) (FIRST NAT’L PEOPLE OF COLOR ENV’T LEADERSHIP SUMMIT 1991), <https://perma.cc/2EHF-MAL3> (declaring the “right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation”); Robert R. Kuehn, A *Taxonomy of Environmental Justice*, 30 ENV’T L. REP. 10,681, 10,688 (2000) (discussing procedural justice as one of the primarily pillars of environmental justice).

¹²⁷ See Jonathan Skinner-Thompson, *Procedural Environmental Justice*, 97 WASH. L. REV. 399, 402–03 (2022) (explaining that environmental justice requires providing “impacted communities not just the formal right, but the substantive ability to participate as partners at every level of environmental decision-making,” because those “decisions legalize acceptable levels of pollution that a community must bear” for “generations to come.”) (emphasis in original); Eileen Gauna, *The Environmental Justice Misfit: Public Participation and the Paradigm Paradox*, 17 STAN. ENV’T L.J. 3, 31–47, 66–67 (1998) (explaining that inadequate administrative processes systematically fail to incorporate the participation of communities bearing the greatest environmental risks); Sheila R. Foster, *Justice from the Ground Up: Distributive Inequity, Grassroots Resistance, and the Transformative Politics of Environmental Law*, 86 CAL. L. REV. 775, 833–37 (1998) (arguing that meaningful access to and participation in environmental decisionmaking processes is central to achieving environmental justice).

¹²⁸ See EPA, LEGAL TOOLS TO ADVANCE ENVIRONMENTAL JUSTICE 2, 7, 153 (2022), <https://perma.cc/NVK7-8BKV>.

¹²⁹ See Exec. Order No. 14,151§ 1 (stating that DEI programs, including environmental justice programs and policies, are “illegal,” “immoral,” and “shameful” discrimination); Marianne Lavelle & Peter Aldhous, *EPA Funding Cuts Target Disadvantaged Communities, Analysis Shows*, Inside Climate News (May 1, 2025), <https://perma.cc/MF38-C6AN> (reporting that the Administration sought to terminate environmental justice programs pursuant to its anti-DEI initiatives, claiming the programs are illegal).

¹³⁰ 600 U.S. 181 (2023).

¹³¹ U.S. Dep’t of Educ., Off. for Civ. Rts., Dear Colleague Letter: Title VI of the Civil Rights Act in Light of *Students for Fair Admissions v. Harvard*, 2 (Feb. 14, 2025), <https://perma.cc/E7K7-79S8> (asserting that although “SFFA addressed admissions decisions, the Supreme Court’s holding applies more broadly,” and that race-conscious DEI practices are therefore illegal). *But see Nat’l Educ. Ass’n v. U.S. Dep’t of Educ.*, 779 F. Supp. 3d 149, 220–21 (D.N.H. 2025) (granting a preliminary injunction barring enforcement of the Department’s February 14, 2025 Dear Colleague Letter and related anti-DEI guidance against the plaintiffs and their members).

positions for termination or defunding¹³²—while Executive Order 14,173 rescinded Executive Order 12,898, the foundational environmental justice directive, as one of several “illegal DEI” orders.¹³³ That logic treated environmental justice as a form of the race-conscious policymaking *SFFA* is said to forbid. The Administration’s position, then is that (at least many) environmental justice programs are themselves unlawful discrimination, incompatible with civil rights doctrine. These legal arguments are further examined in a companion to this report entitled **Justice Imperiled: Assessing the Legal Arguments for the Trump Administration’s Assault on Federal Environmental Justice Programs**.

These coordinated actions disproportionately harm environmental justice communities already facing cumulative pollution burdens and climate vulnerability. Yet the Administration’s approach represents more than conventional deregulation: it constitutes a broad effort to dismantle the doctrinal and institutional foundations of federal environmental justice itself. Through executive action, defunding, and capacity destruction, the Administration has largely insulated federal decisionmaking from distributional scrutiny and public participation, while narrowing legal avenues through which communities have historically challenged disproportionate harms.

A. Wholesale removal of federal environmental justice-related activities and funding

The second Trump Administration has targeted the Executive Branch’s environmental justice infrastructure. Across the federal government, environmental justice staff positions were eliminated or reassigned and offices for environmental justice closed, hollowing out agency capacity to conduct environmental justice analysis in rulemaking, permitting, and enforcement, engage meaningfully with affected communities, and enforce environmental and civil rights protections.¹³⁴ The result was the systematic dismantling of the institutional architecture required to identify, analyze, and address disproportionate environmental harms, as required by previous Executive Orders.

The Administration has also targeted environmental justice work outside the federal government. It froze or terminated billions of dollars in environmental justice-related funding that had already been awarded. Shortly after the Administration began, EPA froze or canceled environmental justice grants worth well over a billion dollars¹³⁵ and joined other agencies in pausing or defunding other funding streams authorized under the IRA and the BIL.¹³⁶ The passage of the One Big Beautiful Bill Act in July 2025 formally eliminated or rescinded many of the IRA and

¹³² Exec. Order No. 14,151 § 2(a)–(b)(i) .

¹³³ Exec. Order No. 14,173 § 3(a)(i) .

¹³⁴ Coral Davenport, *E.P.A. Workers Who Assist Heavily Polluted Communities Are Put on Leave*, N.Y. TIMES (Feb. 6, 2025), <https://www.nytimes.com/2025/02/06/climate/epa-environmental-justice-workers-leave.html>.

¹³⁵ See *supra* note 116 and accompanying text.

¹³⁶ See *Executive and Congressional Control Mechanisms over IRA and IJA Funding*, Harv. L. Sch. Env’t & Energy L. Program (updated Mar. 6, 2025), <https://perma.cc/R8BV-TRXX> (noting the pause on disbursements of funding under the IRA and BIL and analyzing the specific legal mechanisms used by the administration to freeze, review, or unilaterally rescind multi-billion dollar funding streams already obligated).

