

Environmental and Energy Executive Orders: Initial Insights and What We're Watching

By Carrie Jenks and Sara Dewey

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In this explainer we offer our initial insights on the Trump administration's environmental and energy executive orders. Most of the actions directed by these orders do not have immediate effects but instead instruct federal agencies to take steps to implement them. In executing the president's directives, agencies must comply with the Administrative Procedure Act and other applicable laws. Additional executive orders and recent actions by the Trump administration that concern the civil service and the regulatory process may significantly affect environmental law. We will address those orders and actions as relevant in future analyses.

On January 20, 2025, President Trump signed a series of executive orders (EOs or orders), including several related to the environment and energy. The five EOs directly addressing environment and energy policies make clear that, as expected, the administration is focused on promoting domestic fossil energy production and rolling back regulations that the administration views as inconsistent with that objective, including climate rules.

The five EOs we focus on announce a national energy emergency declaration,¹ intend to bolster domestic oil and gas production,² withdraw the US from the Paris climate agreement,³ promote energy development in Alaska,⁴ and pause offshore wind development and onshore and offshore wind projects.⁵ Two additional EOs revoke all preexisting mandates directing agencies to advance environmental justice (EJ) and require agencies to terminate all offices dedicated to EJ or "equity."⁶

Incoming administrations use executive orders to signal political objectives and direct federal agencies to undertake actions to achieve those priorities. The focus of the EOs—rolling back clean energy development, supporting fossil-fuel energy production, and eliminating EJ offices—were expected and consistent with President Trump's campaign rhetoric. Most of the actions directed by the EOs will now require federal agencies to take steps, consistent with the Administrative Procedure Act and applicable statutes, to implement them.

The broad scope of the directives and the specific purpose and policies of the environmental and energy related EOs raise a host of questions including the degree to which the

¹ [Declaring a National Energy Emergency](#)

² [Unleashing American Energy](#)

³ [Putting America First In International Environmental Agreements](#)

⁴ [Unleashing Alaska's Extraordinary Resource Potential](#)

⁵ [Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects](#)

⁶ [Ending Illegal Discrimination and Restoring Merit-Based Opportunity; Ending Radical And Wasteful Government DEI Programs And Preferencing](#)

administration may try to adopt legal arguments and strategies that are significantly more aggressive than those used in the prior Trump administration. It is also unclear how energy markets and businesses will respond to these policy objectives and to the legal uncertainty they bring.

In this explainer, we offer our initial observations on these EOs and highlight what we will be watching as the administration takes steps to implement them. We will update our [Regulatory Tracker](#) and [Environmental Justice Tracker](#) and provide additional analysis as the agencies start to implement these directives and more EOs are issued.

Environmental and Energy Executive Orders: Initial Insights and What We’re Watching

Declaring an Energy Emergency. This EO declares a national energy emergency under the National Emergencies Act (NEA), explaining that the US energy supply is “far too inadequate” and citing economic and national security concerns.⁷ The language of the EO triggers the NEA’s procedural requirements for a president’s exercise of emergency powers, including naming the specific statutory authorities he intends to rely on to address the emergency. This order lists several statutes including the Clean Water Act, the Endangered Species Act, and the Defense Production Act and directs agencies to evaluate their legal authority to respond to the emergency by facilitating increased domestic fossil energy production. Here are some areas we will be watching:

- This EO and others ignore important facts regarding US domestic energy production. For example, while the EOs claim that the Biden administration hamstrung the industry through overregulation, they fail to note that a historic number of leases were approved for oil drilling in the US in 2023.⁸ US oil and natural gas production also reached record highs in 2022.⁹ The US is the world’s largest producer of crude oil with the highest level of refining capacity, producing a world-record-breaking average 12.9 million barrels per day in 2023,¹⁰ and the largest exporter of LNG, with

⁷ The NEA, passed in 1976 to limit presidential emergency powers, imposes a process for the president to declare national emergencies, limits their duration, and creates mechanisms for Congressional oversight. While the statute does not define “national emergency,” it requires the president to identify the statutory authorities on which the emergency declaration will rely; publish the proclamation of a national emergency in the Federal Register as well as transmitting it to Congress; record and transmit to Congress the regulations the administration promulgates in carrying out the authorities; and update Congress about the expenditures directly related to the exercise of those authorities. 50 U.S.C. §§1601-1651.

