

AG Kaul: Joins coalition urging President Trump to maintain environmental protections during review of infrastructure projects

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MADISON, Wis. – Attorney General Kaul today joined a coalition of 15 state attorneys general in urging President Trump to withdraw a controversial Executive Order that instructs federal agencies to avoid full compliance with environmental laws when approving infrastructure projects.

“While there are many important infrastructure projects that we should undertake, using a public health crisis to try to cut corners on environmental safety protections is wrong,” said AG Kaul. “By confirming that large infrastructure projects won’t adversely impact Wisconsin’s water and air, we ensure that those projects will benefit our communities and not cause long-term harm.”

On June 4, President Trump signed Executive Order 13927: Accelerating the Nation’s Economic Recovery From the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities. The Order instructs federal agencies to use emergency regulations to speed the environmental review of infrastructure projects under the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Water Act (CWA), and other important environmental laws, in order to “facilitate the Nation’s economic recovery.”

The [coalition's letter](#) argues that those emergency regulations cannot be invoked to bypass environmental review based on a general downturn in the nationwide economy. Rather, they are narrowly tailored to allow the federal government to promptly respond to emergencies that pose an imminent threat to public health and existing property. In the past they have been used to respond to landslides, hurricanes, and oil spills: physical emergencies that threaten human health and real property. As such, the Executive Order should be withdrawn.

If the president refuses to withdraw the Order, the letter urges him to, at a minimum, require that all federal agencies publish how they are selecting projects for emergency treatment; publish which projects receive that treatment; and allow for public comment on these projects.

The letter also emphasizes that large infrastructure projects with significant environmental effects are commonly located in low-income and minority communities. These same communities are bearing a disproportionate burden from the COVID-19 crisis, and removing the protective measures guaranteed to them by environmental statutes threatens to exacerbate existing public health disparities.

In addition to Wisconsin, today's letter was signed by the attorneys general of California, Colorado, Connecticut, Delaware, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Oregon, Vermont, Washington, and the District of Columbia.

<https://www.doj.state.wi.us/news-releases/ag-kaul-joins-coalition-urging-president-trump-maintain-environmental-protections>