BIL environmental justice grants.¹³⁷ These included programs supporting technical assistance in environmental justice communities, community solar deployment, extreme heat and flood resilience, and community-based pollution monitoring and mitigation.¹³⁸ Universities and research institutions likewise saw thousands of grants canceled or suspended, including projects focused on PFAS contamination, climate impacts, and public health research supported by the National Science Foundation, and the National Institutes of Health.¹³⁹ Grant applications referencing “equity” or “environmental quality” were downgraded or flagged for rejection, further chilling research and agency work on environmental justice.¹⁴⁰

B. Removal of requirements for agencies to perform environmental justice analysis

Before the Trump Administration, environmental justice analysis had long been embedded in federal policy. Executive Orders 12,898 and 14,096 both directed federal agencies to consider whether their activities have disproportionate and adverse human health and environmental effects on vulnerable communities.¹⁴¹ These directives were widely implemented by federal regulation

¹³⁷ See e.g. One Big Beautiful Bill Act, Pub. L. No. 119-21, § 60016, 139 Stat. 72, 156 (2025) (rescinding unobligated balances of the \$3 billion Environmental and Climate Justice Block Grant Program, codified at 42 U.S.C. § 7438); One Big Beautiful Bill Act § 60002 (repealing the \$27 billion Greenhouse Gas Reduction Fund, formerly codified at 42 U.S.C. § 7434, including the Clean Communities Investment Accelerator program that funded clean energy deployment in low-income communities, see Press Release, EPA, Biden-Harris Administration Announces \$20 Billion in Grants to Mobilize Private Capital and Deliver Clean Energy and Climate Solutions to Communities Across America (Apr. 4, 2024), <https://perma.cc/UQ3E-8KS4>); One Big Beautiful Bill Act § 60003 (rescinding unobligated funds for diesel emissions reduction grants targeting low-income communities, enacted in the Inflation Reduction Act, Pub. L. No. 117-169, § 60104, 136 Stat. 1818, 2067 (2022)); One Big Beautiful Bill Act, P.L. 119-21, § 60019, 139 Stat. 72 (2025) (rescinding unobligated funding for the Neighborhood Access and Equity Grant Program, codified at 23 U.S.C. § 177, which funded reconnection of communities historically divided by highway construction). See also Tina Hodges & Rachel Reolfi, Atlas Public Policy, *Clean Transportation Works: An Analysis of U.S. Investments* 84 (2025), <https://perma.cc/U3VE-FWWD> (explaining that § 60019 effectively clawed back approximately 84% of the \$3.2 billion program by wiping out the \$2.7 billion that remained legally unobligated).

¹³⁸ *Id.*

¹³⁹ Gréta Bedekovics & Will Ragland, Ctr. for Am. Progress, Mapping Federal Funding Cuts to U.S. Colleges and Universities, <https://www.americanprogress.org/article/mapping-federal-funding-cuts-to-us-colleges-and-universities/> (July 23, 2025) (aggregating macro-level data on the executive branch’s termination of over 4,000 active university awards and highlighting how the loss of up to \$8.2 billion in anticipated revenue forced institutions to abandon long-term projects); Miranda Willson, *Trump 1.0 Funded Her PFAS Study. Trump 2.0 Revoked It.*, E&E News (July 30, 2025) (documenting how EPA abruptly terminated an active \$1.6 million multi-year academic grant previously awarded to study PFAS contamination within rural water supplies, because it no longer aligned with the administration’s regulatory objectives), <https://www.eenews.net/articles/trump-1-0-funded-her-pfas-study-trump-2-0-revoked-it/>.

¹⁴⁰ Karen Yourish et al., *These Words Are Disappearing in the New Trump Administration*, N.Y. Times (March 7, 2025) (describing internal agency guidance documents directed federal agencies to use certain keywords to automatically flag new grant proposals and contracts before they could reach approval), <https://www.nytimes.com/interactive/2025/03/07/us/trump-federal-agencies-websites-words-dei.html>; see also Holly Rustick, *Banned and Trigger Words in Federal Grant Writing in the Trump Administration 2.0*, Grant Writing & Funding (Feb. 18, 2025), <https://perma.cc/M6L9-P4ZR> (noting that specific terms such as “justice” or “equality” would “trip a wire” and potentially initiate an administrative “stop order” on new applications).

¹⁴¹ See Exec. Order No. 14,096, 88 Fed. Reg. at 25,253; Exec. Order No. 12,898, 59 Fed. Reg. at 7630.

and guidance. For example, in 2024, CEQ updated its regulations implementing NEPA, the statute requiring federal agencies to analyze the environmental effects of major federal actions. Among much else, CEQ instructed federal agencies that the environmental consequences to be analyzed under NEPA included any related to environmental justice.¹⁴² Similarly, in 2023, the Office of Management and Budget (OMB) updated Circular A-4, OMB's guidance to federal agencies for anticipating and evaluating the likely consequences of their regulatory actions. This revised Circular A-4 instructed federal agencies to conduct environmental justice analyses whenever lawful and appropriate.¹⁴³

The Trump Administration has rescinded much of the executive authority underlying environmental justice analysis. Shortly after re-assuming office, President Trump rescinded Executive Orders 12,898 and 14,096, eliminating their broad environmental justice mandates.¹⁴⁴ In February 2025, without providing prior opportunity for public comment, CEQ wholly rescinded its NEPA regulations.¹⁴⁵ CEQ finalized that rescission in January 2026.¹⁴⁶ In guidance, CEQ has advised other federal agencies “not [to] include an environmental justice analysis” in future NEPA analyses, “to the extent that this approach is consistent with other applicable law.”¹⁴⁷ In subsequently promulgating their own NEPA regulations, agencies have generally avoided mention of environmental justice.¹⁴⁸ Finally, in February 2025, President Trump ordered OMB to replace the updated Circular A-4 with its predecessor, a document that did not explicitly address environmental justice.¹⁴⁹ The legal status of that revocation, however, is debatable given that OMB did not perform the statutorily required peer review process.¹⁵⁰

C. Systematic weakening of federal administrative capacity

The elimination of environmental justice infrastructure was compounded by broader efforts to limit the capacity of the federal administrative state. The Administration imposed a government-wide hiring freeze with only narrow exceptions¹⁵¹ and made career civil servants more easily removable by reinstating the “Schedule F” employment framework from the first Trump

¹⁴² See National Environmental Policy Act Implementing Regulations Revisions Phase 2, 89 Fed. Reg. 35,442, 35,566 (May 1, 2024).

