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## **Attorney General Steve Marshall Files Petition Demanding EPA Rescind 'Environmental Justice' Initiatives Harming States**

(Montgomery) - Attorney General Steve Marshall today joined a coalition of 23 states in filing a petition for review demanding that Biden's Environmental Protection Agency modify its Title VI regulations. These regulations – known as “disparate impact” regulations – are what the EPA is using to advance much of its racially discriminatory “environmental justice” initiatives.

“The hallmark of Biden’s administration has been to seize power and control people’s lives through any means possible,” stated Attorney General Marshall. “Giving his latest power grab a nice name like ‘environmental justice’ does not make it any more lawful. Our coalition will continue to take necessary legal action to combat attempts to lawlessly expand federal government power beyond anything the people’s representatives ever authorized.”

Title VI of the Civil Rights Act of 1964 was enacted to prevent any person in the United States from being excluded from any program receiving federal funding on the grounds of race, color or national origin. Since Biden has taken office, however, the EPA has far exceeded that mission, using “the EPA’s Title VI regulations to advance what it calls ‘environmental justice’ ...In practice, ‘environmental justice’ asks the States to engage in racial engineering in deciding whether to, for example, issue environmental permits, rather than relying on the effect on the environment and other appropriate factors.”

In a Petition for Rulemaking, the coalition goes on to state that the U.S. Supreme Court has indicated that the EPA’s regulations are unlawful, having previously expressed significant skepticism on the validity of those regulations. The Court explained that the regulations were “in considerable tension with the rule...that forbids only intentional discrimination.” Additionally, the attorneys general claim that “other scholars have even suggested that the EPA’s regulations violate the Equal Protection Clause.” Notably, in 2020, the Trump administration proposed a revision to the Department of Justice’s similar Title VI regulations to remove disparate impact provisions. The Biden administration withdrew the proposal shortly after taking office.

The attorneys general conclude by stating: “By imposing disparate impact liability where it is not called for by statute, the EPA’s regulations gravely depart from the original understanding of Title VI and compel States to unconstitutionally discriminate against their citizens by incorporating disparate impact liability. EPA should grant this



Petition and revise its Title VI regulations to be consistent with Title VI and the Equal Protection Clause.”

Attorney General Marshall joined Florida on the petition along with the state attorneys general from Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming.