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United States
Environment

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This country-specific Q&A provides an overview of environment laws and regulations applicable in United States.

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United States: Environment

1. What is the environmental framework and the key pieces of environmental legislation in your jurisdiction?

Congress enacts statutes that apply nationwide at a federal level. The Executive Branch of the federal government, primarily through the United States Environmental Protection Agency (EPA), enforces those federal laws and promulgates (and enforces) regulations pursuant to those laws. Individual states, municipalities, and tribal jurisdictions also may enact their own laws and regulations. In assessing environmental issues in the United States, it is important to consider federal, state, and local laws and regulations, how they fit together, and—in some cases—whether the federal laws pre-empt the state and local laws.

The primary federal laws are the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); the Safe Drinking Water Act (SDWA); the Clean Air Act (CAA); the Clean Water Act (CWA); the Endangered Species Act; the Oil Pollution Act; the National Environmental Policy Act (NEPA); the Resource Conservation and Recovery Act (RCRA); and the Toxic Substances Control Act (TSCA). Generally, states, local, and tribal authorities can enact laws and regulations that are stricter than the requirements of federal laws, but they must not conflict with the purposes of those laws. Where such conflict arises, the federal laws will typically (but not always) pre-empt the other laws.

2. Who are the primary environmental regulatory authorities in your jurisdiction? To what extent do they enforce environmental requirements?

The EPA is the primary environmental regulatory authority in the United States. It is an independent agency of the Executive Branch of the federal government, serving under and at the direction of the President of the United States. The EPA is represented in legal matters by its own counsel and/or the United States Department of Justice. The Army Corps of Engineers retains regulatory authority over the waters of the United States, although what constitutes "waters of the United States" is often a contested legal issue. The Fish and Wildlife Service is the regulatory authority over fish, wildlife, endangered species, and natural habitats. There are also federal agencies that regulate specific locales (e.g., the National Park Service for national parks and monuments). Most states have agencies that generally mirror the responsibilities of these federal authorities. It is not uncommon for federal and state regulatory agencies to work together on environmental issues.

3. What is the framework for the environmental permitting regime in your jurisdiction?

Environmental permitting in the United States is organized under specific statutes and regulations. Environmental permits are typically issued by the EPA, state regulators, local regulators, or tribal authorities. Permits generally are required for a wide array of activities, including without limitation the construction, development, and operation of facilities or structures; the discharge or emission of certain hazardous materials into the environment; and the storage, management, transportation, and disposal of hazardous materials.

4. Can environmental permits be transferred between entities in your jurisdiction? If so, what is the process for transferring?

Generally, environmental permits can be transferred between entities, but the requirements for doing so often vary by jurisdiction and the circumstances of the transfer, including the type of transaction. Some permits can be transferred by providing notice to the issuing authority, while others require approval of such authorities before the transfer can be effectuated. In some limited instances, transfer of environmental permits may not be possible, and an entity may be required to apply for and obtain a new permit.

5. What rights of appeal are there against regulators with regards to decisions to grant environmental permits?

The appealability of a permitting decision often hinges on whether that decision is a final agency action. If final, the decision typically can be appealed. Often, the EPA and many other regulatory authorities require that challenges to permitting decisions be first filed in an independent intra-agency forum. Should those challenges be unsuccessful, the challenging party usually may appeal to

federal or state court or to an administrative law judge.

6. Are environmental impact assessments (EIAs) for certain projects required in your jurisdiction? If so, what are the main elements of EIAs (including any considerations in relation to biodiversity or GHG emissions) and to what extent can EIAs be challenged?

When a federal agency develops a proposal to take a 'major' federal action (as interpreted by statute, regulations, and case law), that action must comply with the NEPA. NEPA requires the preparation of an Environmental Assessment (EA), which includes a discussion of the potential environmental impacts of both the proposed action and any alternatives. If significant environmental impacts are anticipated, the agency must then prepare an Environmental Impact Statement (EIS). An EIS includes, among other things, (1) a purpose and need statement; (2) a discussion of reasonable alternatives to the proposed action; (3) the environmental consequences of the proposed action; and (4) a summary of information submitted by commenters on the proposed action. The EIS process ends with the issuance of a record of decision, which explains the federal agency's decision on the proposed action.

