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[July 7-10, 2025](#)

[Syllabus v. 1](#) (Note: *[This syllabus will be updated periodically](#)*)

Federal Environmental Policy Under Trump II

This class takes place at a singular moment in American environmental history and law. The Trum Administration is seeking to fundamentally change – and in some cases, eliminate – vast areas of federal environmental law. The sheer ambition of the policy changes far exceeds even the far-reaching changes attempted in the first Trump Administration from 2017-21. Currently in process are (1) proposals to rescind policies adopted by the Biden and Obama (and even first Trump) administrations, including fundamental ones like EPA’s greenhouse gas endangerment finding, and regulations based on the finding; (2) efforts to shutter or vastly downsize many of the administrative agencies responsible for administering environmental natural resources and laws and for conducting scientific study relevant to climate, and (3) extraordinary efforts by the Executive Branch and Congress to block states from adopting or enforcing climate policies through legislation, regulation or common-law litigation.

In one way, it is difficult (foolhardy?) to study environmental law in the middle of a wild, baseline-scrambling maelstrom. There is too much happening to take a detached, scholarly look at more than a tiny sampling, and we don’t know yet where any of these changes will end up. But in other respects, these events provide exceptional opportunities to study environmental law and politics – the nature of federal regulation and deregulation in a time of hyperpartisanship, the source of climate policy in an rising deregulatory zeal, rising global temperatures, and plusing renewable energy costs, and much more.

The second Trump Administration takes place in a significantly different judicial context than the first one, under which the doctrinal shifts from the Supreme Court profoundly reshaped by Trump’s first-term appointments influence the legal framework governing the making (and perhaps for unmaking) of environmental regulations. How do and should this large changes in administrative law– including the “major questions” doctrine and the *Loper Bright*’s instructions for judicial review of agencies’ statutory interpretations – mean for deregulation efforts.

In this course, we will examine some of the most significant developments. Some of the challenging questions of administrative law, legal strategy and tactics. With the aid of some learned guests, we will consider the roles and perspectives of various stakeholders in – including Executive Branch officials charged with effecting sweeping changes; regulated industry; state governments; and environmental organizations. In addition to seeking to learn from the current ferment, we'll look forward to what environmental law will and should look like later.

Course Requirements: The course requirements are to do the readings; come to class ready to engage in our discussions (and to bring your own questions for discussion). In addition, you'll be asked to write a 6-10 page "think" paper reflecting on one or more of the issues we've examined. (I will cover more detail about expectations on the first day)

Class Themes and Readings

Class 1 (July 7): *Presidential Transitions, Environmental About-Faces*

Bethany Davis Noll and Richard A. Revesz, *Links to an external site. Regulation in Transition*, 104 Minn. L. Rev. 1 (2019) (Read pages 1-14, skim pp. 14-46), https://minnesotalawreview.org/wp-content/uploads/2019/11/Noll_Revesz_FINAL.pdf[Links to an external site.](#)

Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* (Jan. 20, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis>

Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (Jan. 27, 2021), www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02177.pdf[Links to an external site.](#)

Mandy M. Gunasekara, *The Environmental Protection Agency*, in Project 2025, The Mandate for Leadership: The Conservative Promise, pp. 413-420 (2023) <https://www.documentcloud.org/documents/24088042-project-2025s-mandate-for-leadership-the-conservative-promise>[Links to an external site.](#)

Executive Order 14154, *Unleashing American Energy* (January 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy>[Links to an external site.](#)

Executive Order 14156, *Declaring a National Energy Emergency* (January 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-energy-emergency>[Links to an external site.](#)

EPA, News Release, *EPA Launches Biggest Deregulatory Action in U.S. History* (Mar. 12, 2025), <https://www.epa.gov/newsreleases/epa-launches-biggest-deregulatory-action-us-history>[Links to an external site.](#).

Class 2 (July 8): Hours 1 and 2: *Deregulation via Agency Defunding and Downsizing*; Hour 3: *The Shifting Judicial Review Framework for Agency Action*

Robert E. Litan and Peter M. Shane, *Trump's Regulatory Housecleaning Won't be Easy*, (Brookings Jan. 20, 2025), <https://www.brookings.edu/articles/trumps-regulatory-housecleaning-wont-be-easy/>[Links to an external site.](#)

Executive Order No. 14,210, *Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative*, <https://www.whitehouse.gov/presidential-actions/2025/02/implementing-the-presidents-department-of-government-efficiency-workforce-optimization-initiative/>

AFGE v. Trump, Order Granting Preliminary Injunction, *American Fed'n of Govt. Employees v. Trump*, Case No. 25-cv-03698-SI (N.D. Cal. May 22, 2025), <https://www.courtlistener.com/docket/69961059/124/american-federation-of-government-employees-afl-cio-v-trump/>

Order Denying Stay, No. 25-3293 (9th Cir. May 30, 2025), <https://www.courtlistener.com/docket/69961059/145/american-federation-of-government-employees-afl-cio-v-trump/>[Links to an external site.](#)

Supreme Court Emergency Application Decision, No. [24A1174](#)[Links to an external site.](#) (decision and link to come)

Reconciliation Bill Highlights (Handout to come)

West Virginia v. EPA. 597 U.S. 697 (2022), https://www.supremecourt.gov/opinions/21pdf/20-1530_n758.pdf[Links to an external site.](#)

Loper Bright Enterprises, et al. v. Raimondo, 603 US 369 (2024), https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf

Class 3 (July 9): *Regulatory Rollbacks Amidst Ad-Law Tumult*

1. The Greenhouse Gas Endangerment Finding for Motor Vehicles under CAA Sec. 202

Massachusetts v. EPA, 549 U.S. 497 (2007),

Coalition for Responsible Regulation, Inc. v. E.P.A., 684 F.3d 102 (D.C. Cir. 2012): Read pp. 113-125 (ie., read through end of Part II of the court's opinion)

EPA Proposed Sec. 202 Endangerment Rule (2025): Page ranges and link to come

1. Carbon Pollution Standards for Power Plants

EPA Proposed Sec. 111 Rule (2025): Page ranges and link to come

Class 4 (July 10): *Federalism to the Rescue?* (Hours 1 and 2) *Looking forward: Federal Environmental Law Post-Trump II?* (Hour 3)

Jonathan H. Adler, *Uncooperative Environmental Federalism 2.0* [Links to an external site.](#), 71 Hastings L.J. 1101 (2020), https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=3904&context=hastings_law_journal [Links to an external site.](#)

(Vermont) Climate Superfund Act (Act 122), <https://legislature.vermont.gov/Links to an external site. Documents/2024/Docs/ACTS/ACT122/ACT122%20As%20Enacted.pdf>

Protecting American Energy From State Overreach, Executive Order No. 14,260, 90 Fed. Reg. 15513, 15514 (Apr. 8, 2025). <https://www.whitehouse.gov/presidential-actions/2025/04/protecting-american-energy-from-state-overreach/Links to an external site.>

Complaint for Declaratory and Injunctive Relief, *United States v. State of Vermont*, 2:25-cv-00463 (D. Vt. Filed May 1, 2025), <https://www.justice.gov/opa/media/1398811/dl?inlineLinks to an external site.>

California CAA Preemption Waiver Congressional Review Act materials