



Trump administration's executive order waives permitting requirements to speed economic recovery

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On June 4, 2020, President Trump signed an executive order instructing his administration to use any applicable “emergency authorities” to waive requirements within certain environmental laws in order to facilitate permitting approvals for major projects such as mines, highways and pipelines. The executive order is titled “EO on Accelerating the Nation’s Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities.” It first discusses the “dramatic downturn in our economy” due to the COVID-19 outbreak and goes on to note the Trump administration’s focus on reforming the regulatory system in light of the fact that “[a]ntiquated regulations and bureaucratic practices have hindered American infrastructure investments, kept America’s building trades workers from working, and prevented our citizens from developing and enjoying the benefits of world-class infrastructure.”

Citing the need to recover from economic losses suffered as a result of COVID-19, the executive order states: “Unnecessary regulatory delays will deny our citizens opportunities for jobs and economic security, keeping millions of Americans out of work and hindering our economic recovery from the national emergency.” After specifically mentioning several laws and the agencies administering those laws, including the Clean Water Act, the National Environmental Policy Act and the Endangered Species Act, the executive order instructs the heads of all agencies to evaluate, “to the fullest extent possible and consistent with applicable law,” any available emergency permitting provisions, statutory exemptions, categorical exclusions or other emergency procedures available in order to take “all reasonable measures to speed infrastructure investments” to facilitate the nation’s economic recovery.

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