On July 3, 2025, relying on an executive order directing the Council on Environmental Quality to rescind certain NEPA regulations, as well as Seven County Infrastructure Coal v. Eagle County., Colorado, 605 U.S. 168 (2025) (holding that courts must give substantial deference to the agency's determinations in reviewing a NEPA EIS), several federal agencies updated their NEPA implementing regulations to narrow the scope of activities and impacts considered in environmental reviews. Many states have their own laws surrounding environmental impact assessments. With the advent of environmental justice, some states have enacted or are in the process of enacting laws requiring detailed environmental impact assessments for certain projects or decisions in overburdened or disadvantaged communities.

Federal and state agency EA and EIS decisions can often be challenged in court after exhausting any administrative remedies available.

7. What is the framework for determining and allocating liability for contamination of soil and groundwater in your jurisdiction, and what are the applicable regulatory regimes?

CERCLA, also known as the Superfund law, creates the federal liability regime for the investigation and remediation of soil and groundwater. It imposes strict liability on four categories of potentially responsible parties (PRPs): current owners/operators of a site, former owners/operators at the time hazardous substances were disposed of at the site, parties that arranged for the disposal or treatment of hazardous substances at the time, and parties that transported hazardous substances to the site for disposal or treatment. Similar liability regimes have been enacted in the individual states.

Generally, after assessing the environmental risk at a site, the federal government can decide to add the site to the National Priorities List and will send notice letters to PRPs regarding potential liability for site response costs. A PRP's liability to the federal government is typically joint and several, which means that a PRP may be liable for a disproportionate share of liability relative to its individual contribution to the contamination at issue. CERCLA provides mechanisms for such parties to sue other PRPs to recoup costs exceeding their fair share of liability, known as a contribution action. In contribution actions, and often in mediation proceedings, liability between PRPs generally reflects a PRP's pro-rata share of the contamination at issue, but may also be determined by other equitable principles, taking into consideration legal standards and technical factors.

In addition to investigation and remediation costs, CERCLA and similar state laws also authorize claims for certain designated trustees to recover for damages to natural resources caused by hazardous substances.

8. Under what circumstances is there a positive obligation to investigate land for potential soil and groundwater contamination? Is there a positive obligation to provide any investigative reports to regulatory authorities?

At the federal level, CERCLA and the Emergency Planning and Community Right-to-Know Act require reporting to authorities of releases of certain quantities of hazardous substances. Following a verified release of a hazardous substance, CERCLA requires a preliminary assessment and site investigation to determine if further investigation is needed. If so, the PRP must perform a remedial investigation and eventually assess the need for a remedial action.

Some states, including New Jersey and Connecticut, have

enacted laws imposing a positive obligation to investigate a property in connection with certain real estate and corporate transactions, which includes reporting requirements.

9. If land is found to be contaminated, or pollutants are discovered to be migrating to neighbouring land, is there a duty to report this contamination to relevant authorities?

Yes; see the prior answer. While this requirement generally falls on the responsible party, some states have enacted laws imposing reporting obligations on other individuals, including environmental professionals.

10. Does the owner of land that is affected by historical contamination have a private right of action against a previous owner of the land when that previous owner caused the contamination?

Under certain circumstances, yes. However, unless specific criteria are met for CERCLA and state-level statutory defenses, the owner may also be liable for the investigation and remediation costs as the current owner of the affected land. In such circumstances, an allocation of liability between the current and former owner/operator may be necessary.

11. What are the key laws and controls governing the regulatory regime for waste in your jurisdiction?

RCRA is the main federal law governing the storage, handling, and disposal of hazardous waste. CERCLA provides the liability regime for hazardous substances that reach, or threaten to reach, the environment. Other federal laws and regulations governing waste disposal include the CAA, CWA, Nuclear Waste Policy Act, Low-Level Radioactive Waste Policy Act, SDWA, and Hazardous Materials Transportation Act. Most states have their own laws and regulations on waste disposal. Generally, entities handling, disposing of, or transporting waste in the United States will require some type of approval or permit from the relevant authorities.

12. Do producers of waste retain any liabilities in respect of the waste after having transferred it to another person for treatment or disposal off-site (e.g. if the other person goes bankrupt or does not properly handle or dispose of the waste)?

Under both CERCLA and RCRA, a transporter, handler, producer, and/or disposer of waste can retain full liability for such waste even after disposal off-site. Subject to certain exceptions, CERCLA imposes strict, joint and several liability on parties that arrange for the disposal of or transport hazardous substances. Under RCRA, a hazardous waste generator is responsible from the point of hazardous waste generation to the point of final disposal or destruction, even if the waste is transferred to another party for off-site disposal. Many state laws impose similar strict, joint and several liability for the transportation and disposal of hazardous waste. The regulatory agencies also often have broad authority to restrain a waste handler/disposer/transporter that is not performing its activities in compliance with law.