¹⁴³ See OFF. OF MGMT. & BUDGET, CIRCULAR A-4: REGULATORY ANALYSIS 87–88 (2023), <https://perma.cc/R4WD-AA4H>.

¹⁴⁴ See Exec. Order 14,148, Initial Rescissions of Harmful Executive Orders and Actions § 2(eee), 90 Fed. Reg. 8237, 8240 (Jan. 28, 2025); Exec. Order 14,173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity § 3(i), 90 Fed. Reg. 8633, 8634 (Jan. 31, 2025).

¹⁴⁵ Removal of National Environmental Policy Act Implementing Regulations, 90 Fed. Reg. 10,610 (Feb. 25, 2025).

¹⁴⁶ Removal of National Environmental Policy Act Implementing Regulations, 91 Fed. Reg. 618 (Jan. 8, 2026).

¹⁴⁷ Interagency NEPA Memorandum, *supra* note 117, at 5.

¹⁴⁸ See, e.g., National Environmental Policy Act Implementing Regulations, 90 Fed. Reg. 29,498 (July 3, 2025).

¹⁴⁹ Exec. Order 14,192, Unleashing Prosperity Through Deregulation § 6(b), 90 Fed. Reg. 9065, 9067 (Feb. 6, 2025); see OFF. OF MGMT. & BUDGET, CIRCULAR A-4: REGULATORY ANALYSIS (2003), <https://perma.cc/KCL6-SPXC>.

¹⁵⁰ See MAX SARINSKY & JASON A. SCHWARTZ, INST. FOR POL'Y INTEGRITY, THE LEGAL DYNAMICS OF RESCINDING THE CIRCULAR A-4 UPDATE: REQUIREMENTS FOR PEER REVIEW AND REASONED ANALYSIS 4 (2025), https://policyintegrity.org/files/publications/The_Legal_Dynamics_of_Rescinding_the_Circular_A4_Update_vF.pdf

¹⁵¹ See Presidential Memorandum of January 20, 2025, Hiring Freeze, 90 Fed. Reg. 8247 (Jan. 28, 2025) (imposing a comprehensive freeze on the hiring of civilian employees across the executive branch with exceptions limited to national security, public safety, and immigration enforcement).

Administration.¹⁵² These measures resulted in the rapid loss of institutional expertise and severely constrained agencies' ability to carry out statutory mandates.¹⁵³ Across the federal government, more than 150,000 employees were committed to leave federal service through workforce-reduction initiatives within the first seven months of the Administration.¹⁵⁴ In total, it is estimated that the federal workforce shrank by 10.3%, or a net of nearly 238,000 workers, during the first year of the Administration.¹⁵⁵

EPA, which has traditionally led all federal agencies on environmental justice policies, was among the hardest hit. The agency's workforce was cut by around 23 percent¹⁵⁶ and the Administration proposed significant reductions in funding for enforcement, programs supporting environmental monitoring and data systems, exposure-related scientific research, technical assistance to states and tribes, and community-facing environmental and environmental justice technical assistance and grant programs.¹⁵⁷ These staffing cuts and proposed funding reductions together would affect the agency's core scientific, enforcement, and programmatic functions—precisely the types of roles necessary to evaluate environmental justice and environmental harms, enforce compliance, and engage with communities facing cumulative risks.

The erosion of administrative capacity has direct implications for environmental justice. Without sufficient staffing and expertise, agencies are less able to perform compliance and enforcement activities,¹⁵⁸ respond to public concerns, and/or meaningfully consider the distributional consequences of their decisions.¹⁵⁹

¹⁵² See Exec. Order No. 14,171, 90 Fed. Reg. 8625 (Jan. 31, 2025), (reinstating the "Schedule F" employment framework under the modified designation "Schedule Policy/Career" to strip civil service protections from career positions involved in policy-making, policy-determining, or policy-advocating roles).

¹⁵³ See Drew Friedman, *How Staffing Cuts in 2025 Transformed the Federal Workforce*, FED. NEWS NETWORK (Jan. 2, 2026), <https://perma.cc/DMB8-83PU> (reporting that over 92% of federal employee departures in 2025 were voluntary, driven by the deferred resignation program alongside the return-to-office push, amounting to a net staffing decrease of approximately 10.8%).

¹⁵⁴ Eileen Sullivan, *More Than 150,000 Federal Workers Accepted Trump's Resignation Incentives*, N.Y. TIMES (July 31, 2025), <https://www.nytimes.com/2025/07/31/us/politics/firings-federal-workers-trump-administration.html> (documenting that federal workforce reductions surpassed 150,000 by July 2025).

¹⁵⁵ See Drew DeSilver, *Federal Workforce Shrank 10% in Trump's First Year Back in Office*, PEW RESEARCH CTR., <https://perma.cc/5HHY-T4AG> (Mar. 13, 2026).

¹⁵⁶ EPA Announces Reduction in Force, Reorganization Efforts to Save Taxpayers Billions, U.S. ENV'T PROT. AGENCY (July 18, 2025), <https://perma.cc/FZ2B-CZL6> (explaining that the reduction in force aimed to lower the agency's employee count from over 16,100 in January 2025 to 12,448—a 23 percent staffing drop).

