

Daniel J. Fiorino

# What Does a Second Trump Term Mean for US Environmental Policy?

---

## Abstract

What can we expect in environmental, energy and climate policy from a second Trump term? Given the slim Republican majorities in the House and Senate, legislative change in core environmental laws is unlikely. The new administration's impacts will be felt in budgets and regulatory actions under existing laws. Where there are statutory mandates, such as the Clean Air and Clean Water Acts, opportunities for deregulation will depend on the care taken to justify actions and the outcome of judicial reviews. The most significant effects of the new administration will occur in climate mitigation, where there is little existing law and the incoming president has expressed hostility to acting.

**Keywords** environmental policy, climate policy, Trump administration, deregulation

---

**D**espite his criminal convictions and role in the assault on the Capitol in 2021, Donald J. Trump has been elected for a second time as president of the United States. This article considers what the second Trump term may mean for environmental, climate and energy policies in the United States. The short answer, as one of my students put it the day after the election, is that 'it

is not going to be good'. Yet having strong regulatory laws for most environmental issues and the razor-thin majorities Trump has in Congress suggest a more nuanced answer.

The US enacted a series of strong regulatory laws for dealing with pollution in the period 1970–90: the Clean Air Act of 1970, Clean Water Act of 1972, Endangered Species Act of 1973, Safe Drinking Water Act of 1974, the Resource Conservation and Recovery and Toxic Substances Control Acts of 1976, and the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) in 1980. These laws establish the legal authority of the federal government to regulate many forms of environmental pollution.

What is ironic is that every one of these, except for the Superfund, was signed into law by a Republican president. Indeed, many early leaders on environmental issues came from the Republican as well as the Democratic parties. But the Republican Party now is generally seen as something less than a leader on environmental issues, especially climate change. What was largely a consensual issue in the 1970s has become one of the most fundamental areas of partisan division. Recent polling by the Pew Research Center rates climate change as the issue with the largest partisan gap (Pew Research Center, 2020; Newport, 2023). The second most partisan issue is

---

Daniel J. Fiorino is director of the Center for Environmental Policy in the School of Public Affairs at American University in Washington, DC.

often listed as ‘other environmental issues’. Later I consider reasons why environmental protection has become such a contentious issue.

The clearest target of a second Trump presidency is climate change. The historical alliance of the Republican Party with fossil fuel interests has made its elected officials sceptical of public policies that restrict use of fossil fuels. In the US, support for fossil fuels has a regional cast. Every one of the states that relies heavily on fossil fuels economically leans Republican: Texas, West Virginia, Oklahoma, Louisiana, Wyoming and Alaska are examples. The fossil fuel industry is a bedrock source of support for the Republican Party, not only the industry itself but in voters’ dependence on jobs and economic vitality.

The Republican Party’s emergence as a right-wing populist party strengthens that scepticism (Fiorino, 2022). Right-wing populist parties around the world generally are hostile to scientific and other forms of expertise, and they view any efforts at multilateral cooperation with suspicion (Huber, 2020). Of course, global climate progress depends heavily on scientific expertise and multilateral problem-solving. Right-wing populism also reflects a strong nationalism that in the US is expressed as commitment to developing domestic oil and gas resources. The historical and regional alliance of the Republican Party with fossil fuel interests thus is strengthened by its emergence as a populist political party.

#### **Environmental policy where there is existing legislation**

The Republican Party captured not only the presidency in the recent elections, but both chambers of Congress. With legislative majorities in both the House of Representatives and the Senate, what are the odds of legislative change in bedrock laws like the Clean Air and Clean Water Acts? They are slim, at best. The Republican majority in the House is small; only a few defections would cost it a majority. Many Republicans from competitive districts, looking ahead to the congressional elections in 2026, would not want to be seen as gutting long-standing environmental laws. There is a bit more wiggle room in the Senate, but the Senate

Trump has vowed to remove the US yet again from the Paris Agreement, which would largely remove the US from global efforts to address the causes and many of the consequences of climate change.

---

operates, except for budget bills which may be considered under ‘reconciliation’ matters, on rules calling for a 60-vote majority. We are unlikely to see legislative pullback where strong regulatory laws currently exist.