⁸ Ben Lefebvre, Biden administration oil drilling permits outpace Trump, E&E News (Jan. 2024), <https://subscriber.politicopro.com/article/eenews/2024/01/30/biden-administration-oil-drilling-permits-outpace-trump-ee-00138376>.

⁹ See Congressional Research Service, US Energy Supply and Use (2024), <https://crsreports.congress.gov/product/pdf/R/R47980>.

¹⁰ See EIA, United States produces more crude oil than any country, ever (2024), <https://www.eia.gov/todayinenergy/detail.php?id=61545>; Congressional Research Service, United States Oil (2024), <https://crsreports.congress.gov/product/pdf/IG/IG10051>.

an average export volume of 11.9 billion cubic feet per day in 2023.¹¹ These facts do not support the declaration of an energy “emergency.”

- Given the historic volumes of US oil and gas in recent years, it is unclear how oil and gas producers will respond to this call for increased production, which could affect global oil prices.
- The EO focuses on the Northeast and West Coast as areas where “state and local policies jeopardize our Nation’s core national defense and security needs, and devastate the prosperity of not only local residents but the entire United States population.” The order’s focus on these two regions suggests the administration may intend to target states with clean energy policies the administration opposes, instead of focusing on reliability risks across the country.¹² It will be important to watch for tensions that may arise with the broader support for state sovereignty and authority of states to regulate their own energy sources.

We expect each step agencies take using any emergency authority will be subject to legal challenges.

Unleashing American Energy. This EO outlines a series of policy priorities including increasing domestic fossil energy and critical minerals production. The order requires agencies to review existing regulations and then suspend, revise, or rescind any that are identified as barriers to domestic energy development. It also rescinds several Biden-era orders related to energy and climate policy, calls for reforms to the permitting process, directs expedited review of liquefied natural gas (LNG) projects, and more. Here are our initial reactions to this broad order:

- The EO defines energy as “oil, natural gas, coal, hydropower, biofuels, critical mineral, and nuclear energy resources.” This language excludes wind, solar, and storage from domestic energy sources, failing to reflect that these additional sources of energy have played a critical role in the mix of lower cost and reliable energy needed to meet increasing energy demand. Clean energy production doubled between 2000 and 2022.¹³ Disfavoring these clean energy sources has the potential to stall recent progress, in part by directing federal investment away from these resources.

¹¹ See EIA, The United States was the world’s largest liquefied natural gas exporter in 2023 (2024), <https://www.eia.gov/todayinenergy/detail.php?id=61683#>.

¹² A recent NERC report concluded that the Midwest region (MISO) faces the worst electricity reliability issues and other regions including Texas face reliability levels comparable to the Northeast and West Coast. See NERC, 2024 Long-term Reliability Assessment (Dec. 2024), https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_Long%20Term%20Reliability%20Assessment_2024.pdf.

¹³ See Congressional Research Service, US Energy Supply and Use (2024), <https://crsreports.congress.gov/product/pdf/R/R47980>.



