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Trump Administration Environmental-Justice-Related Executive Orders: Potential Implications for EPA Programs

In January 2025, President Trump issued executive orders (E.O.s) that revoked prior E.O.s, including E.O.s related to environmental justice. Another Trump Administration E.O. directed federal agencies to close environmental justice offices and cease environmental-justice-related programs. These three E.O.s could affect environmental-justice-related programs and activities administered by the U.S. Environmental Protection Agency (EPA).

While the full implications for EPA programs and policies are unclear at this time, President Trump's E.O.s raise potential policy issues that may be of interest to Congress. This product reviews three E.O.s related to environmental justice issued by previous administrations and selected Trump E.O.s that revoke these earlier E.O.s or could have implications for EPA's environmental justice activities and programs. This product does not address every Trump Administration E.O. that could affect EPA, nor does it address EPA's nondiscrimination obligations under federal civil rights laws and the Constitution.

Clinton and Biden Administration Environmental Justice E.O.s

President Clinton issued E.O. 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, on February 11, 1994. E.O. 12898 directed EPA and certain other executive departments and agencies to make achieving environmental justice part of their mission to "the greatest extent practicable and permitted by law." E.O. 12898 also specifically directed EPA to convene the Federal Interagency Working Group on Environmental Justice (Interagency Working Group), composed of the heads of certain executive agencies, departments, and offices.

E.O. 14008, *Tackling the Climate Crisis at Home and Abroad*, signed by President Biden on January 27, 2021, amended E.O. 12898. Among other provisions, E.O. 14008 expanded the environmental justice directives to EPA and other covered federal agencies and established the Justice40 initiative (see CRS Report R47920, *U.S. Environmental Protection Agency (EPA) Environmental Justice Activities and Programs*, by Angela C. Jones, for more information on Justice40). E.O. 14008 also restructured the Interagency Working Group into the White House Environmental Justice Interagency Council (Interagency Council) and established a White House Environmental Justice Advisory Council.

E.O. 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, signed by President Biden on April 21, 2023, set out a "whole-of-government" approach to environmental justice and applied to a broader set of

federal agencies than prior E.O.s. E.O. 14096 established new directives and expanded other directives for executive branch agencies to make achieving environmental justice part of their missions, consistent with E.O. 12898 and subject to each agency's statutory authority. For example, E.O. 14096 directed each covered agency to submit an Environmental Justice Strategic Plan to the Council on Environmental Quality (CEQ). E.O. 14096 also modified the membership of the Interagency Council and established a new White House Office of Environmental Justice within CEQ. Further, E.O. 14096 directed these agencies to consider environmental justice in the National Environmental Policy Act federal environmental review process. E.O. 14096 specified a new definition of *environmental justice* for consideration by EPA and all other covered departments and agencies when implementing E.O. directives.

Selected Trump Administration E.O.s

Two E.O.s issued by President Trump revoke prior E.O.s related to environmental justice, while a third E.O. could have additional implications for EPA offices and programs related to environmental justice. E.O. 14148, *Initial Recissions of Harmful Executive Orders and Actions*, signed by President Trump on January 20, 2025, revokes E.O.s 14008 and 14096, among other E.O.s. E.O. 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, signed by President Trump on January 21, 2025, revokes E.O. 12898, among other directives.

E.O. 14151 *Ending Radical and Wasteful Government DEI Programs and Preferencing*, signed by President Trump on January 20, 2025, includes directives applicable to federal environmental justice programs and activities. Section 2(b)(i) of E.O. 14151 directs each agency to "terminate, to the maximum extent allowed by law, all DEI, DEIA, and 'environmental justice' offices and positions." Section 2 of the E.O. also directs agencies to provide the Office of Management and Budget with a list of "environmental justice' positions, committees, programs, services, activities, budgets, and expenditures in existence on November 4, 2024" and an assessment of whether they "have been misleadingly relabeled in an attempt to preserve their pre-November 4, 2024 function." Further, Section 2 of the E.O. directs executive branch agencies to provide a list of their federal grantees who received federal funding to "provide or advance ... 'environmental justice' programs, services, or activities since January 20, 2021" and to "assess the operational impact ... and cost of the prior administration's DEI, DEIA, and 'environmental justice' programs and policies."