¹⁵⁷ U.S. ENV'T PROT. AGENCY, EPA-190-R-25-001, FY 2026 EPA Budget in Brief 3, 23-33 (2025), <https://perma.cc/85U5-YPB8> (proposing a 54% budget reduction, including cuts to civil and criminal enforcement and other core EPA functions, as well as the total elimination of environmental justice funding).

¹⁵⁸ See e.g., CHRISTOPHER SELLERS, ERIC NOST & LEIF FREDRICKSON, ENV'T DATA & GOVERNANCE INITIATIVE, EPA ENFORCEMENT STILL STRUGGLING TO RECOVER UNDER BIDEN 2–3 (2023), <https://envirotatagov.org/publication/epa-enforcement-still-struggling-to-recover-under-biden/> (documenting that EPA's staffing and funding for enforcement and compliance was low during the first year of the Biden Administration due to cuts carrying over from the first Trump Administration); U.S. ENV'T PROT. AGENCY, FISCAL YEAR 2021 AGENCY FINANCIAL REPORT 175–77 (2021), <https://www.epa.gov/system/files/documents/2022-01/epa-fy-2021-afr-update.pdf> (reporting that a decade of declining staffing levels has significantly hampered the EPA's capacity to conduct compliance inspections and enforce environmental laws).

¹⁵⁹ See e.g. U.S. GOV'T ACCOUNTABILITY OFF., GAO-12-77, ENVIRONMENTAL JUSTICE: EPA NEEDS TO TAKE ADDITIONAL ACTIONS

D. Rollbacks of environmental, climate, public health, and scientific foundations

The Administration's deregulatory agenda has extended across environmental, climate, public health, and scientific domains, undermining the legal and evidentiary foundations of environmental protection.

Foundational environmental statutes—including NEPA, the Clean Air Act, and the Clean Water Act—were targeted through rulemakings, guidance rescissions, and enforcement rollbacks. Under NEPA, the Administration's efforts focused on speeding up environmental reviews,¹⁶⁰ limiting public input,¹⁶¹ and reducing the range of impacts that agencies must consider, including by eliminating climate¹⁶² and environmental justice analysis.¹⁶³ Those limits reduce the ability of members of the public to understand and comment on the full spectrum of environmental impacts from federal actions. Under the Clean Air Act, the Administration advanced rollbacks targeting power plant emissions,¹⁶⁴ vehicle standards,¹⁶⁵ and specific toxic pollutants (such as mercury, air toxics, and methane).¹⁶⁶ Under the Clean Water Act, the Administration narrowed

TO HELP ENSURE EFFECTIVE IMPLEMENTATION 13-16, 25-26, 30-31 (2011), <https://perma.cc/MH3K-A3DL> (finding that EPA needs adequate staffing, resources, data tracking mechanisms, and performance measures to accomplish environmental justice goals).

¹⁶⁰ See Exec. Order No. 14,154, Unleashing American Energy § 5(b)–(c), 90 Fed. Reg. 8353, 8355 (Jan. 29, 2025) (directing CEQ to “expedite and simplify the permitting process” and agencies to “prioritize efficiency and certainty over any other objectives”); Removal of National Environmental Policy Act Implementing Regulations, 90 Fed. Reg. 10,610 (Feb. 25, 2025) (finalizing CEQ NEPA regulatory removal); Council on Env’t Quality, Memorandum re: Implementation of the National Environmental Policy Act 1 (Feb. 19, 2025), <https://perma.cc/7H4L-N29A> (directing agencies 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”).

¹⁶¹ See COUNCIL ON ENV’T QUALITY, IMPLEMENTATION OF THE NATION ENVIRONMENTAL POLICY ACT, APP. 1: AGENCY NEPA PROCEDURES TEMPLATE (2025), <https://perma.cc/MB7D-5G8B>; ELIZA MARTIN & HANNAH PERLS, DECODING AGENCIES’ NEW NEPA PROCEDURES: TAKEAWAYS FROM CEQ’S DRAFT TEMPLATE 4 (2025), <https://perma.cc/5ZPJ-UP76> (noting that the “template makes it optional for agencies to publish draft environmental documents, including draft” environmental impact statements, for public comment).

¹⁶² Withdrawal of National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change, 90 Fed. Reg. 22472, 22472 (May 28, 2025) (withdrawing climate guidance, effective immediately).

¹⁶³ Interagency NEPA Memorandum, *supra* note 117, at 5 (instructing agencies to analyze “reasonably foreseeable effects” of a proposed action and noting that the text of NEPA “does not employ the term ‘cumulative effects,’” and directing agencies to no longer perform environmental justice analysis).

¹⁶⁴ Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units, 90 Fed. Reg. 25,752, 25,752–54 (proposed June 17, 2025) (to be codified at 40 C.F.R. pt. 60) (proposing to repeal all GHG emissions standards for fossil fuel-fired power plants under Clean Air Act § 111, including the 2015 New Source Performance Standards and the 2024 Carbon Pollution Standards, on the ground that such emissions “do not contribute significantly to dangerous air pollution”).

¹⁶⁵ Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act, 91 Fed. Reg. 7686, 7686 (Feb. 18, 2026) (rescinding the 2009 Endangerment Finding and repealing all GHG emission standards for light-duty, medium-duty, and heavy-duty vehicles and engines under Clean Air Act § 202(a), on the basis that the statute does not authorize EPA to prescribe emission standards addressing global climate change).