- The EO directs EPA to submit recommendations to the White House Office of Management and Budget (OMB) on the legality and applicability of the 2009 endangerment finding (a scientific determination, made under the Clean Air Act, that greenhouse gas emissions endanger human health and welfare). While repealing or revising the 2009 endangerment finding would have inherent legal risks given the strong scientific consensus on climate change and associated dangers to the public, the EO may signal the administration's legal and political strategy to challenge the science, push the limits of the President's authority, and test how far the Supreme Court is willing to back the President's agenda.
- The EO states that “[a]ll agencies shall immediately pause the disbursement of funds appropriated” through the Inflation Reduction Act (IRA) and the Infrastructure Investment and Jobs Act (IIJA). On its face, the scope of this pause is unclear. As we discuss below, the EO's ambiguity led to confusion over whether it covered routine reimbursements to states for the federal cost-share of traditional infrastructure. The federal government is contractually bound to pay grantees obligated funding, and can be sued for breach of contract if it does not. The administration may attempt to assert that it has the authority to breach the agreements. If so, we would expect this issue to be litigated.
- The EO also calls for the elimination of what the administration calls an “EV mandate” and “considering the elimination of unfair subsidies and other ill-conceived government-imposed market distortions that favor EVs over other technologies and effectively mandate their purchase.” However, the current federal regulations allow American consumers to buy any type of vehicle they choose. The Biden administration's regulations built on the investments that the auto industry and Congress were already making to support vehicle electrification.¹⁴ As we explain below, eliminating the EV tax credits and regulations requires actions by Congress and EPA though the Trump administration may decide to wait to see how the ongoing litigation on EPA's current rules plays out. We will be watching how the industry, Congress, and consumers respond to this declaration in light of the legal and political uncertainty.
- The EO also calls for rescinding the Council on Environmental Quality's (CEQ) National Environmental Policy Act (NEPA) regulations, which CEQ has issued in accordance with a Carter-era EO¹⁵ requiring CEQ to provide federal agencies a regulatory framework for compliance with NEPA. While agencies have always had the flexibility and authority to adopt their own NEPA implementing procedures, a recent decision by the D.C. Circuit called into question CEQ's regulatory authority. If CEQ's

¹⁴ See EELP, EPA Finalizes Multipollutant Vehicle Emissions Standards for Model Years 2027 through 2032 (Apr. 2024), <https://eelp.law.harvard.edu/epa-finalizes-multipollutant-vehicle-emissions-standards-for-model-years-2027-through-2032/>.

¹⁵ Executive Order 11991 (1977), <https://www.presidency.ucsb.edu/documents/executive-order-11991-environmental-impact-statements>.

regulations are no longer in effect, any revisions to NEPA regulations will be initiated by each separate agency potentially undermining the goal of predictability and efficiency of the NEPA process.

Wind Energy. This memorandum withdraws the Outer Continental Shelf from wind energy leasing and pauses federal leasing and permitting of onshore and offshore wind, including the development of the Lava Ridge Wind Project in Idaho which could be one of the largest ever wind projects in the US. As part of the justification for this directive, the EO cites inadequacies in the NEPA process and concerns about risks to species, including birds and marine mammals. This concern directly conflicts with the objective of other EOs to potentially accelerate or avoid both NEPA and Endangered Species Act review to spur fossil energy production, including oil and gas development on the Outer Continental Shelf. We will be watching to see how agencies implement this order and if it undermines the ability for projects to move forward in the US forcing capital to shift to other countries.

Alaska's Resource Potential. This EO directs agencies to take steps to support the development and extraction of oil, natural gas, timber, and mineral resources in Alaska, including oil and gas leasing in the Arctic National Wildlife Refuge and the National Petroleum Reserve, logging in the Tongass National Forest, and building a long-contested road through the Izembek National Wildlife Refuge and Brooks Range (Ambler Road). The EO also orders the expedited approval of the Alaska LNG project on Alaska's North Slope. The most recent lease sale in the Arctic Refuge received zero bids, so it is unclear whether industry will respond differently now. Additionally, many of the activities called for in the EO have been in litigation since the Obama administration, and we expect them to continue to be litigated as agencies implement them.

International Environmental Agreements. This EO orders the US ambassador to the United Nations to withdraw from the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC) and revoke any financial commitments previously made by the US under the UNFCCC. While the language suggests immediate withdrawal, the process takes one year. There is an ongoing tension between the administration's objective to support US economic competitiveness and its decision to walk away from international negotiations in which the US has historically been a leader. We will watch how the administration responds to the open question of whether US companies will be better served if the US remains engaged with international institutions rather than potentially ceding ground to international competitors.

