

**To:** Hupp, Millan[hupp.millan@epa.gov]  
**From:** EPA Press Office  
**Sent:** Mon 10/16/2017 9:26:00 PM  
**Subject:** Trump's EPA Curbs "Sue-And-Settle" Practice

## WHAT THEY ARE SAYING ...

### Trump's EPA Curtails "Sue-And-Settle" Practice

**BLOOMBERG:** "The Trump administration moved Monday to curb settlements with conservationists and industry, instead vowing to fight cases designed to force the Environmental Protection Agency to take action. EPA Administrator Scott Pruitt said he is ending a 'sue-and-settle' practice that has resulted in closed-door agreements committing the agency to regulating greenhouse gas emissions or mercury pollution from power plants. 'It's very important that we do not engage in rulemaking through litigation,' Pruitt told reporters at a briefing Monday. As of today, with this directive and the memorandum, we're no longer going to be involved in that practice." ([Bloomberg](#), 10/16/17)

**TALKING POINTS MEMO:** "Pruitt pledged that the agency would no longer reimburse attorneys' fees in cases where it decides to avoid a lawsuit, arguing that both environmental and business groups had abused it to enrich themselves in the past. 'This is not particular to one type of plaintiff,' he said. 'There should be no attorneys' fees paid, period, no matter who the plaintiff is.'" ([Talking Points Memo](#), 10/16/17)

**THE PROGRESSIVE FARMER:** "President Barack Obama's U.S. Environmental Protection Agency took a lot of heat from rural America for working with environmental groups that sued the federal government on various aspects of environmental law. Otherwise known as sue and settle, environmental groups and others have made a cottage industry out of suing and forcing EPA to settle. The agency has taken heat for making so-called backroom deals with those groups, often leading to changes in environmental laws. On Monday, EPA Administrator Scott Pruitt announced an agency-wide directive to end the practice." ([The Progressive Farmer](#), 10/16/17)

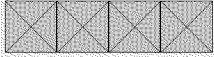
**THE WASHINGTON POST:** "Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to limit the extent to which EPA can reach legal agreements with groups suing to force it to take regulatory action. Ending the practice known as 'sue and settle' has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs' attorney fees." ([The Washington Post](#), 10/16/17)

**FOX NEWS:** "Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests." ([Fox News](#), 10/16/17)

**THE WASHINGTON EXAMINER:** "The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court

settlements that alter environmental outcomes to the liking of environmental and other special interest groups." (The Washington Examiner, 10/16/17)

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