The effects of the second Trump term are more likely to be felt in how the major environmental laws are implemented and in the resources available to environmental agencies like the Environmental Protection Agency (EPA). Even that may not be as bad as it might have been. In his first term, Trump called for a cut in the EPA’s budget of about one third (Foran, 2019). The eventual cut from Congress, with both houses having Republican majorities, was far smaller. President Trump has tasked two unelected outsiders – Elon Musk and Vivek Ramaswamy – with finding ways to cut significantly federal spending; the outcome of this exercise could squeeze environmental and other agency budgets even further, although Congress will have the final say.

Nonetheless, the Trump presidency will not be good for environmental programmes,

especially those affecting the fossil fuel industry. The Supreme Court already has done much of the work of deregulating many sources of water pollution, especially wetlands across the country, in removing federal authority under the Clean Water Act in the decision *Sackett v. EPA*. In this decision, the Supreme Court interpreted the Clean Water Act in a way that removed national authority over wetlands and other water bodies not defined as ‘waters of the United States’. With respect to clean air, the goal of protecting the fossil fuel industry (which is the cause of most climate and health-related emissions) will be paramount in this administration, to the extent that the Clean Air Act and the rulings of federal courts allow.

For other issues, we can expect the Trump administration to take positions favouring business interests and limiting the resources available for implementing statutory authority. This is especially likely in decisions made to implement the reauthorised and strengthened Frank R. Lautenberg Chemical Safety for the 21st Century Act, which updated the 1976 Toxic Substances Control Act. The programme for which major change is less likely to occur is Superfund: this establishes authority and funding for cleaning up hazardous waste sites.

#### **Climate mitigation and adaptation**

Climate mitigation is another story. Donald Trump has described the science around climate change as ‘a hoax’ (Cheung, 2020). He has expressed hostility to electric vehicle mandates and incentives and claimed on multiple occasions, without evidence, that wind-generated energy is a cause of cancer. He has stated his contempt for multilateral alliances and action of various kinds, extending even to the North Atlantic Treaty Organization (NATO), which the Republican Party has supported since NATO was created in 1949. His energy policy has consisted largely of the mantra ‘drill baby, drill’, a clear commitment to expanding domestic fossil fuel supplies. He has vowed to roll back efforts of the Biden administration as reflected in laws like the Inflation Reduction Act, which authorised tax incentives for clean energy and other climate mitigation. Furthermore, Trump has vowed to remove the US yet

again from the Paris Agreement, which would largely remove the US from global efforts to address the causes and many of the consequences of climate change.

On top of all of this, the US lacks a national regulatory law on climate mitigation, so there are no existing legal mandates as with issues like clean air and water, chemicals, endangered species and hazardous waste. This removes the constraints in reversing many policies adopted by President Biden. In the first Trump term, his administration had a high reversal rate in the federal courts, largely because actions were poorly justified (Adler, 2019). From all accounts, Trump appointees are better prepared this time around, and they may not suffer the same levels of judicial rejection.

The Trump administration will not pursue any new mitigation policies. The extent to which his administration will be able to roll back Joe Biden's climate initiatives is an open question. Trump has on many occasions vowed to reverse the provisions of the Inflation Reduction Act. To fundamentally reverse them would require legislation. The catch is that the bulk of the funding goes to districts represented by Republicans (Gaffney, 2024). How much of the Biden climate plan may be reversed through administrative action is a complex issue.

Here is where federalism may prove to be a benefit for environmental goals. The US principle is that, when the federal government acts on issues where it has the legal authority, states must follow federal law, which the US constitution establishes as the 'supreme' law of the land. If the federal government has enacted laws on climate mitigation, and if this action were to be upheld in the courts, state policies would have to conform to federal law, as is currently the case under laws like the Clean Air Act. Because the national government has not enacted regulatory laws for climate mitigation, states are able to adopt policies independently of the federal government. Indeed, states like California, New York, New Jersey and Maryland have adopted progressive laws and goals on climate mitigation. The lack of federal regulatory legislation allows states to be more progressive than the federal government likely would have been.