13. To what extent do producers of certain products (e.g. packaging/electronic devices) have obligations regarding the take-back of waste?

There are a wide array of programs in the United States that permit producers to take back used products for recycling or reuse. Federal laws generally do not require producers to take back such products, although some states and local authorities have enacted their own take-back regulations. Further, some authorities indirectly encourage such activities by enacting laws that require the use of recycled material in products and packaging.

14. What are the duties of owners/occupiers of premises in relation to asbestos, or other deleterious materials, found on their land and in their buildings?

The federal Occupational Safety and Health Administration has promulgated regulations to protect workers from the hazards of asbestos. Those regulations include a permissible exposure limit, monitoring requirements, protective equipment standards, workplace training, medical surveillance, and recordkeeping obligations. The Asbestos Hazard Emergency Response Act requires local educational agencies to inspect schools for asbestos-containing materials (ACM) and to prevent or reduce such hazards. Many states and local municipalities have their own regulations for managing and remediating asbestos and ACM. Owners/occupiers may also voluntarily address asbestos or other deleterious materials to avoid human health and safety hazards and associated potential liabilities.

15. Please outline any regulatory initiatives in your jurisdiction regarding the restriction, prohibition, requirement to monitor or similar as regards PFAS.

Regulation of per- and polyfluoroalkyl substances (PFAS) in the United States varies from state to state and as between the states and the federal government.

At the federal level, in April 2024, EPA took two significant actions. First, it designated two PFAS compounds as "hazardous substances" under CERCLA: PFOA and PFOS. That designation triggers federal release reporting requirements and expands CERCLA cleanup and cost recovery liability to include contamination of these two PFAS compounds. It was anticipated that EPA would designate additional PFAS compounds as "hazardous substances" under CERCLA, but EPA has not yet done so.

Second, EPA set enforceable national drinking water standards, also known as Maximum Contaminant Levels (MCLs), for six PFAS compounds (PFOA, PFOS, PFHxS, PFNA, HFPO-DA, also known as GenX, and PFBS). But in May 2025, EPA announced its intent to rescind the MCLs for four of those PFAS and retain only PFOA and PFOS. With applicable MCLs, public water systems are required to monitor for PFOA and PFOS and, where necessary, implement water treatment technology.

Separately, under EPA's Fifth Unregulated Contaminant Monitoring Rule (UCMR), public water systems were required to monitor for 29 PFAS compounds during the 2023-2025 monitoring cycle and publish the results. As of January 2026, it is unclear which PFAS, if any, will be included in EPA's Sixth UCMR.

Also, in October 2023, EPA finalized a TSCA reporting rule for PFAS, which would require entities that have manufactured PFAS in, or imported PFAS to, the United States any time since January 1, 2011, to submit detailed information to EPA on PFAS uses, production volumes, disposal practices, exposures, and hazards. The deadline for PFAS reporting has since been extended on several occasions, and in November 2025, EPA proposed amendments that would narrow the scope of the reporting requirements.

Finally, in February 2024, EPA proposed a rule that would list nine PFAS as RCRA "hazardous constituents." EPA expects to publish the final rule in April 2026.

Certain states have also enacted their own PFAS laws and regulations, which cover, among other things, the use of PFAS in consumer products, PFAS monitoring, PFAS cleanups, and PFAS in drinking water. But the breadth of state-level PFAS regulation and enforcement differs greatly and should be researched depending on the state at issue.

16. To what extent are product regulations (e.g. REACH, CLP, TSCA and equivalent regimes) applicable in your jurisdiction? Provide a short, high-level summary of the relevant provisions.

Under TSCA, EPA has issued requirements concerning the manufacturing (including importing), reporting, recordkeeping, use, and testing of chemical substances and/or mixtures. States may have their own similar regulations, such as California's Proposition 65, which requires businesses to provide warnings about significant exposures to chemicals that can cause cancer, birth defects, or other reproductive harm. Other states are beginning to enact similar laws or regulations, including with respect to per- and polyfluoroalkyl substances (PFAS).

17. What provisions are there concerning energy efficiency (e.g. energy efficiency auditing requirements) in your jurisdiction?

