

## Attorneys General Key Players As States Chime in on Federal Policy

**A**cross the country, Democratic state attorneys general have made it clear that they intend to resist the Trump administration's efforts to roll back environmental regulations. Meanwhile, Republican AGs have stepped up their support of the president's deregulatory agenda. The efforts reflect the partisan divide — and the high-profile role that state attorneys general now play in environmental protection.

Evidencing a trend that gained momentum in the Obama years, during which Republican AGs challenged key environmental initiatives, the Democratic Attorneys General Association web site claims in no uncertain terms that they are “the first line of defense against the new administration.” In fact, almost all of the 20 Democratic AGs are taking this role seriously, making public statements, sending letters to officials, and bringing or threatening legal actions to stop the administration's initiatives related to a wide range of environmental programs. And, on several key issues, many of the 27 Republican AGs are weighing in as well.

Seventeen AGs issued a statement opposing an executive order aimed at abandoning EPA's Clean Power Plan, emphasizing that they would “aggressively” oppose in court efforts that are “unlawful” and “ignore the threat of climate change.” The Republican Attorneys General Association issued a statement in support of the order, touting their prior CPP litigation successes. Earlier, 24 Republican AGs had outlined for the president-elect the steps to withdraw the CPP regulations, which would limit emissions of carbon dioxide from power plants.

Fourteen AGs, led by Maryland, wrote the president urging him “in

the strongest terms” to support the Paris Agreement limiting temperature increases due to climate change, and emphasizing that they would continue “rigorous enforcement of environmental laws in their states as the harmful environmental impacts of climate change continue to escalate.” Subsequently, 10 Republican AGs wrote the president arguing for withdrawal from the Paris Agreement.

Four attorneys general filed a federal court action challenging under the National Environmental Policy Act the administration's removal of a coal lease moratorium that had been imposed, in part, to allow for environmental review.

Seven AGs filed a motion to intervene in a law suit in order to defend the Department of Energy's regulations on energy-saving light bulbs. In addition, nine AGs filed a petition in federal court challenging the delay in issuing ceiling fan standards, and 10 filed a notice of intent to sue over five other efficiency standards.

Washington State and New Mexico AGs sent separate letters to the secretary of the interior contesting an executive order-mandated review of certain National Monument designations. The former's letter asserts, “If the president seeks to do harm to Washington's National Monuments by eliminating or reducing them, my office will initiate litigation to defend them.”

Nine attorneys general led by California objected to EPA's withdrawal of an oil and gas industry Information Collection Request on methane emissions, which have a large impact on global warming. Nine AGs led by Texas had previously asked the administrator to rescind the ICR, in part, because it supported the

**Democratic AGs have united to oppose Trump, and Republican AGs are defending his policies**



**Linda K. Breggin** is a senior attorney in ELI's Center for State and Local Environmental Programs. She can be reached at [breggin@eli.org](mailto:breggin@eli.org).

Obama administration's “onerous requirements on industry to reduce emissions of greenhouse gases.”

A coalition of 16 attorneys general led by New York wrote to leaders of key congressional committees setting out their opposition to the Ozone Standards Implementation Act of 2017, which would delay the EPA ozone standards set in 2015, and noting that the legislation marked a “major step backward in combating pollution.”

A group of six AGs led by New York issued a statement opposing an executive order that requires agency review of the rule that addresses the regulatory reach of the Clean Water Act — the so-called Waters of the United States rule — and emphasizing that they would oppose actions that “both ignore the law and the public's paramount need for clean water.” The Republican Attorneys General Association issued a statement in support of the executive order, calling it a “significant step toward rolling back Obama-era regulatory overreach.”

To be sure, not all attorneys general have entered the fray and some — most notably California and New York — are more engaged in environmental protection efforts than others. Nevertheless, it is a safe bet that many state AGs will be vigorously engaged in countering or defending environmental deregulation initiatives for the duration of the Trump administration.