... the US lacks a national regulatory law on climate mitigation, so there are no existing legal mandates as with issues like clean air and water, chemicals, endangered species and hazardous waste.

Of course, the limitation is that politically conservative states, many with economic dependence on fossil fuels, are not adopting progressive mitigation policies. As a result, the conservative states have much higher per capita climate-related emissions than states that have adopted strong climate goals and policies. Indeed, for many conservative states, the goal now appears to be to increase emissions by promoting fossil fuels and delaying a clean energy transition. Just as liberal states may be competing to deliver progressive climate policies, so conservative ones may be in a competition to adopt the most regressive policies. Still, federalism may have the effect of promoting more effective mitigation in many states.

Climate adaptation is more complicated than mitigation, both practically and politically. The burdens of adaptation are likely to fall more on state and local governments. It is hard to ignore climate change when there is water in the streets, whole suburbs are on fire, or sea levels are rising. Indeed, the politics of adaptation differ from the politics of mitigation. It is

more difficult to depict the problem as scientific hoax or the result of somebody else's actions. What is likely is that the federal government will be less involved than it would have been in adapting to such impacts as extreme weather, wildfires, sea level rise and droughts, all of which are likely with a changing climate. There may be less funding available for resilience, and certainly there will be less support for state and local planning for climate impacts. But it will be difficult to ignore the problem entirely.

On mitigation, the Trump administration will recognise the role of federalism and is likely to go after states where there are grounds for questioning progressive climate policies. One area where this could occur is in California's authority under the Clean Air Act to issue more stringent standards than the federal government. In a predecessor law leading to the Clean Air Act of 1970, the California congressional delegation worried that its aggressive air quality goals would be compromised by less stringent federal standards. They were successful in getting a provision included in the law that created authority for the California waiver, which enabled the state to seek a waiver from the federal government to adopt more stringent standards than national ones. In 1977 amendments to the Clean Air Act, Congress granted authority to other states to adopt the California standards if they chose to do so. Fourteen states and the District of Columbia now use the California standards, amounting to some 40% of the new passenger vehicle market. The Trump administration challenged this authority in the courts in its first iteration, and it is likely to do so again (Davenport, 2019).

#### Environmental issues and partisanship

Why has the relative political consensus that led to transformative laws in the 1970s evaporated? Why do environmental issues, most of all climate change, reveal large partisan gaps?

The short answer is that environmental issues have changed, and the political system has changed. To some degree, environmental advocates are victims of their own success. Evidence of air and water pollution is not as visible as it was in the 1970s. The more we learn about air

pollution, to take one example, the more reason to be concerned, especially given the health impacts in vulnerable communities. But this is evidence based on scientific analysis, and a large part of the US population is sceptical of scientific expertise, which is part of the explanation for the large partisan gap in attitudes towards environmental issues. The policy interventions also differ from those of the 1970s. Policies for addressing climate change call for basic changes in the way Americans move around, generate electricity, manufacture goods, grow food, and in other economic and social activities.

The political system has also changed (Karol, 2019). When the Clean Air Act was enacted in 1970 and signed by President Richard Nixon, trust in government registered in the range of 60%; more recently, it has stood near 20% (Pew Research Center, 2023). The 'environmental decade' of the 1970s unfolded in the context of high trust in government and scientific expertise, but that is gone. On top of this, the Republican Party, with Trump as cheerleader, has engaged in climate

denial and encouraged doubts about the science on the environment and other issues (Brule, 2020; Dunlap, McCright and Yarros, 2016). In the current political environment, science-based policymaking is, at least for the moment, on thin ice. This loss of confidence in expertise may be the most lasting and concerning legacy of a second Trump administration.

#### Postscript on Environmental Protection and the Trump Administration

Only seventeen days after his inauguration, Donald Trump is fulfilling expectations about the damage he could do to environmental protection (Millman and Noor 2025). Not content to encourage career officials at federal agencies to resign with a promise of being paid through the fiscal year, the administration is considering firing more than a thousand probationary employees at EPA alone (those in their first year of federal service). A particular target is eliminating anything that shows concern for racial injustice or gender inequity. The administration has abolished EPA's Office of Environmental

Justice and External Civil Rights. EPA has had an Office of Environmental Justice since 1992, despite changes in parties of presidents since then. The administration also announced it would weaken the Environment and Natural Resources Division of the Department of Justice, which defends federal actions in court (Joselow and Ajasa 2025).