Generally, energy efficiency audits are not required in the United States. However, the federal government and some states have established minimum efficiency standards for certain home appliances (i.e., refrigerators and washing machines). Certain programs, like EnergyStar, are designed to encourage manufacturers to comply with energy efficiency standards by allowing them to use certain branding on their products. Additionally, some commercial and/or residential construction codes require certain performance benchmarks for the design, materials, and equipment used in new construction and renovations. And some states are passing laws requiring energy conservation by expanding existing energy efficiency resource standards for utilities. Alternative forms of energy are also being explored and implemented throughout the United States, including inland and offshore wind farms.

In 2025, the current administration rolled back federal incentives for certain renewable energies, while also introducing a federal policy to reinvigorate the United States' nuclear industrial base.

18. What are the key policies, principles, targets, and laws relating to the reduction of greenhouse

gas emissions (e.g. emissions trading schemes) and the increase of the use of renewable energy (such as wind power) in your jurisdiction?

The CAA is the primary federal law regulating air pollution in the United States. In 2007, the Supreme Court, in Massachusetts v. EPA, 549 U.S. 497 (2007), empowered the EPA to regulate certain greenhouse gas (GHG) emissions. The EPA regulates GHGs from newly constructed stationary sources (e.g., power plants and industrial facilities) or existing sources that undergo major upgrades or modifications through the establishment of New Source Performance Standards. Under the CAA, states are typically delegated the authority to set the enforceable rules governing existing sources, but the EPA establishes emissions limits with which existing sources must comply. In 2022, the Supreme Court in West Viginia v. EPA, 597 U.S. 697 (2022), limited the EPA's options for regulating GHG emissions by prohibiting the EPA from requiring power plants to shift electricity production from high-GHG emitting to lower-GHG emitting energy sources. In response to the Supreme Court's decision, in May 2024, the EPA finalized rules that set carbon dioxide limits for certain fossil-fuel-fired power plants and guidelines for existing coal, oil, and gas-fired power plants. However, in June 2025, President Trump's EPA proposed a rule repealing all GHG emissions standards for fossil-fuel-fired power plants. The EPA is expected to publish its final rule in 2026.

Under the Biden Administration, the federal government enacted several incentives to promote clean and renewable energy to address climate change concerns. But, as noted above, the Trump Administration has pushed to deprioritize renewable energy spending. Correspondingly, the EPA terminated $20 billion in Greenhouse Gas Reduction Fund funding and the $7 billion Solar for All Program.

As of 2025, approximately 30 states, including the District of Columbia, have a Renewable Portfolio Standard, which requires electric utilities in those jurisdictions to supply a specified minimum percentage of renewable electricity. In addition, eleven states in the northeastern United States participate in the Regional Greenhouse Gas Initiative, the first market-based GHG emissions cap-and-trade regional initiative. California's GHG emissions cap-and-trade program primarily applies to large GHG emitters, including industrial facilities, electricity generators, natural gas suppliers, and transportation fuel suppliers and aims to reduce carbon dioxide emissions by setting a limit on total emissions and requiring covered entities to either reduce emissions, obtain allowances to cover their emissions, and/or purchase offsets.

19. Does your jurisdiction have an overarching "net zero" or low-carbon target and, if so, what legal measures have been implemented in order to achieve this target.

In 2021, the Biden Administration set a goal of achieving a carbon pollution-free power sector by 2035 and a net-zero GHG emissions economy no later than 2050. To help streamline the 2050 net-zero goal, in December 2024, the Biden Administration announced a new climate target for the United States: a 61-66 percent reduction in economy-wide net GHG emissions from 2005 levels by 2035. But on January 20, 2025, President Trump signed an executive order rescinding the Biden Administration's net-zero policy. As of early 2026, no new net-zero policy has been implemented.

20. To what extent does your jurisdiction regulate the ability for products or companies to be referred to as "green", "sustainable" or similar terms? Who are the regulators in relation to greenwashing allegations?

In the United States, statements referring to products or companies as 'sustainable,' 'green,' and similar terms are subject to the Federal Trade Commission's (FTC) Green Guides, which are meant to ensure that environmental and sustainability claims are truthful and non-deceptive. Some states, including Rhode Island and Maine, have incorporated the Green Guides by reference into state law. California has enacted statutes containing their own environmental marketing guidelines while also incorporating the Green Guides. The FTC requires all marketing claims be substantiated and supported by reliable scientific evidence. In addition, companies making false and/or unsupportable environmental or sustainability claims may be subject to consumer fraud lawsuits or administrative enforcement action.

