



Roundup: Trump-Era Deregulation in the Courts

The Institute for Policy Integrity tracks the outcomes of litigation over the Trump administration's deregulatory efforts in this Roundup. ¹ The Roundup includes litigation over federal agency rule suspensions; repeals; rescissions; efforts to weaken regulations through guidance, memoranda, amendments, or replacements; and other agency actions. ²



Unsuccessful

An outcome is considered unsuccessful for the Trump administration if (1) a court ruled against the agency or (2) the relevant agency withdrew the action after being sued. ³ If there are different rulings on the same deregulatory action, the entry is assigned an "X" as long as one court ruled against the agency. ⁴



Successful

An outcome is considered successful for the Trump administration if the agency won the lawsuit without having to withdraw the challenged action, whether or not that win was on purely procedural grounds (such as mootness) or on the merits.

Last updated March 4, 2019

¹ *Natural Resources Defense Council v. Interior*, No. 17-01130 (S.D.N.Y.)

March 21, 2017: After being sued for failing to follow notice-and-comment procedures in its delay of protections for the rusty patched bumble bee, the Department of Interior allowed the listing to go into effect.



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- 2 *Natural Resources Defense Council v. Perry*, No. 17-916 (2d Cir.); *New York, et al. v. Perry*, No. 17-918 (2d Cir.)

May 24, 2017: After being sued for failing to comply with the law in delaying conservation standards for ceiling fans, the Department of Energy announced that the rule would come into effect as originally scheduled.



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- 3 *Natural Resources Defense Council v. EPA et al*, No. 17-00751 (S.D.N.Y.)

June 14, 2017: After being sued for failing to follow notice-and-comment procedures, the Environmental Protection Agency published a final rule setting limits on discharges of mercury from dental offices, which had been withdrawn from the Office of Federal Register in January 2017 prior to publication.



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- 4 *Clean Air Council v. Pruitt*, 862 F.3d 1 (D.C. Cir. 2017)

July 3, 2017: The U.S. Court of Appeals vacated the Environmental Protection Agency's (EPA) delay of 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.



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- 5 *American Lung Association v. EPA*, No. 17-1172 (D.C. Cir.)

August 10, 2017: After being sued for acting outside of its statutory authority, the Environmental Protection Agency pulled back on the delay of a rule restricting harmful ozone pollution.



Natural Resources Defense Council, et al. v. EPA, No. 17-1157 (D.C. Cir.)

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August 29, 2017: 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.



7 *Becerra v. U.S. Department of Interior*, 276 F. Supp. 3d 953 (N.D. Cal. 2017)

August 30, 2017: A federal district court in California [held](#) that the Department of Interior's [delay](#) of a [rule](#) reforming 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.



8 *Clean Water Action v. Pruitt*, No. 17-0817 (D.D.C.)

September 18, 2017: After being sued, EPA [withdrew](#) the indefinite [delay](#) of a [rule](#) restricting toxic-metal wastewater discharges from power plants, and replaced it with a new delay. Later, a federal district court in D.C. [denied](#) summary judgment against the Environmental Protection Agency (EPA), finding that the challenge to the delay was moot because it had been withdrawn. 315 F. Supp. 3d 72 (D.D.C. 2018), appeal docketed (D.C. Cir. No. 18-5149).



9 *Center for Science in the Public Interest v. Price*, No. 17-CV-1085 (D.D.C.)

September 27, 2017: After being [sued](#) for delaying a rule that would have required restaurants to post calorie counts, the agency [agreed](#) to allow the rule to come into effect.



10 *Clean Air Carolina v. U.S. Department of Transportation*, No. 17 Civ. 5779 (S.D.N.Y.)

September 28, 2017: After being sued for violating notice-and-comment requirements, the Federal Highway Administration [announced](#) that it would end the indefinite [delay](#) of its greenhouse gas measurement [rule](#).



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- 11 *California v. U.S. Bureau of Land Management*, 277 F. Supp. 3d 1106 (N.D. Cal. 2017), appeal dropped (9th Cir. No. 17–17456)

October 4, 2017: A federal district court in California vacated the Bureau of Land Management's delay of the Waste Prevention Rule, a rule limiting 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.



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- 12 *National Venture Capital Association v. Duke*, 291 F. Supp. 3d 5 (D.D.C. 2017)

December 1, 2017: 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.



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- 13 *Pennsylvania v. Trump*, 281 F. Supp. 3d 553 (E.D. Pa. 2017), appeal filed (3d Cir. No. 18-1253)

December 15, 2017: A federal district court in Pennsylvania enjoined rules that had allowed more employers to claim exemptions from the requirement that their health plans cover contraceptive services at no cost under the Affordable Care Act. A separate court in California also enjoined the rule.