This poses clear threats to the quality of environmental programs and enforcement, but it also undermines the administration's own efforts. It takes work to deregulate, and sloppy analysis is not likely to fare well in the courts. Environmental justice will not go away. And cutting staff is not a sound foundation for deregulation. Beyond this, businesses depend on capable agencies for permitting decisions, chemical approvals, and more. A flailing EPA could hurt US businesses more than deregulation may help. And firing experienced lawyers is not the way to defend against lawsuits that are already being filed. The administration is undermining its own goals as well as causing damage that could take decades to repair.

#### References

- Adler, D. (2019) 'U.S. climate change litigation in the age of Trump – year two', *Climate Law: a Sabin Center blog*, 7 June, <https://blogs.law.columbia.edu/climatechange/2019/06/07/u-s-climate-change-litigation-in-the-age-of-trump-year-two-a-new-sabin-center-working-paper/>
- Brule, R.J. (2020) 'Denialism: organized opposition to climate change action in the United States', in D.M. Konisky (ed.), *Handbook of US Environmental Policy*, Cheltenham: Edward Elgar
- Cheung, H. (2020) 'What does Trump actually believe about climate change?', *BBC*, 23 January, <https://www.bbc.com/news/world-us-canada-51213003>
- Davenport, C. (2019) 'Trump to revoke California's authority to set stricter auto emission rules', *New York Times*, 17 September, <https://www.nytimes.com/2019/09/17/climate/trump-california-emissions-waiver.html>
- Dunlap, R.E., A.M. McCright and J.H. Yarros (2016) 'The political divide and climate change: partisan polarization widens in the U.S.', *Environment: Science and Policy for Sustainable Development*, 58 (5), pp.4–23
- Fiorino, D.J. (2022) 'Climate change and right-wing populism in the United States', *Environmental Politics*, 31 (5), pp.801–19
- Foran, C. (2019) 'House Democrats reject Trump's proposed 31% EPA budget cut', *CNN*, 14 May, <https://www.cnn.com/2019/05/14/politics/house-democrats-epa-budget-trump/index.html>
- Gaffney, A. (2024) 'The clean energy boom in Republican districts', *New York Times*, 21 November, <https://www.nytimes.com/2024/11/21/climate/ira-republicans-clean-energy.html>
- Huber, R.A. (2020) 'The role of populist attitudes in explaining climate skepticism and support for environmental protection', *Environmental Politics*, 23 (3), pp.373–8
- Joselow, Maxine and Amudalay Ajasa. 2025. "Trump Moves to Shutter Environmental Offices," *Washington Post*, February 7. Accessed February 7, 2025. Available at: <https://www.washingtonpost.com/climate-environment/2025/02/06/environmental-justice-offices-trump-turmoil/>
- Karol, D. (2019) *Red, Green, and Blue: the partisan divide on environmental issues*, New York: Cambridge University Press
- Millman, Oliver and Dharna Noor. 2025. "Trump's EPA to Prioritize AI, Lobbyists in "Mission to Traumatize," *The Guardian*, February 6. Accessed February 7, 2025. Available at: <https://www.theguardian.com/environment/2025/feb/06/trump-epa-lee-zeldin>
- Newport, F. (2023) 'Update: partisan gaps expand most on government power, climate', *Gallup News*, 7 August, <https://news.gallup.com/poll/509129/update-partisan-gaps-expand-government-power-climate.aspx>
- Pew Research Center (2020) 'More Americans see climate change as a priority, but Democrats are much more concerned than Republicans', 28 February, <https://www.pewresearch.org/short-reads/2020/02/28/more-americans-see-climate-change-as-a-priority-but-democrats-are-much-more-concerned-than-republicans/>
- Pew Research Center (2023) 'Public trust in government: 1958–2023', <https://www.pewresearch.org/politics/2023/09/19/public-trust-in-government-1958-2023/>