

UPDATE: EPA IS WEAKENING ITS OWN CIVIL RIGHTS RULES

August 2026

What's happening:

This original [one-pager](#) explained disparate impact: the standard that lets people challenge policies that cause unequal harm, even without proof anyone meant to discriminate. We covered the DOJ's dangerous [move in December 2025](#) to gut that standard. Now [EPA is proposing the same rollback](#) to its own rules.

Right now, if an EPA-funded decision results in more pollution for one community than another — a pattern that has repeatedly targeted communities of color — that harm can be legally challenged. It doesn't matter whether anyone meant to discriminate. **EPA's new rule would end that.** Harm alone won't be enough anymore. You'd have to prove someone intended to cause it, and intent is easy to deny.

This is not an isolated move. Since [Trump's Executive Order](#) called for eliminating disparate impact enforcement, agency after agency has fallen in line: [DOJ](#), the [Department of Education](#), [HHS](#), the [Department of Energy](#), the [CFPB](#), and now [EPA](#). Each rollback looks small on its own. Together, they add up to one of the broadest retreats from civil rights enforcement in decades.

What's at risk:

- EPA is the agency responsible for exactly the kind of harm our original one-pager used as an example: pollution and industrial siting decisions that determine who breathes clean air.
 - This rule is expected to move as final, with no public comment period — the same approach DOJ, Education, and HHS already used, eliminating the opportunity for people to have a voice.
 - This rollback may also gut EPA's 180-day deadline for investigating civil rights complaints, the deadline that's historically been the only thing forcing EPA to act instead of letting complaints sit for years.
 - EPA tried this exact move once before, in 2015, and backed off under public pressure. **This rollback is not a done deal — we can still turn it around.**
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What can be done now:

- **Watch for the rule's publication.** The final rule could come out anywhere from a few weeks to a couple months from now. Once it's public, there may be a narrow window to push back even without a formal comment period.
 - **Document harm now.** Build a record of data and impact evidence while you still can.
 - **Share this widely.** Public pressure worked before. It can work again.
 - **Sign up.** Stay in touch with the Leading With Race in Climate Solutions project.
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