

# Trump asserts emergency powers to gut environmental protections

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President Trump signed an executive order June 5 invoking emergency authority to bypass a suite of environmental requirements for industries overseen by federal agencies. The move is intended to fast-track issuing of permits and environmental reviews for energy, infrastructure and construction projects, without regard to the damage they may cause.

The order guts requirements contained in three bedrock environmental laws, the National Environmental Policy Act (NEPA), the Endangered Species Act, and the Clean Water Act. All have been subjects of previous rollback attempts by the administration.

While the executive order builds on these past efforts, it does so not by regulatory changes or by new legislation, but by presidential fiat. Trump flatly declared that the current economic conditions “make it necessary to take actions with significant environmental impacts without observing the regulations.”

In presenting the action as a jobs initiative, Trump made the absurd claim that millions are out of work and the economic recovery is hindered because of “unnecessary regulatory delays.” In reality, Trump is cynically exploiting the massive crisis to unilaterally enact policy changes long sought by corporate America to enrich sections of industry.

The executive order rests on emergency provisions in environmental statutes typically reserved for the immediate aftermath of natural disasters such as hurricanes. They allow for repair of basic infrastructure, like fixing damaged levees after a flood or securing a weakened bridge following an earthquake, without going through an extensive review and permitting process.

Trump’s current invocation of economic emergency

is vastly different. The activities likely to be authorized—new pipelines, expanded areas of drilling, new road construction—were not damaged or otherwise affected by the emergency. The emergency is also not a discrete event, but likely to persist for some time, if not indefinitely. The Congressional Budget Office recently projected that economic activity will remain below pre-pandemic levels through 2030.

At the same time Trump signed the order for agencies to disregard established environmental law, he was pursuing a constitutional coup d’etat, threatening to unilaterally deploy military forces to violently suppress mass protests around the country triggered by the police murder of George Floyd.

In Thursday’s action, Trump ordered federal agencies to claim emergency powers to approve as many infrastructure and energy projects as possible, whatever the costs to human health and the environment. The Department of Transportation, Army Corps of Engineers, Interior Department and other agencies must each compile a list of expedited projects within 30 days.

Environmental advocates responded with denunciations. At least one lawsuit has already been prepared by the Center for Biological Diversity, which submitted a formal notice on Tuesday. “Trump’s authoritarianism seems to reach deranged new levels every week,” Kieran Suckling, the group’s executive director, said in a press release announcing the lawsuit. “The president’s not above the law. Inciting federal agencies to violate the Endangered Species Act is part of a pattern he’s displayed throughout his presidency. He’s encouraging officials to ignore the rules and obey his whims.”

The executive order comes on top of the administration’s suspension in March of enforcement

of several environmental statutes, including the Clean Air Act. Days after the American Petroleum Institute sent a letter to Trump requesting relief, the Environmental Protection Agency issued a blanket, open-ended memorandum to allow chemical plants, refineries and other heavily polluting industries to avoid compliance with air regulations using its “enforcement discretion.”

Researchers have shown that increases in air pollution levels are associated with higher death rates from COVID-19.

Undermining and eliminating environmental safeguards on behalf of industry has been the cornerstone of Trump’s environmental policy throughout his term in office. In January the administration proposed a NEPA rule change to exempt a large category of projects from the environmental review process and impose limits on litigation. Two weeks later, the Environmental Protection Agency and Army Corps of Engineers announced a redefinition of what constitutes “Waters of the United States,” exempting more than half of wetlands in the country from pollution controls.

Last August Trump announced changes in how the federal government applies the Endangered Species Act. While the sixth mass extinction on Earth is accelerating, the Trump administration made it easier to remove protections for threatened species and prioritized economics in determining whether species go extinct. The revisions were carried through in order to pave the way for new fossil fuel drilling in lands that are home to endangered wildlife.

In all, the *New York Times* has documented 100 environmental rollbacks in various stages of completion by the Trump administration over the past three years, two-thirds of which have been made final.



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