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- 14 *Open Communities Alliance v. Carson*, 286 F. Supp. 3d 148 (D.D.C. 2017)

December 23, 2017: A 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.



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- 15 *Natural Resources Defense Council v. Perry*, 302 F. Supp. 3d 1094 (N.D. Cal. 2018)

February 15, 2018: 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.



16 *Sierra Club v. Pruitt*, 293 F. Supp. 3d 1050 (N.D. Cal. 2018)

February 16, 2018: 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, because the Act requires expeditious compliance with the standards.



17 *California v. U.S. Bureau of Land Management*, 286 F. Supp. 3d 1054 (N.D. Cal. 2018), appeal dropped (9th Cir. No. 18-15711)

February 22, 2018: 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 in part 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.



18 *In re Ozone Designation Litigation*, 286 F.Supp.3d 1082 (N.D. Cal. 2018)

March 12, 2018: A federal district court in California held that EPA's delay in completing a step in the implementation of new ozone emissions rules violated the Clean Air Act.



19 *Pineros y Campesinos Unidos del Noroeste v. Pruitt*, 293 F. Supp. 3d 1062 (N.D. Cal. 2018)

March 21, 2018: 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.



20 *Natural Resources Defense Council v. National Highway Traffic Safety Administration*, 894 F.3d 95 (2d Cir. 2018)



April 23, 2018: On April 23, 2018, a federal appeals court vacated the National Highway Traffic Safety Administration's (NHTSA) delay of its 2016 rule adjusting penalties for violations of fuel economy standards, explaining that an opinion would follow.

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.

21 *Healthy Teen Network v. Azar*, 322 F. Supp. 3d 647 (D. Md. 2018), appeal dropped (4th Cir. 18-1709)



April 25, 2018: A federal district court in Maryland held that Health and Human Service's decision to terminate a grant for teen pregnancy prevention was arbitrary and capricious for failure to address the relevant statutory factors. Other district courts have ruled against similar terminations for other grantees.

22 *New York, et al. v. Pruitt*, No. 18-04739 (S.D.N.Y.)



June 22, 2018: The Environmental Protection Agency published training materials for farmers exposed to poisonous pesticides after being sued for illegally delaying the release of those materials.

23 *Environmental Defense Fund, et al. v. EPA*, No. 18-1190 (D.C. Cir.); *California et al. v. EPA*, No. 18-1192 (D.C. Cir.)



July 27, 2018: The Environmental Protection Agency withdrew a memorandum promising that the agency would not enforce a 2016 rule limiting glider truck emissions after the agency was sued for failing to comply with the Administrative Procedure Act's notice-and-comment requirements and for lack of statutory authority to put off the 2016 rule.

24 *League of United Latin American Citizens v. Wheeler*, 899 F.3d 814 (9th Cir. 2018)

August 9, 2018: A federal appeals court held that the Environmental Protection Agency's reversal of the conclusion that the pesticide chlorpyrifos should be restricted violated the Federal Food, Drug, and Cosmetic Act.



25 *Natural Resources Defense Council v. Department of Energy*, No. 17-06989 (S.D.N.Y.)

August 13, 2018: The Department of Energy lifted a suspension of efficiency rules for air conditioners and heat pumps after being sued for failing to comply with the law in delaying. The court later found that the suspension was arbitrary and capricious and that the challenge was not moot, despite the agency's decision to lift the suspension. See *Natural Resources Defense Council v. Department of Energy*, No. 17-06989, 2019 WL 858748 (S.D.N.Y. Feb. 22, 2019).



26 *South Carolina Coastal Conservation League v. Pruitt*, 318 F. Supp. 3d 959 (D.S.C. 2018)

August 16, 2018: A federal district court in South Carolina enjoined the Environmental Protection Agency's (EPA) delay of the Clean Water Rule, holding that the agency improperly failed to seek public comment on the full scope of the action.

Later, a separate federal district court in Washington vacated EPA's delay of the Clean Water Rule for the same reason. *Puget Soundkeeper Alliance v. Wheeler*, No. C15-1342, 2018 WL 6169196 (W.D. Wa. Nov. 26, 2018).



27 *Air Alliance Houston v. EPA*, 906 F.3d 1049 (D.C. Cir. 2018)

August 17, 2018: A federal appeals court held that the Environmental Protection Agency's suspension of the Chemical Disaster Rule violated the Clean Air Act and was arbitrary and capricious for failure to provide a reasoned explanation.



National Fair Housing Alliance v. Carson, 330 F. Supp. 3d 14 (D.D.C. 2018)

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August 17, 2018: A federal district court in D.C. [granted](#) a motion to dismiss a claim that the U.S. Department of Housing and Urban Development had illegally [withdrawn](#) a [tool](#) necessary for compliance with fair housing requirements.