Selected EPA Environmental Justice Programs and Activities

EPA's work on environmental justice began in the 1990s and has expanded over time to include grant programs, technical assistance, interagency workgroups, and advisory groups. EPA also has developed environmental justice policy guidance and screening tools to evaluate policy options and regulatory approaches, within the bounds of existing statutory authorities. Some activities were created under specific directives to EPA in E.O.s or statute, while EPA has established other activities through its interpretations of the agency's general statutory authority and responsibilities. Selected examples of programs and activities that could be evaluated for whether they fall within or outside the scope of the Trump Administration E.O.s include the following:

- **Office of Environmental Justice and External Civil Rights (OEJECR).** OEJECR is responsible for providing training and technical assistance, developing and managing screening and mapping tools, and coordinating with other agencies in their consideration of environmental justice. OEJECR also administers several environmental justice grant programs, authorized in statute, that provide federal assistance to states, tribes, local governments, and community-based organizations.
- **White House Environmental Justice Interagency Council.** EPA served as a member of the Interagency Council established by President Biden in E.O. 14008.
- **White House Environmental Justice Advisory Council (WHEJAC).** As directed in E.O. 14008, EPA provided funding and administrative support to the WHEJAC, which included experts and representatives of environmental justice groups appointed by the President.
- **National Environmental Justice Advisory Council.** Established prior to E.O. 12898 on September 30, 1993, NEJAC serves as a federal independent advisory committee to EPA.
- **EJSCREEN.** Launched in 2015, EJSCREEN is an online screening and mapping tool intended to provide environmental and demographic data for specific locations.
- **EPA Justice40 Covered Programs.** Under E.O. 14008, EPA identified 74 investments, programs, and funding opportunities it considers to be Justice40 covered programs included in calculating the flow of federal benefits to disadvantaged communities.
- **EPA Strategic Plans and Regulatory Guidance.** In EPA strategic plans published in recent decades, the agency described how it intended to incorporate environmental justice into its regulatory development, standards setting, and other programs published in recent decades. EPA also issued guidance and technical information to regulators for considering environmental

justice in regulatory actions, within the scope of existing law.

Selected Issues for Congress

Uncertainty exists regarding the scope and specific impacts of Trump Administration E.O.s on EPA and its environmental-justice-related activities and programs, in the context of existing statutory requirements. The term *environmental justice* is not defined in federal law in a manner applicable across federal agencies or activities, which adds uncertainty regarding the EPA activities within the scope of the Trump Administration E.O.s.

The Clinton and Biden Administration E.O.s directed EPA to implement activities and programs under existing statutory authority and pollution control laws administered by the agency. Similarly, the Trump Administration's E.O.s do not change federal statutory law. Under existing pollution control statutes, EPA considers certain public health and welfare factors when reviewing federal pollution control standards, issuing permits, making grants, or reviewing other federal agency actions. For example, under Clean Air Act Section 109, EPA must consider at-risk subpopulations in reviewing national ambient air quality standards. The revocation of previous E.O.s does not change EPA's responsibilities under these pollution control statutes. In addition, the administration and enforcement of many pollution control programs are delegated to the states.

Implementation and outcomes of the E.O.s for EPA activities could vary depending on factors such as internal agency decisions, future administration actions, and potential legal challenges. For example, E.O. 14151 directs the EPA Administrator (among other agency heads) to implement its directives; therefore, some discretion is afforded in determining whether to continue or eliminate programs and activities that are not mandated in statute, but have been implemented under general EPA authorities.

Congress may consider how revocation of environmental justice E.O.s, along with E.O. 14151's elimination of environmental justice offices and programs, may alter how EPA implements its statutory responsibilities. While some policymakers could support limitations to EPA's environmental-justice-related programs and activities, other policymakers may object to the changes in EPA responsibilities and emphasize the existing authorities Congress has provided to EPA (e.g., statutory direction to consider certain factors in environmental standard-setting, grantmaking, and other activities). Congress could specify EPA's responsibilities related to environmental justice through amending existing statutes or creating new authorities. Congress could conduct oversight of EPA's implementation of the Clinton, Biden, and Trump Administration E.O.s or pursue inquiries into the agency's proposed changes to offices, programs, and activities. Congress may also maintain, increase, or decrease appropriations to EPA for environmental-justice-related activities.

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