¹⁶⁶ National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating

the definition of “waters of the United States,”¹⁶⁷ delayed effluent limits for various carcinogens (per- and polyfluoroalkyl substances and perfluorooctanoic acid),¹⁶⁸ delayed effluent limitation rules for steam electric power plants,¹⁶⁹ and delayed rules limiting the disposal of toxic coal ash waste.¹⁷⁰ These actual and proposed rollbacks carry harmful public health consequences, particularly for communities already burdened by cumulative pollution, and are likely to result both in increased morbidity and mortality and, in some cases, in significant consumer losses.¹⁷¹

Public health, safety, and scientific integrity were jeopardized as EPA eliminated the Office of Research and Development—the agency’s primary scientific research arm—and the White House proposed defunding the Chemical Safety and Hazard Investigation Board, which Congress ultimately preserved.¹⁷² And the Administration’s alterations to the federal environmental information landscape have undermined the integrity of environmental information systems and threatened evidence-based policymaking.¹⁷³

The Administration paired regulatory rollbacks with an aggressive expansion of fossil-fuel development and a concerted effort to obstruct the clean energy transition. By declaring a “national energy emergency,” the Administration invoked emergency authorities to bypass environmental laws, fast-track fossil-fuel infrastructure, and grant regulatory exemptions.¹⁷⁴ The administration proposed the most expansive offshore oil and gas leasing plan in decades—

Units: Final Repeal, 91 Fed. Reg. 9088 (Feb. 24, 2026) (repealing the 2024 amendments to the Mercury and Air Toxics Standards). See also Regulatory Relief for Certain Stationary Sources to Promote American Energy, 90 Fed. Reg. 16,777, 16,777–84 (Apr. 21, 2025) (granting two-year compliance exemptions from the 2024 MATS amendments to 47 companies under Clean Air Act § 112(i)(4)). Memorandum from Jeffery Hall, Acting Assistant Adm’r, EPA Off. of Enf’t & Compliance Assurance, to EPA Staff 3 (Mar. 12, 2025), <https://perma.cc/FT68-2JAS> (directing that enforcement and compliance activities “will no longer focus on methane emissions from oil and gas facilities”). H.J. Res. 35, 119th Cong. (2025) (enacted) (Congressional Review Act resolution prohibiting EPA from collecting the methane Waste Emissions Charge established under the Inflation Reduction Act).

¹⁶⁷ Updated Definition of “Waters of the United States,” 90 Fed. Reg. 52,498 (proposed Nov. 20, 2025) (to be codified at 33 C.F.R. pt. 328, 40 C.F.R. pt. 120).

¹⁶⁸ Press Release, EPA, EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS (May 14, 2025), <https://perma.cc/4FES-SQDW>.

¹⁶⁹ Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category—Deadline Extensions, 90 Fed. Reg. 61328 (Dec. 31, 2025).

¹⁷⁰ Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; CCR Management Unit Deadline Extension Rule, 90 Fed. Reg. 34,358 (July 22, 2025).

¹⁷¹ *Tracking the Damages of Regulatory Rollbacks*, INST. FOR POL’Y INTEGRITY (last updated Apr. 20, 2026) <https://policyintegrity.org/tracking-regulatory-rollbacks>.

¹⁷² Matthew Daly, *EPA Eliminates Research and Development Office, Begins Layoffs*, ASSOCIATED PRESS (July 19, 2025), <https://perma.cc/LVF6-KWUF> (reporting that EPA eliminated the Office of Research and Development, which had long “provided the scientific underpinnings for EPA’s mission to protect the environment and human health,” and describing concerns that the action would weaken EPA’s scientific capacity and harm public health); see also Rebecca Trager, *Congress Rescues Chemical Safety Board That Was Earmarked for Closure by Trump Administration*, CHEMISTRY WORLD (Feb. 4, 2026), <https://perma.cc/KY6T-TAJX>.

¹⁷³ See generally ISABELLA PACENZA ET AL., ENV’T DATA & GOVERNANCE INITIATIVE, CLIMATE OF SUPPRESSION: ENVIRONMENTAL INFORMATION UNDER THE SECOND TRUMP ADMINISTRATION (2025), <https://perma.cc/A5XZ-N9TD> (documenting widespread changes to federal environmental information systems, including removal and alteration of climate and environmental justice public data).

¹⁷⁴ See Exec. Order No. 14,156, Declaring a National Energy Emergency, 90 Fed. Reg. 8433 (2025).

proposing to open nearly 1.3 billion acres of federal waters off California, Florida, and Alaska (including the Arctic) to potential leasing—while methane oversight was rolled back through disapproval under the Congressional Review Act of EPA’s implementing rule for the Waste Emissions Charge.¹⁷⁵ Concurrently, clean energy provisions of the Inflation Reduction Act were targeted through statutory acceleration of phase-outs and termination of clean energy tax credits for wind and solar, a freeze on federal wind permitting, and related actions that stalled renewable energy projects.¹⁷⁶ The Administration also invited stationary sources to request exemptions from Section 112 of the Clean Air Act compliance requirements in March 2025, citing a previously unused presidential authority regarding national security.¹⁷⁷ More than 180 facilities (mostly coal power plants and medical sterilizers) in 38 states and Puerto Rico requested and received two-year reprieves.¹⁷⁸ According to EPA and U.S. Census Bureau data collected by the Environmental Defense Fund, approximately 250,000 people live within a mile of these facilities, and about 54% are people of color.¹⁷⁹ More than 70 of the exempted facilities had faced formal EPA enforcement actions in the prior five years.¹⁸⁰

Disaster preparedness and response were similarly affected. The Administration moved to phase out or significantly diminish FEMA and reallocate disaster responsibility to states, moved to terminate key federal disaster mitigation programs, and denied or delayed federal disaster assistance to multiple states.¹⁸¹ These actions disproportionately affect environmental justice communities, which face heightened climate health risks.¹⁸²

¹⁷⁵ See Ella Nilsen & Steve Contorno, *Trump Opens Parts of Florida, California Waters Up to Offshore Oil Drilling, Breaking Decades of Precedent*, CNN (Nov. 20, 2025), <https://www.cnn.com/2025/11/20/climate/trump-oil-drilling-offshore-california-florida>; Congressional Review Act Revocation of Waste Emissions Charge for Petroleum and Natural Gas Systems, 90 Fed. Reg. 21,225, 21,225–26 (May 19, 2025) (removing 40 C.F.R. pt. 99) (revoking EPA rule implementing the Inflation Reduction Act’s methane Waste Emissions Charge following the President’s March 14, 2025 signing of a Congressional Review Act joint resolution of disapproval).

