

We often hear about the Trump Administrations's plans to "roll back Obama's regulations." But the Administration's goals go much deeper. Hyperbole is always a risk when discussing opposing policy views, but to call this Administration a profound threat to environmental regulation is only to echo their own words.

When he announced the executive order directing EPA to reconsider the Clean Power Plan, Trump proclaimed that his quarrel was not just with a few actions of the Obama Administration. Rather, he said that he was rejecting decades of environmental protection:

The action I'm taking today will eliminate federal overreach, restore economic freedom, and allow our companies and our workers to thrive, compete, and succeed on a level playing field for the first time in a long time, fellas. ***It's been a long time. I'm not just talking about eight years; we're talking about a lot longer than eight years.***

This goes far beyond pruning a few supposed regulatory excesses by Obama — "a lot longer than eight years" extends into the Bush Administration and earlier.

Besides rolling back existing regulations, Trump has been eager to impose obstacles designed to prevent any new protections for public health or the environment. He has directed that any new regulation be coupled with the repeal of two existing regulations. Even more importantly, he demands that the costs of new regulations be balanced by the savings from repealing. This standard will be nearly impossible to meet. New regulations often involve major capital costs for pollution control, whereas eliminating old regulations saves only the relatively small costs of operating the equipment. The upshot is that it would take massive regulatory repeals to offset any important new regulation.

During the campaign, Trump promised enormous economic benefits from eliminating regulations on fossil fuels: Citing the Institute for Energy Research, he claimed that axing regulations on fossil fuels would "[i]ncrease GDP by more than \$100 billion dollars annually, add over 500,000 new jobs annually, and increase annual wages by more than \$30 billion dollars over the next 7 years;." On top of that, he claimed, deregulating the fossil fuel industry would "[i]ncrease federal, state, and local tax revenues by almost \$6 trillion dollars over 4 decades;"

As part of its attack on environmental regulation, the Trump Administration has also turned its fire on environmental science. Just three years ago, Trump's tweets warned of GLOBAL

WARMING HOAXSTERS (his capitalizations) and “the same old climate change (global warming) bullshit.” Only recently, EPA Administrator Scott Pruitt denied that carbon emissions are the cause of climate change; “I think that measuring with precision human activity on the climate is something very challenging to do and there’s tremendous disagreement about the degree of impact, so no, I would not agree that it’s a primary contributor to the global warming that we see”, said Scott Pruitt. On top of massive proposed cuts in government research, Pruitt fired half the members of an EPA science advisory board so they could be replaced with industry representatives. The last thing this Administration wants to see is objective science.

Just as they have done in defending Trump’s efforts to target Muslim immigrants, government lawyers will do their best to focus the attention solely on the technical issues involved with each environmental rollback.. It will be critical for lawyers to put these rollbacks in the large context: a wholesale attack on all forms of environmental protection. Courts need to be reminded that the Administration’s deregulatory efforts are not based on a reasoned reevaluation of regulatory decisions. They are based on ideology and industry favoritism, not on science or economic analysis. The Administration is correspondingly indiscriminate in its targets. For this reason, courts should take a *very* hard look at Trump’s regulatory rollbacks, holding them to the highest standards of justification.