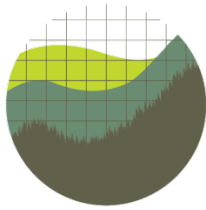


Roundup: Trump-Era Deregulation in the Courts

Updated July 6, 2018

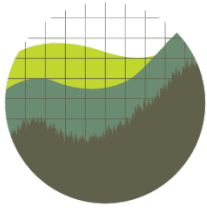
7/3/2017	<p><i>Clean Air Council v. Pruitt</i>, 862 F.3d 1 (D.C. Cir. 2017).</p> <p>The U.S. Court of Appeals vacated the Environmental Protection Agency's attempt to delay a rule limiting methane leaks at oil and gas facilities. The rule requires companies to plug methane leaks, which would help recover valuable natural gas as well as help clean up the air. EPA delayed the rule, claiming that industry had raised objections that could not have been raised prior to the rule's issuance. The court found that EPA was wrong. Not only could the objections have been raised earlier, but they were in fact raised by industry before the rule was finalized.</p>
8/10/2017	<p><i>American Lung Association v. EPA</i>, No. 17-1172 (D.C. Cir.).</p> <p>After being sued for acting outside of its statutory authority, the Environmental Protection Agency pulled back on an effort to delay implementation of a rule restricting harmful ozone pollution.</p>
8/30/2017	<p><i>Becerra v. United States Department of Interior</i>, 276 F. Supp. 3d 953 (N.D. Cal. 2017).</p> <p>A federal district court in California held that the Department of Interior's delay of a rule meant to reform the procedures governing royalties violated the Administrative Procedure Act in two ways: (1) the agency had failed to seek public comment on the delay and (2) the agency lacked statutory authority for the delay.</p>
8/29/2017	<p><i>Natural Resources Defense Council (NRDC), et al. v. EPA</i>, No. 17-1157 (D.C. Cir.).</p> <p>The Environmental Protection Agency allowed a rule limiting methane emissions at landfills to come back into effect after being sued for lack of statutory authority.</p>
10/4/2017	<p><i>State v. United States Bureau of Land Management</i>, 277 F. Supp. 3d 1106 (N.D. Cal. 2017), appeal dropped (9th Cir. No. 17-17456).</p> <p>A federal district court in California vacated a Bureau of Land Management's delay of the Waste Prevention Rule, a rule meant to limit waste of natural gas. The court found that the agency violated the Administrative Procedure Act's notice-and-comment requirements and that the agency had arbitrarily failed to consider the forgone benefits of the waste prevention rule.</p>
12/1/2017	<p><i>National Venture Capital Association v. Duke</i>, 291 F. Supp. 3d 5 (D. D.C. 2017).</p> <p>A federal district court in Washington D.C. vacated the delay of the Entrepreneur Rule, holding that the delay violated the Administrative Procedure Act's notice-and-comment requirements.</p>



Roundup: Trump-Era Deregulation in the Courts (cont.)

Updated July 6, 2018

12/23/2017	<p><i>Open Communities Alliance v. Carson</i>, 286 F. Supp. 3d 148 (D. D.C. 2017).</p> <p>The federal district court in Washington D.C. issued a preliminary injunction against the Department of Housing and Urban Development’s delay of a rule increasing access to housing for low-income tenants.</p>
2/15/2018	<p><i>Natural Resources Defense Council, Inc. v. Perry</i>, 302 F. Supp. 3d 1094 (N.D. Cal. 2018).</p> <p>A federal district court in California held that the Department of Energy had violated a “clear-cut duty” to publish a new energy efficiency rule.</p>
2/16/2018	<p><i>Sierra Club v. Pruitt</i>, 293 F. Supp. 3d 1050 (N.D. Cal. 2018).</p> <p>A federal district court in California held that the Environmental Protection Agency’s stay of a rule limiting formaldehyde emissions from composite wood products violated the Formaldehyde Act. The Act requires expeditious compliance with the standards and staying the standards would not lead to expeditious compliance.</p>
2/22/2018	<p><i>California v. Bureau of Land Management</i>, 286 F. Supp. 3d 1054 (N.D. Cal. 2018), appeal dropped (9th Cir. No. 18-15711).</p> <p>A federal district court in California issued a preliminary injunction enjoining the Bureau of Land Management’s second delay of the Waste Prevention Rule. The court held that plaintiffs were likely to prevail in showing that the rule was arbitrary and capricious because the agency failed to give any reasons for turning its back on the facts underlying its decision to issue the Waste Prevention Rule in the first place.</p>
3/21/2018	<p><i>Pineros y Campesinos Unidos del Noroeste v. Pruitt</i>, 293 F. Supp. 3d 1062 (N.D. Cal. 2018).</p> <p>A federal district court in California held that the Environmental Protection Agency’s delays of a rule designed to limit harmful pesticide use were illegal because the agency failed to comply with the Administrative Procedure Act’s notice and comment requirements.</p>



Roundup: Trump-Era Deregulation in the Courts (cont.)

Updated July 6, 2018

4/18/2018	<p><i>Clean Water Action v. Pruitt</i>, No. 17-0817, 2018 WL 1865919 (D. D.C. 2018), appeal docketed (D.C. Cir. No. 18-5149).</p> <p>A federal district court in D.C. denied summary judgment on the grounds that the challenge to an indefinite delay of a rule restricting toxic-metal wastewater discharges from power plants was moot because EPA had withdrawn the delay and replaced it with a different one.</p>
4/23/2018	<p><i>Natural Resources Def. Council v. National Highway Traffic Safety Administration</i>, No. 17-2806, 2018 WL 3189321 (2d Cir. June 29, 2018).</p> <p>On April 23, 2018, a federal appeals court vacated National Highway Traffic Safety Administration's (NHTSA) delay its 2016 rule adjusting penalties for violations of fuel economy standards, explaining that an opinion would follow.</p> <p>On June 29, 2018, the court issued its opinion, holding that NHTSA did not have statutory authority for the suspension and that NHTSA violated the Administrative Procedure Act's notice and comment requirements.</p>
6/22/2018	<p><i>New York, et al. v. Pruitt</i>, No. 18-04739 (S.D.N.Y.).</p> <p>The Environmental Protection Agency published training materials for farmers exposed to poisonous pesticides after being sued for illegally delaying the release of those materials.</p>

For questions or updates, contact bethany.davisnoll@nyu.edu