

Trump to sign order to waive environmental reviews for key projects

New executive order would affect how agencies apply laws such as the Endangered Species Act, National Environmental Policy Act

By **Juliet Eilperin** and **Jeff Stein**
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President Trump will sign an executive order Thursday instructing agencies to waive long-standing environmental laws to speed up federal approval for new mines, highways, pipelines and other projects given the current “economic emergency,” according to four people briefed on the matter who spoke on the condition of anonymity in advance of the formal announcement.

Declaring an economic emergency allows the president to invoke a section of federal law “where emergency circumstances make it necessary to take an action with significant environmental impact without” observing normal requirements imposed by laws such as the Endangered Species Act and the National Environmental Policy Act. These laws require agencies to solicit public input on proposed projects and analyze in detail how federal decisions could harm the environment.

One senior administration official said Thursday that the move would help the nation recover from the economic losses it has suffered since the outbreak of the novel coronavirus. Waiving these requirements will “expedite construction of highways and other projects designed for environmental, energy, transportation, natural resource, and other uses,” one official said in an email.

But Trump’s desire to weaken the National Environmental Policy Act predates the eruption of the pandemic in the United States. In early January, the president proposed fundamental changes to 50-year-old regulations to narrow its scope. Those changes would mean that communities would have less control over some projects built in their neighborhoods. Environmental groups, tribal activists and others have used the law to delay or block infrastructure, mining, logging and drilling projects since it was signed by President Richard M. Nixon in 1970.

Those proposed changes are under review by the White House Office of Management and Budget and could be finalized within weeks.

The order Trump is expected to sign Thursday will also accelerate civil works projects overseen by the U.S. Army Corps of Engineers and instruct the Interior, Agriculture and Defense departments to use their authorities to speed up projects on federal lands.

Just in the past month, Trump signed an executive order instructing agencies to ease regulatory requirements whenever possible to bolster the economy. The energy industry has argued these steps provide critical aid to businesses during the current downturn. “Removing bureaucratic barriers that stifle economic growth is paramount to getting American energy workers back in their jobs and spurring business investment that gets our economy moving again,” said AXPC chief executive Anne Bradbury, whose group represents the country’s shale industry and large producers of oil and gas. “We value the importance of these reforms now, and underscore the need for finalizing rules across regulatory agencies that will implement permanent reforms.”

But Thomas Jensen, a partner at the firm Perkins Coie, said in an email that any decisions made in response to the executive order could be challenged in court. He noted that the National Environmental Policy Act was enacted 50 years ago partly to prevent arbitrary federal decisions such as building highways through parks and communities of color, and that the current administration cannot simply set aside laws aimed at protecting vulnerable Americans or the environment.

“I will not be surprised to see many observers comparing this move — declaring an emergency to shield agency decisions from the public — to the order to clear Lafayette Square on Monday evening,” Jensen said, referring to actions in a Washington park this week. “It’s just one more face of authoritarian ideology, with a clear link to issues of race and equality and government accountability.”