21. Are there any specific arrangements in relation to anti-trust matters and climate change issues?

Federal antitrust laws in the United States do not exempt climate-related activities. As a result, climate-related collaborations may give rise to antitrust concerns, including agency enforcement and litigation. As an example, under the auspices of antitrust laws, the Trump Administration is expected to increase enforcement

against companies working together to promote ESG initiatives. Generally, however, it is anticipated that, under the second Trump Administration, the antitrust enforcement practice may be reduced.

22. Have there been any notable court judgments in relation to climate change litigation over the past three years?

Over the past three years, there has been an increasing number of climate change-related legal proceedings in the United States. As of 2025, nearly 2,000 such cases have been filed. Climate change litigation in the United States includes (1) federal statutory claims under the CAA, Endangered Species Act, CWA, Freedom of Information Act (FOIA), and NEPA; (2) claims under the United States Constitution; (3) state law claims; (4) common law claims; (5) public trust claims; and (6) securities and financial regulation claims, among others.

On January 13, 2025, the United States Supreme Court declined to hear two cases, Sunoco LP v. Honolulu, 537 P.3d 1173 (Haw. 2023), cert. denied, __ S. Ct. __ (Jan. 13, 2025) and Shell PLC v. Honolulu, 537 P.3d 1173 (Haw. 2023), cert. denied, __ S. Ct. __ (Jan. 13, 2025), in which fossil fuel companies sought review of the Hawaii Supreme Court's decision allowing the City and County of Honolulu to proceed with climate-based claims against fossil fuel industry defendants. In December 2024, the United States Solicitor General submitted a brief to the Supreme Court expressing the United States' view that the Court should not hear those cases because, among other reasons, the Hawaii Supreme Court correctly determined that the CAA did not pre-empt Honolulu's climate-based claims.

On December 18, 2024 in Held v. State, 419 Mont. 403 (2024), the Montana Supreme Court held that a climate change exception provision in the Montana Environmental Policy Act, which restricted consideration of GHG emissions and corresponding climate change impacts in environmental reviews, violated the youth plaintiffs' rights to a clean and healthful environment under the Montana Constitution. The Montana Supreme Court found that a stable climate system was clearly within the Montana Constitution's right to a clean and healthful environment and that the plaintiffs showed that GHG emissions are drastically altering and degrading Montana's climate and natural resources.

Climate change law and policy in the United States is continuing to evolve and may change dramatically during the second Trump Administration.

23. In light of the commitments of your jurisdiction that have been made (whether at international treaty meetings or more generally), do you expect there to be substantial legislative change or reform in the relation to climate change in the near future?

The second Trump Administration has taken several steps to rescind or rollback Biden-era climate policy, including executive orders that incentivize coal, oil, and gas production through deregulation, withdraw the United States the from Paris Climate Agreement, and slow renewable energy development. These and similar climate reforms are expected to continue during President Trump's second term.

24. To what extent can the following persons be held liable for breaches of environmental law and/or pollution caused by a company: (a) the company itself; (b) the shareholders of the company; (c) the directors of the company; (d) a parent company; (e) entities (e.g. banks) that have lent money to the company; and (f) any other entities?

Generally, the United States has adopted a 'polluter pays' approach. As a result, companies and their successors are liable for violations of environmental law, including their own pollution. Shareholders and directors may also be liable to the extent they participated in the liability-creating conduct or exercised control over the operations or decisions of the company that caused the violation or contamination; this is referred to as the 'responsible corporate officer' doctrine. A parent company may also be directly liable if it managed, directed, or controlled activities that caused contamination. Liability can also flow vertically and temporally to parent, successor, and predecessor companies through common law doctrines such as piercing the corporate veil, de facto merger, and corporate successorship.

Banks holding mortgages on a property are generally exempt from liability if certain criteria are met. However, banks can be liable when foreclosing on a contaminated property and where they fail to divest the property at the earliest practicable, commercially reasonable time, on commercially reasonable terms. Banks, like shareholders and directors, may also be liable if they exercise decision-making control over a property's environmental compliance or exercise control similar to a manager of a facility or property.

25. To what extent can: (a) a buyer assume any pre-acquisition environmental liabilities in an asset sale/share sale; and (b) a seller retain any environmental liabilities after an asset sale/share sale in your jurisdiction?