Environmental Justice. President Trump issued two orders that seek to eliminate all federal agency offices, programs, and policies dedicated to environmental justice (EJ) and equity, including the Biden administration's whole-of-government EJ priorities such as the Justice40 Initiative. These orders assert, without explanation, that EJ and equity mandates—along with Diversity, Equity, Inclusion, and Accessibility (DEIA) programs—violate “longstanding Federal civil-rights laws” and “threaten the safety of American men, women, and children.”

The EOs also rescind longstanding executive orders establishing nondiscrimination practices in federal hiring and requiring agencies to make achieving environmental justice—the just treatment and meaningful involvement of all people regardless of income, race, color, national origin, Tribal affiliation, or disability in federal activities that affect human health and the environment—part of their missions. The 1994 Clinton EJ order, supplemented by former President Biden’s order 14096, required agencies to analyze the “high and adverse” environmental and health effects of their decisions on low-income and minority communities. In practice, rescinding these orders means federal agencies no longer have a mandate, unless required under separate rules, to consider how their actions will disproportionately harm low-income communities, communities of color, and other vulnerable populations.

The EOs also:

- Direct OMB to “terminate, to the maximum extent allowed by law” all “environmental justice offices and positions” and all “equity-related” actions, initiatives, programs, grants, or contracts.
- Rescind order 14008, which established the Justice40 Initiative and CEQ’s Climate & Economic Justice Screening Tool (which has since been removed from the White House website).

We will be tracking rollbacks of federal EJ programs and policies on [EELP's Environmental Justice Tracker](#).

Implementation of the Executive Orders

The EOs frame the administration’s policy priorities. Most of the orders’ provisions set direction and then require federal agencies to take steps to effectuate them. The EOs direct the agencies to act within the constraints of the substantive laws, which will include the procedural requirements for federal activities, including notice-and-comment rulemaking, governed by the Administrative Procedure Act. And, as with most environmental regulations, we expect these actions will be challenged in court.

We explain key steps expected in the coming months, starting with the impact of policies that have immediate implications and then turning to longer-term agency actions.

Immediate effect

A few of the policies embedded in the orders take immediate effect, but this set of actions is limited. For example, Trump declared an energy emergency under the NEA, and directed the agencies to “identify and exercise any lawful energy authorities available to them” to facilitate fossil energy development. The declaration of the emergency is only the start of the process. Agencies will now need to take steps under the emergency provisions of specified statutes as well as identify additional emergency authorities they propose to use. The NEA

creates mechanisms for congressional oversight and limits the length of the emergency period to one year with the option for the president to renew.¹⁶

President Trump's withdrawal of prior executive orders has immediate effect. For example, as explained above, the "Unleashing Energy" order immediately rolls back several climate- and clean-energy orders from the Biden administration, and agencies will need to stop implementing any policies directed by the rescinded orders.

The pause on disbursing funding from the IRA and the IJA also takes effect immediately. While it is unclear how agencies will interpret the scope of the pause, OMB and the National Economic Council (NEC) released guidance on January 22, 2025 that appeared intended to clarify that the pause applies only to funds that are inconsistent with the order's policy objectives and not, for example, general highway funding.¹⁷ The guidance, however, leaves many open questions. For example, some obligated funding (meaning funding already under binding contract) may not have been disbursed (as it remains in the US Treasury), but it is not clear whether the order intends to pause these commitments. In addition, the federal government has legal obligations to pay grantees who have signed agreements with the government, and the US would be vulnerable to lawsuits for breach of contract if it violates any agreements. The order also requires agencies to review their funding programs and submit findings to OMB by April 20, 2025. We will be watching how agencies interpret these requirements, including whether they refuse to release funding obligated under an agreement. We expect any refusal to release obligated funds will be litigated, and it will be important to assess any congressional response.

