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Gavel to Gavel: Trump's second term presents opportunity for environmental regulation

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Thomas Kuhn, philosopher of science, argued that a paradigm shift becomes necessary when an existing system becomes so flawed that only a complete overhaul will suffice. The U.S. environmental regulatory system is currently teetering at the edge of an outdated paradigm—burdened by complex rules that make compliance difficult and permitting costly. As Trump begins his second term, he could shift the regulatory paradigm from one that is complex and costly to one that is simplified and promotes free enterprise and innovation while still protecting the environment.

Trump's first term offers a glimpse. In 2017, he issued Executive Order 13,771, requiring two existing regulations to be repealed for every new one proposed. By the end of his first term, over 100 environmental regulations, primarily from the EPA, had been rescinded.

Trump's second term will bring new leadership to agencies responsible for energy and environmental regulation. Nominations such as Lee Zeldin (EPA), Robert F. Kennedy Jr. (HHS), Doug Burgum (DOI), Chris Wright (DOE), Matt Gaetz (DOJ), and Elon Musk (DOGE) signal a focus on limiting regulatory authority, promoting energy development, and disrupting the status quo.

Upon taking office, expect Trump to rescind pending regulations and reverse many of President Biden's executive orders. The administration will also use the Congressional Review Act (CRA) to overturn Biden-era regulations. Key targets may include regulations on PFAS reporting, air quality standards, and environmental justice initiatives. The administration may also revisit controversial regulations like OSHA's heat standards and chemical risk assessments under the Toxic Substances Control Act.

Legal challenges will play a critical role in Trump's deregulatory agenda. Recent Supreme Court rulings, such as *West Virginia v. EPA* (2022), *Sackett v. EPA* (2023), and *Loper Bright v. Raimondo* (2024), limit agency authority, which will empower the administration and private industry to contest perceived agency overreach.

In energy policy, Trump is expected to roll back incentives for solar and wind development. However, carbon capture initiatives are likely to continue receiving federal support, given significant investments and projects in conservative states. Trump is also expected to emphasize federal oil and gas leasing, critical minerals supply chain development, and streamlining federal permitting.

In sum, as Donald Trump nears his second term, he inherits a U.S. environmental regulatory system in desperate need of an overhaul. If, under his deregulatory agenda, he can simplify it while balancing business and environmental interests, he will achieve something genuinely great. If he cannot, then what might have been a paradigm shift will be just another pendulum swing.

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