¹⁷⁶ See One Big Beautiful Bill Act, Pub. L. No. 119-21, 139 Stat. 72 (2025) (accelerating the phase-out of IRA clean energy tax credits for wind and solar); Memorandum of January 20, 2025, Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government’s Leasing and Permitting Practices for Wind Projects § 2(a), 90 Fed. Reg. 8363, 8364 (Jan. 29, 2025) (directing agencies to decline new or renewed approvals, permits, leases, and loans for onshore and offshore wind pending review).

¹⁷⁷ See *Clean Air Act Section 112 Presidential Exemption Information*, EPA, <https://perma.cc/4FG5-LPGR> (last visited May 22, 2026); see also 42 U.S.C. § 7412(i)(4) (authorizing the President to exempt stationary sources from § 112 standards for up to two years upon a finding that compliance technology is unavailable and exemption serves national security).

¹⁷⁸ Mark Olalde, *Trump Exempted Some of the Nation’s Biggest Polluters from Air Quality Rules. All It Took Was an Email*, PROPUBLICA (May 8, 2026), <https://perma.cc/UVA9-S5MF>.

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ See Gabe Cohen, *Trump Says He Plans to Phase Out FEMA After 2025 Hurricane Season*, CNN (June 11, 2025) (plan to phase out FEMA and shift disaster response to states), <https://www.cnn.com/2025/06/11/politics/fema-hurricane-season-phase-out-trump>; DIANE P. HORN, CONG. RSCH. SERV., IN12609, FEMA’S BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC): RECENT DEVELOPMENTS (2026), <https://www.congress.gov/crs-product/IN12609> (describing FEMA’s April 4, 2025 announcement ending the BRIC program, subsequent litigation, and court-ordered reinstatement); Rachel Jacobson & Mikaela Tajo, *Trump Administration Actions Weakening Disaster Preparation and Response*, Ctr. on Budget & Pol’y Priorities (Nov. 19, 2025), <https://www.cbpp.org/blog/trump-administration-actions-weakening-disaster-preparation-and-response> (noting that as of October 2025, at least 12 state aid requests had been denied and over a dozen remained pending).

¹⁸² See generally U.S. GLOB. CHANGE RSCH. PROGRAM, FOURTH NATIONAL CLIMATE ASSESSMENT, VOL. II: IMPACTS, RISKS, AND

E. Rollbacks of civil rights and immigrant protections

The Administration's environmental justice rollback was accompanied by broader retrenchment of civil rights and immigrant protections. Enforcement of Title VI of the Civil Rights Act of 1964 and fair housing protections were weakened, limiting avenues for communities to challenge discriminatory environmental impacts.¹⁸³ In addition, across the federal government, longstanding rules in place to prevent discriminatory impacts by recipients of federal funding, such as states and local governments, were rescinded—often without soliciting any public comments.¹⁸⁴

At the same time, the Administration declared a national emergency at the southern border and implemented measures to accelerate deportations, including expanded removals of individuals with prior removal orders.¹⁸⁵ These immigration actions, although not intentionally targeted at environmental justice communities, intersect directly with environmental justice concerns, as research has linked higher concentrations of immigrant and limited-English-proficiency households to greater proximity to hazardous waste facilities and Superfund sites, with elevated pollution exposure documented among certain immigrant subgroups.¹⁸⁶ Specifically, many environmental justice communities include immigrant subpopulations—such as undocumented migrant farmworkers and workers in environmentally hazardous industries—who already face heightened exposure to pollution, heat stress, and unsafe working conditions.¹⁸⁷ Recognizing this, Executive Order 14,096 specifically named migrant farmworkers as an environmental

ADAPTATION IN THE UNITED STATES 537–39 (2018), available at <https://repository.library.noaa.gov/view/noaa/19487> (documenting that communities of color and low-income communities are disproportionately affected by, and less resilient to, climate-related health risks); Robert R.M. Verchick, *Disaster Justice: The Geography of Human Capability*, 23 DUKE ENVTL. L. & POL'Y F. 23 (2012) (analyzing disproportionate disaster impacts on socially vulnerable communities); ROBERT D. BULLARD & BEVERLY WRIGHT, *THE WRONG COMPLEXION FOR PROTECTION: HOW THE GOVERNMENT RESPONSE TO DISASTER ENDANGERS AFRICAN AMERICAN COMMUNITIES* (N.Y. Univ. Press 2023) (documenting that African American and low-income communities are disproportionately harmed by, and receive inequitable government assistance following, natural and human-induced disasters).

¹⁸³ See Exec. Order No. 14,281, Restoring Equality of Opportunity and Meritocracy §§ 4–5, 90 Fed. Reg. 17,537, 17,538 (Apr. 28, 2025) (directing the Department of Justice to unwind disparate impact regulations and instructing federal agencies to “deprioritize enforcement of all statutes and regulations to the extent they include disparate-impact liability”).

¹⁸⁴ See, e.g., Rescinding Portions of Department of Justice Title VI Regulations to Conform More Closely with the Statutory Text and to Implement Executive Order 14281, 90 Fed. Reg. 57,141, 57,143, 57,146 (Dec. 10, 2025) (broadly invoking APA exception to public comment for “public benefit programs”). For further analysis, see the companion report, Gabe Levine, *Justice Imperiled: Assessing the Legal Arguments for the Trump Administration's Assault on Federal Environmental Justice Programs* (2026).