For existing regulations that are currently in litigation, the "Unleashing Energy" EO directs the US attorney general to "request a stay or otherwise delay further litigation, or seek other appropriate relief pending the completion of the administrative actions described in this order." We will be tracking whether the Department of Justice asks for time to revise these regulations or pushes ahead for court decisions.

Anticipated Agency Actions

The majority of the EO directives do not take immediate effect because they require federal agencies to implement them. Specifically, the orders direct agencies to review and rollback existing regulations through rulemaking or take other actions that do not require rulemaking, such as preparing reports, reviewing projects, and convening committees.

The rollbacks of existing federal rules will require a set of legal steps prescribed by the Administrative Procedure Act, summarized by EELP here. Generally, rules must be undone the same way they were promulgated, so if a rule has been put into place through notice-

¹⁶ 50 U.S.C. § 1622

¹⁷ White House Office of Management and Budget, Guidance Regarding Section 7 of the Executive order Unleashing American Energy (Jan. 21, 2025), <https://www.whitehouse.gov/briefings-statements/2025/01/omb-memo-m-25-11/>.

and-comment rulemaking, the agency will need to follow that same lengthy process which includes a proposed rule, public comment, and incorporating those comments into a final rule. In these orders, the Trump administration has called on federal agencies to review, revise, or rescind a range of rules, including those that place “undue burdens” on energy development, NEPA regulations, and Alaska natural resource management regulations. These steps will take time.

The orders also call for agencies to take other actions outside the rulemaking process, for example, assessing their existing legal authority and providing reports to the president and others; reviewing projects that need approval and considering options for expediting review; and convening stakeholder groups. The energy emergency declaration directs heads of federal agencies to “identify and exercise any lawful energy authorities available to them” as well as other legal authorities to “to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources, including, but not limited to, on Federal lands.” If an agency determines that “Federal eminent domain authorities or authorities afforded under the Defense Production Act are necessary,” the agency shall submit a recommendation to the president. In another example, the EO directs the US ambassador to the United Nations to submit formal notice to the United Nations of its withdrawal from the Paris Agreement. Though the EO notes that the US will consider its withdrawal to be “effective immediately upon this provision of notification,” according to the terms of the Paris Agreement a withdrawal takes one year to effectuate. These examples demonstrate that agencies will be constrained by the legal authorities and process requirements contained in the governing statutes though the practical implications and market implications may be more immediate.

Looking Ahead

The January 20 executive orders are just a first step. We will be watching to see how agencies implement these orders; whether the Trump administration asks courts to pause ongoing litigation challenging the Biden administration’s policies or seeks to switch its position and align with the parties opposing the regulations; how courts respond to challenges to the Trump administration’s subsequent actions responding to the EOs, and how industries’ investment and business decisions shift given a changing and uncertain legal and policy landscape. Some of the early indicators of the breadth and scope of the Trump administration’s approach include:

- Do federal agencies follow the steps required by the Administrative Procedure Act to undertake regulatory rollbacks and implement new policies?
- How do courts respond if the administration changes its litigation position in ongoing cases?
- Will courts uphold new regulatory actions implementing the EOs?



- Will states and industry continue to support investment in clean energy technologies, including solar, wind, and storage, if the federal government is excluding those forms of energy in its policy objectives?
- Will states continue to advance state-level environmental justice protections?
- Will auto manufacturers and customers continue to transition to electric vehicles, and will states and industry take the lead in building out the charging infrastructure if the federal government's financial support ends?
- How will energy markets respond to these policy shifts? For example, at a time when the US is already producing record-high levels of oil and gas, what will the market response be for increased LNG exports and new offshore oil and gas lease sales?

As the Trump administration seeks to implement the policy agenda laid out in these Day 1 Executive Orders, the EELP team will be tracking the steps that the agencies take and any legal challenges to those actions on our [Regulatory Tracker](#) and [Environmental Justice Tracker](#).