Sellers and buyers allocate liability between themselves through contract negotiations, but such allocation is only binding on the parties to that agreement. Generally, there are no limits on the ability of parties to negotiate the allocation of environmental liabilities. Under corporate law, pre-acquisition liabilities typically remain with the entity being acquired in a share sale or merger. But a buyer in an asset sale may avoid assuming pre-acquisition liabilities if the contract governing the sale does not clearly allocate those liabilities to buyer.

26. What duties to disclose environmental information does a seller have in a transaction? Is environmental due diligence commonplace in your jurisdiction?

Environmental diligence for transactions is standard practice in the United States. While it can vary state-to-state, diligence typically takes the form of a Phase I and/or Phase II environmental site assessment, the requirements for which are promulgated by an independent standards organization. It is also common for states to require sellers to disclose the existence of certain environmental conditions when selling a property, including, but not limited to, asbestos, polychlorinated biphenyls, radon, lead paint, underground tanks, mold, hazardous substances, and more. Failure to disclose such conditions could result in a fraud and/or breach of contract lawsuit. Environmental diligence is also a standard element of trying to secure an innocent purchaser defense to contamination liability under state and federal law.

27. What environmental risks can be covered by insurance in your jurisdiction, and what types of environmental insurance policy are commonly available? Is environmental insurance regularly obtained in practice?

Environmental insurance is standard in the United States. While there are many different types of environmental insurance products available, the most common are: (1) Pollution Legal Liability insurance, which covers businesses in the event of pollution that causes bodily injury, property damage, or clean-up costs; (2) Cost Cap insurance, which protects against cost overruns in contamination cleanup projects; (3) Contractor's Pollution Liability insurance, which covers pollution liability associated with contractor's operations; and (4) Underground Storage Tank insurance, which protects against unforeseen cleanup costs relating to underground storage tanks. Property owners can also pursue Environmental Liability Buyouts, which involve a specialty company assuming the cleanup and closure risk in exchange for payment. However, environmental insurance policies in the United States typically include an array of policy limits and exclusions, including for PFAS, and must be reviewed and negotiated carefully. Certain risks either cannot or likely will not be insured in the United States, including for instance intentional misconduct or criminal liability.

28. To what extent are there public registers of environmental information kept by public authorities in your jurisdiction? If so, what is the process by which parties can access this information?

Many federal and state environmental statutes require the regulated community to submit additional information and reports, much of which is made publicly available. For example, the EPA collects: (1) air quality data from stationary and mobile sources; (2) basic exposure-related information of chemicals produced domestically and imported into the United States under the TSCA's Chemical Data Reporting rule; (3) geospatial data to help search environmental issues affecting local communities; (4) Superfund site location and data reports; and (5) water quality data. The EPA's Enforcement and Compliance History Online database allows the public to search facilities and assess their compliance with environmental regulations. To the extent certain information is not maintained on a publicly available database, FOIA and state corollaries grant any person the right to request certain records from a federal or state agency.

29. To what extent is there a requirement on public bodies in your jurisdiction to disclose environmental information to parties that request it?

The federal Freedom of Information Act (FOIA) and state corollaries generally grant any person, United States citizen or not, including businesses and organizations, the right to request information in possession of the federal government or its agencies. There are several

exemptions to FOIA and similar state statutes, including trade secrets and proprietary commercial or financial business information.

30. Have there been any significant updates in environmental law in your jurisdiction in the past three years? Are there any material proposals for significant updates or reforms in the near future?

In June 2024, the United States Supreme Court overruled Chevron v. NRDC, 467 U.S. 837 (1984), in a case called Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024). Under Chevron, courts deferred to a federal agency's permissible interpretation of statutes where the statute was silent or ambiguous on an issue. Loper Bright overruled that framework and required courts to exercise their independent judgment to determine whether an agency acted within its statutory authority. It is likely that Loper Bright will increase and strengthen legal challenges to agency actions.

As referenced above, in May 2025, in Seven County Infrastructure Coal, 605 U.S. at 168, the United States Supreme Court held that courts must defer to federal agency decision-making under NEPA. In that the decision, the Supreme Court also limited an agency's environmental review to the specific project at issue.

In January 2025, Donald Trump was sworn in as the 47th President of the United States. As discussed above, the second Trump Administration has implemented several significant changes to environmental law in the United States, including a rollback of Biden-era climate policies, reduction of federal environmental enforcement, removal of regulatory barriers for the coal, oil, and gas industries, and reinvigoration of the United States nuclear sector. These trends are expected to continue throughout President Trump's second term. With a reduction of environmental regulations and enforcement at the federal level, an increase in state and local environmental activity is expected.

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