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TRIBUNE-REVIEW

An End To EPA's 'Sue & Settle'

Editorial

October 22, 2017

<http://triblive.com/opinion/editorials/12850517-74/trib-editorial-an-end-to-epas-sue-settle>

The days of special interests potentially forcing policies from the Environmental Protection Agency through a process known as "sue and settle" are over. EPA Administrator Scott Pruitt has issued guidelines that preclude any regulatory tinkering under the guise of lawsuit settlements or backdoor deals that limit public comment and/or hamstring the agency's due diligence.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special-interest groups where doing so would circumvent the regulatory process set forth by Congress," Mr. Pruitt said.

The Obama administration has denied imposing any illegal regulations originating from EPA settlements with environmental groups. Pruitt's directive simply closes the door to any questionable agreements in the future.

Under the new policy, the EPA will contact any state or entity affected when a lawsuit settlement or consent decree is under consideration. It also ensures that the EPA won't create any new regulations in the settlement process.

That's fair. And it should prompt other federal agencies that routinely face agenda-driven litigation to do the same.

Yet Pruitt's move drew rebukes from environmentalists, one of whom predicted that the EPA boss "will be spending a lot more of your taxpayer dollars defending his inaction in court."

If need be, yes — but openly and without any nodding and winking.

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