29 *Bauer v. DeVos*, 325 F. Supp. 3d 74 (D.D.C. 2018)

September 12, 2018: A federal district court in D.C. [found](#) that the Department of Education's three delays of the [Borrower Defense Rule](#) were illegal.



30 *Ramos v. Nielsen*, 336 F. Supp. 3d 1075 (N.D. Cal. 2018), appeal filed (9th Cir. 18-16981).

Oct. 3, 2018: A federal district court in California [enjoined](#) the Department of Homeland Security's decision to terminate Temporary Protected Status for individuals from Haiti, Sudan, Nicaragua, and El Salvador after finding that plaintiffs were likely to succeed in proving that the agency violated the Administrative Procedure Act.



31 *Paralyzed Veterans of America, Inc. v. U.S. Department of Transportation*, Nos. 17-1272, 18-5016 (D.C. Cir.)

October 23, 2018: The Department of Transportation (DOT) [announced](#) that airlines should comply with the [Reporting Rule](#), a rule designed to make air travel safer and easier for passengers with disabilities, after the Paralyzed Veterans of America filed a [lawsuit](#), challenging DOT's unlawful decision to [delay](#) implementation of the rule.



32 *Oceana, Inc. v. Ross*, No. 17-cv-05146, 2018 U.S. Dist. LEXIS 185369, *14 (C.D. Cal. Oct. 24, 2018)

October 24, 2018: A federal district court in California [held](#) that federal defendants' decision to [withdraw a proposed regulation](#) protecting fish species from inadvertent death or injury through gillnets was arbitrary and capricious.



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- 33 *Regents of the University of California v. U.S. Department of Homeland Security*, 908 F.3d 476 (9th Cir. 2018)



November 8, 2018: A federal appeals court affirmed a decision enjoining the Department of Homeland Security's rescission of Deferred Action for Childhood Arrivals (DACA) on the grounds that plaintiffs were likely to succeed in demonstrating that the rescission was arbitrary and capricious. A different federal district court separately enjoined the rescission. *Batalla Vidal v. Nielsen*, 279 F. Supp. 3d 401, 429 (E.D.N.Y. 2018). Another court vacated the rescission. *National Association for the Advancement of Colored People v. Trump*, 315 F. Supp. 3d 457, 461 (D.D.C. 2018). A third district court denied a motion to enjoin the rescission, but the rescission remains enjoined given the multiple decisions ruling against the agency. See *Casa De Maryland v. U.S. Department of Homeland Security*, 284 F. Supp. 3d 758, 779 (D. Md. 2018)

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- 34 *State of California, et al. v. Alex M. Azar*, No. 17-5783, 2019 WL 178555 (N.D. Cal. Jan. 13, 2019)



January 13, 2019: A federal district court entered a non-nationwide preliminary injunction enjoining enforcement of two rules that would have allowed more employers to claim exemptions from the requirement that their health plans cover contraceptive services at no cost under the Affordable Care Act. The court held that plaintiffs were likely to succeed at showing that the new rules were not in accordance with the Affordable Care Act and thus violated the Administrative Procedure Act. Another federal district court in Pennsylvania blocked the suspensions on a nationwide basis. The two new rules had replaced a rule that had previously been enjoined (see above, entry # 11).

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- 35 *Organic Trade Association v. Department of Agriculture*, No. 17-1875, 2019 WL 954774, at *1 (D.D.C. Feb. 27, 2019)



February 27, 2019: A federal district court in D.C. held that plaintiffs' challenges to three delays of a rule governing the certification of livestock as "organic" were moot because the agency had since repealed the organics rule.

National Women's Law Center v. Office of Management and Budget, No. 17-02458, 2019 WL 1025867, at *16 (D.D.C. March 4, 2019).



Mar. 4, 2019: A federal district court in DC [vacated](#) the Office of Management and Budget's (OMB) [stay](#) of the Equal Employment Opportunity Commission's 2016 wage discrimination data collection effort for failure to comply with OMB's own regulations.

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1. The Institute for Policy Integrity has filed amicus briefs in several of the cases discussed in this Roundup. Policy Integrity did not represent any of the parties.
 2. At times, advocates have brought lawsuits over a single deregulatory action in multiple different courts. The Roundup combines decisions from different courts regarding the same deregulatory action in a single entry.
 3. Some rules that went back into effect were later repealed or further suspended by the relevant agency. Brookings [tracks](#) rulemaking activity on that front.
 4. If and when a ruling vacating or enjoining a deregulatory action is not nationwide, that will be addressed in the chart.

This Roundup includes outcomes of all cases of which we are aware and is continually updated with newly decided cases as well as new information and analysis.

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