¹⁸⁵ Proclamation No. 10886 of Jan. 20, 2025, Declaring a National Emergency at the Southern Border of the United States, 90 Fed. Reg. 8327 (Jan. 29, 2025).

¹⁸⁶ See Kelvin C. Fong et al., *The Intersection of Immigrant and Environmental Health: A Scoping Review of Observational Population Exposure and Epidemiologic Studies*, 130 ENV'T HEALTH PERSPS. 096001 (2022) (reviewing studies finding higher environmental exposures among immigrants than nonimmigrants); Lori M. Hunter, *The Spatial Association Between U.S. Immigrant Residential Concentration and Environmental Hazards*, 34 INT'L MIGRATION Rev. 460, 475 (2000) (finding that U.S. counties with greater numbers of large-quantity hazardous waste generators and proposed Superfund sites tend to have higher proportions of immigrant and non-English-speaking households).

¹⁸⁷ See Marc B. Schenker, *A Global Perspective of Migration and Occupational Health*, 53 AM. J. INDUS. MED. 329, 331–32 (2010) (documenting occupational health hazards faced by immigrant agricultural workers).

justice community.¹⁸⁸ Increased enforcement and deportation threats further marginalize these communities, discouraging individuals from seeking medical care, engaging with government processes, and participating in community advocacy, including on environmental and public health matters.¹⁸⁹

F. Systematic attack on public participation in decisionmaking

Public participation constitutes both a foundational environmental justice principle and a core administrative law requirement. The Administration has systematically undermined established participatory mechanisms through aggressive use of statutory exemptions, truncated comment periods, cursory explanations for regulatory rescissions, and categorical prohibitions on environmental justice analysis. The Administrative Procedure Act (APA) generally requires agencies to provide public notice and opportunity for comment before promulgating regulations with the force and effect of law.¹⁹⁰ This notice-and-comment process serves critical functions: it ensures agency regulations are tested through diverse public input, provides fairness to affected parties, and enables development of a record for judicial review.¹⁹¹ Exceptions to the notice-and-comment requirement are strictly limited.

The Trump Administration has aggressively curtailed public participation, particularly when rescinding environmental and civil rights regulations.¹⁹² With no comment period, the Department of Justice rescinded its regulations implementing disparate-impact liability under Title VI of the Civil Rights Act of 1964—despite the regulations having been in place for over fifty years and having guided civil rights enforcement nationwide.¹⁹³ Those earlier regulations supported environmental justice enforcement actions, especially under the Biden Administration.¹⁹⁴ Similarly, the Department of Energy rescinded nondiscrimination regulations related to environmental justice through a direct final rule with only a 31-day comment period.¹⁹⁵ And the Department of

¹⁸⁸ See Executive Order 14,096, Revitalizing Our Nation’s Commitment to Environmental Justice for All, 88 Fed. Reg. 25,251, 25,252 (stating that communities “with environmental justice concerns also include geographically dispersed and mobile populations, such as migrant farmworkers”).

¹⁸⁹ See, e.g., Leisy J. Abrego, *Legal Consciousness of Undocumented Latinos: Fear and Stigma as Barriers to Claims-Making for First- and 1.5-Generation Immigrants*, 45 LAW & SOC’Y REV. 337, 354–60 (2011) (documenting that fear of deportation leads undocumented immigrants and their families to avoid interacting with government agencies and to forgo needed medical, educational, and social services); Hunter, *supra* note 208, at 483–84 (2000) (suggesting that language barriers faced by linguistically-isolated immigrant households may decrease the likelihood of community activism in response to environmental risk).

¹⁹⁰ 5 U.S.C. § 553(b)–(c).

¹⁹¹ *Prometheus Radio Project v. FCC*, 652 F.3d 431, 449 (3d Cir. 2011).

¹⁹² See generally JONES & SARINSKY, *supra* note 124.

¹⁹³ Rescinding Portions of Department of Justice Title VI Regulations To Conform More Closely With the Statutory Text and To Implement Executive Order 14281, 90 Fed. Reg. 57,141, 57,146 (Dec. 10, 2025).

¹⁹⁴ See MADELINE W. DONLEY, CONG. RSCH. SERV., ENVIRONMENTAL JUSTICE AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 4 (2025), <https://perma.cc/43P7-X7F9>.

¹⁹⁵ See Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (General Provisions), 90 Fed. Reg. 20,777 (May 16, 2025) (direct final rule rescinding, among other provisions, the disparate-impact regulations implementing Title VI). After receiving extensive adverse comments, DOE has delayed the effective date of this rescission several times. Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (General Provisions), 90 Fed. Reg. 31,140 (July 14, 2025); Rescinding

Housing and Urban Development proposed eliminating fair housing disparate impact standards with only a 30-day comment period.¹⁹⁶

Beyond procedural shortcuts, the Administration has often failed to disclose its reasoning for regulatory rescissions, including when eliminating longstanding environmental protections.¹⁹⁷ For example, EPA’s final rescission of its emissions standards for coal- and oil-fired power plants included analysis that failed to fully account for the serious health and societal harms caused by increased exposure to hazardous air pollutants, particularly in communities that already bear the heaviest environmental burdens.¹⁹⁸

The systematic erosion of public participation mechanisms harm environmental justice communities for interrelated reasons. Environmental justice communities often lack the resources and technical expertise to engage effectively in compressed comment periods or to independently develop complex analyses previously produced by federal agencies. Yet environmental justice communities possess critical local knowledge about cumulative pollution exposures and health impacts that agencies cannot obtain through other means.¹⁹⁹ When agencies categorically refuse to solicit such information, they disable their own capacity for reasoned decisionmaking while denying communities their participatory rights. The elimination of environmental justice offices—including EPA’s OEJCR, which maintained community relationships and translated technical information into accessible formats—has removed the institutional infrastructure facilitating meaningful engagement.²⁰⁰ Additionally, studies have shown that increased immigration enforcement discourages farmworkers and workers in environmentally hazardous industries from engaging with government programs and processes.²⁰¹

The cumulative effect has been to insulate agency decisionmaking from public scrutiny. By simultaneously eliminating participatory opportunities, refusing to analyze distributional

Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (General Provisions), 90 Fed. Reg. 43,539 (Sept. 10, 2025); Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (General Provisions), 90 Fed. Reg. 56,967 (Dec. 9, 2025); and Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (General Provisions), 91 Fed. Reg. 10,955 (Mar. 6, 2026) (further delaying the effective date until July 6, 2026).

