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WHAT'S HAPPENING WITH THE EPA AND DISPARATE IMPACT?

A federal judge in Louisiana, James D. Cain Jr., **recently threw out the disparate impact parts of EPA's civil rights rules. Now the rules are gone everywhere in the country.**

Read more about what this means and what's still in place on our website. Download our one-pager resource on changes to disparate impact protections:

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Disparate impact and the EPA

As we shared in our one-pager, disparate impact rules let the EPA act when a state or city receiving federal money did something that harmed people of color more than others, even if no one could prove it was on purpose.

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What the ruling changed

Before the ruling, the judge had only blocked EPA from using these rules in Louisiana. Now the rules are gone everywhere in the country.





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What it means in practice

Communities can no longer file a federal civil rights complaint with the EPA saying "this permit or policy harms us more because of our race," unless they can prove it was intentional, which is much harder to do.

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What's still in place

INTENTIONAL DISCRIMINATION IS STILL ILLEGAL UNDER FEDERAL LAW AND THIS RULING DOESN'T TOUCH STATE LAWS.

In fact, Attorney General's from 14 states recently released multi-state guidance on anti-discrimination affirming that their civil rights laws protect against discrimination in both intent and effect, and that they'll keep enforcing them. The feds may be stepping back, but many states aren't.

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Learn more

EPA's disparate impact court ruling

"Rollback of EPA Civil Rights Regulations Leaves Enforcement Gap"

Disparate impact guidance from MA, MD, NY, CA, DE, HI, IL, MI, MN, NV, NM, OR, Vermont, & WA

"Multistate Guidance on Anti-discrimination Protections"

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