Conservatives and industry have perfected some legal tools to block regulation by the Obama Administration. Those tools can be turned against them, by using the same tools to block anti-regulatory moves by the Trump Administration. As a professor, I don't necessarily agree with all of them. But as a lawyer, I wouldn't hesitate to use them on behalf of my client.

Here are some illustrations.

1.Cost-Benefit Analysis. Many environmentalists loathe cost-benefit analysis. But, as Richard Revesz and Michael Livermore have been arguing for years, cost-benefit analysis can also provide a basis for environmentalist arguments. The Trump Administration is likely to be very sloppy in its economic analysis. It should be easy to poke big holes in their analysis, undermining their arguments for new rules and complicating the path to deregulation.

2. Data Quality Act. This obscure statute requires the White House to issue regulations to ensure the objectivity and accuracy of data used by agencies. Agencies have to establish "administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the OMB guidelines." The Trump Administration is sure to play fast-and-loose with science, up to and including climate change denial. As Holly Doremus also recently pointed out, this statute provides one mechanism for challenging those distortions.

3.Nationwide Injunctions.. Conservatives and industry brought suits in friendly district courts to get nationwide injunctions against Obama policies like immigration reform. They also got the courts to classify some changes as "rules" rather than changes in enforcement policy. Environmentalists can follow their lead.

4.Standing for States Based on Indirect Financial Impacts. Texas got standing to challenge immigration reform on the theory that it would have to spend money to issue driver's licenses to undocumented immigrants. The Texas case was particularly striking since it could have avoided the injury just by changing its own laws about drivers licenses. States that favor regulation or protection of natural resources can exploit this standing argument in case where actual environmental damage can't be proved.

5.Challenging "Guidelines" and "Enforcement Policies" as Invalid Substantive Rules. This is another successful tactic by conservatives and

industry; just as usable by environmentalists against the Trump Administration as by the other side against the Obama Administration.

6.Stays of Administrative Actions. Getting stays pending litigation is another successful tactic by the other side. As long as their venues with sympathetic judges, this is a game that environmentalists can play too.

There's some risk that utilizing these mechanisms could help legitimate them, and in the long run this could be bad for environmental regulation. But the Trump Administration is anywhere near as bad as we now expect, the urgent need of blocking anti-environmental decisions may outweigh the long-term costs.

In short, what's sauce for the goose is sauce for the gander.