¹⁹⁶ HUD’s Implementation of the Fair Housing Act’s Disparate Impact Standard, 91 Fed. Reg. 1475 (proposed Jan. 14, 2026) (to be codified at 24 C.F.R. pt. 100).

¹⁹⁷ See generally DENA ADLER, BRIDGET PALS & KATE WELTY, INST. FOR POL’Y INTEGRITY, *FLAWED FOUNDATIONS: IDENTIFYING ERRORS IN REGULATORY ANALYSIS FOR DEREGULATORY ACTIONS* (2025), <https://policyintegrity.org/publications/detail/flawed-foundations>.

¹⁹⁸ See National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units: Final Repeal, 91 Fed. Reg. 9088 (February 24, 2026).

¹⁹⁹ Robert R. Kuehn, *A Taxonomy of Environmental Justice*, 30 Env’t L. Rep. 10,681, 10,690–92 (2000) (analyzing how procedural justice requires agencies to solicit the unique, localized information that communities possess); Gauna, *supra* note 130, at 31–34.

²⁰⁰ See *EPA Eliminated Office of Environmental Justice and External Civil Rights (OEJECR) and EJ Regional Divisions*, Harv. L. Sch. Envtl. & Energy L. Program (last updated Mar. 11, 2025), <https://perma.cc/CZC3-VZNH> (documenting the structural closure of the OEJECR and its regional divisions).

²⁰¹ See RANDY CAPPS ET AL., URBAN INST., *IMPLICATIONS OF IMMIGRATION ENFORCEMENT ACTIVITIES FOR THE WELL-BEING OF CHILDREN IN IMMIGRANT FAMILIES 17–20* (2015), <https://perma.cc/6MZK-9WMP> (finding that immigration enforcement reduces immigrant participation in public programs); see also Abrego, *supra* note 189, at 354–56.

consequences, and dismantling institutional capacity for community engagement, the Administration has sidelined public input on environmental decisions affecting the most burdened communities—an approach fundamentally at odds with both environmental justice principles and administrative law requirements.

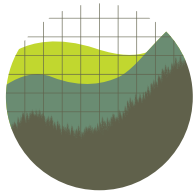
Conclusion

The record assembled in this report reveals the depth of the second Trump Administration's reversal of federal environmental justice initiatives and the fragility of its legal rationale for doing so. By rescinding foundational executive orders, closing dedicated offices, dismantling analytic frameworks, suspending public participation, and canceling billions in allocated funding, the Administration has executed the country's most thorough federal retreat from environmental justice. Yet the community demands that first spurred federal action persist. So, too, does much of the legal architecture those communities helped erect. Multiple federal statutes independently authorize—and in some instances require—agencies to assess cumulative burdens and localized harms; and the Trump Administration's aggressive use of procedural shortcuts violates settled, well-enforced principles of administrative law. Federal agencies have been left to navigate real-world environmental inequalities without the staffing, data, or institutional architecture previously available to address them—a state of affairs that serves neither sound governance nor the communities most affected by it. A successor administration motivated to restore federal leadership on environmental justice will find a durable legal foundation awaiting it.

That future administration's task will be demanding: rebuilding agency expertise, reinstating community engagement infrastructure, and reestablishing the analytic frameworks that enable defensible decisionmaking will all take time and sustained investment. Several priorities are clear. A new executive order—one that builds on the definitional and structural advances of prior administrations while incorporating lessons learned from litigation and implementation challenges—would immediately signal a government-wide recommitment and provide the legal architecture for coordinated action across agencies. Restoring the federal workforce capacity that enforcement, permitting, and community outreach require is a prerequisite for translating commitments into outcomes; expertise lost through attrition and dismissal takes years to reconstitute. Reinstating environmental justice analysis requirements, updating community vulnerability mapping tools, and reviving public participation mechanisms will give agencies the means to identify and respond to distributional consequences of their decisions. Reinstating Title VI disparate-impact enforcement—rescinded without adequate legal basis or public participation—would empower communities challenging discriminatory environmental siting and permitting decisions. And re-engaging with international climate frameworks from which the Administration has withdrawn would reconnect domestic environmental policy with the global scientific and diplomatic architecture necessary to address the climate risks that fall most heavily on the most vulnerable populations.

Perhaps the most enduring finding of this report is also its most forward-looking: environmental justice has survived repeated episodes of federal disengagement precisely because its roots lie not in executive orders but in the organized power of communities confronting conditions that policy neglect cannot erase. Scholars, advocates, and litigators have continued to build the empirical record and sharpen the legal arguments that future administrations will inherit. More than twenty states have enacted their own environmental justice statutes or protective frameworks, constituting a parallel legal infrastructure that federal retrenchment has not diminished. The

movement's intellectual foundations—grounded in the conviction that geographic, economic, and public health disparities are amenable to policy solutions—remain as vital as when researchers first documented them four decades ago. The federal government's capacity to address those disparities has been seriously impaired; it has not been extinguished. For the administration that chooses to act, the legal tools, the institutional memory, and the communities ready to partner with a government that takes the concerns seriously all remain—waiting not for permission to persist, but for a federal partner willing to meet them.



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