

Bad Faith Disregard of Benefits and Science in Federal Environmental Deregulation

By Michael B. Gerrard

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Since the beginning of the Reagan administration in 1981, federal agencies have used cost-benefit analysis when making important policy decisions, especially when issuing regulations. In the years since then the methodologies have been refined and enshrined in White House guidance.

The second Trump administration has upended these practices by often ignoring the benefits of regulations and only considering the costs. In doing so it often claims that there are such uncertainties about the benefits that they should be disregarded. It uses these claims in support of repealing or softening regulations that prior administrations found would save thousands of human lives.

If scientific uncertainty was the real reason for disregarding benefits, a good faith response would be to conduct more research to reduce the uncertainty. Instead, the Trump administration has systematically cancelled research programs, closed laboratories, fired scientists, distorted research results, and generally attacked the scientific enterprise. It is hard to escape the conclusion that this disregard of benefits is a bad faith effort to reduce regulations that are costly to the industries the administration favors.

This disregard of benefits is occurring throughout the federal and some state governments. The Department of Health and Human Services

under Secretary Robert F. Kennedy, Jr. is famously doing so with regard to vaccines. This article is focused on environmental regulations and on the administration's assault on environmental science, especially climate science.



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Disregarding Benefits

The disregard of benefits in cost-benefit analysis, and the excuse that scientific uncertainty is a major reason, have been analyzed in an article to appear in the Harvard Environmental Law Review by NYU Law School Dean Emeritus Richard L. Revesz, who was administrator of the Office of Information and Regulatory Affairs during the Biden administration.

As Dean Revesz has written, while the Environmental Protection Agency (EPA) under the first Trump administration revoked many regulations, under the second it has gone much further and “simply declared that, at least for now, it would no longer seek to quantify or monetize the health benefits of air pollution reductions,” such as the number of premature deaths averted as a result of the regulations.

One important example concerns fine particulate matter (PM2.5), an air pollutant that is known to cause or aggravate respiratory illnesses including lung cancer, cardiovascular diseases, neurological issues, and other disorders. Numerous studies have found that PM2.5 is a non-threshold pollutant, meaning that there is no safe level of exposure.

Dean Revesz found that EPA mounted “a multi-front attack on the scientific and analytical underpinnings of PM2.5 benefit analysis,” and did so “without pointing to any scientific study suggesting that PM2.5 was a threshold contaminant or directly attacking the peer reviewed studies supporting the no-threshold approach.” Citing “scientific uncertainty,” EPA has used this approach to revoke or weaken several regulations that would control emissions of PM2.5 from power plants and other sources.

Another example of considering the costs but not the benefits of a regulation occurred on Feb. 12, 2026 when President Trump and EPA Administrator Lee Zeldin announced the rescission of the endangerment finding that was the basis for EPA’s use of the Clean Air Act to regulate greenhouse gases (GHGs), and the repeal of the GHG emission standards for motor vehicles. At their press conference, the President stood in front of a poster that read “Saving \$1.3 Trillion for the American Taxpayer.”

That figure came from the regulatory impact analysis that EPA released that evening. Table A-1 in that document says that, if the motor vehicle standards are rescinded, \$1.09 trillion would be saved from reduced vehicle costs, and another \$200 billion from reduced electric vehicle purchases and lowered spending on charging infrastructure. However, the same table showed that without the standards \$1.43 trillion in costs would be incurred from increased fuel purchases, vehicle repair and maintenance, insurance, traffic congestion and noise, and an additional \$40 billion in costs from energy security, refueling time, and drive value.

In other words, the \$1.3 trillion in savings (what was displayed on the poster and in the

statements by both Mr. Trump and Mr. Zeldin) are smaller than the \$1.44 trillion in costs, which they never acknowledged.

In conducting cost-benefit analysis, for the past 30 years EPA has valued each statistical life at around \$11.7 million. This was controversial—some thought it was too high, some too low—but in January 2026 EPA stopped using this or any figure, and essentially valued each human life as worth \$0 in its analyses.

There are serious questions about the legality of EPA’s new approach to stop quantifying and monetizing environmental benefits. As Dean Revesz has pointed out, considering only the costs and not the benefits of a regulation that EPA wants to rescind “is a paradigmatic example of ‘arbitrary and capricious’ conduct prohibited by the Administrative Procedure Act.”

The Ninth Circuit held, also in the context of motor vehicle standards, that uncertainty over the value of a benefit is not a reason for assigning it a value of zero. *Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1198-1203 (9th Cir. 2008). Justice Antonin Scalia, writing for the majority in a Clean Air Act case, indicated that a regulation that “does significantly more harm than good” cannot stand. *Michigan v. EPA*, 576 U.S. 743 (2015). Ignoring the good and looking only at the costs would be—and has become—an excuse for revoking all manner of regulations.

Attacks on Science

The way to resolve scientific uncertainty is to conduct more scientific research. The Trump administration is aggressively doing the opposite in what *Science* magazine called “the Category 5 hurricane that struck U.S. science in 2025.” This is taking numerous forms, as described below. Many of these actions, and numerous others, are reported in the Silencing Science Tracker, an ongoing joint project of the Sabin Center for Climate Change Law and the Climate Science Legal Defense Fund.

Personnel—More than 10,000 science and engineering Ph.D.s have left the federal government since the start of this administration. Departures have outnumbered new hires by a ratio of 11 to one. Overall the workforces of the federal environmental, public lands, and natural resources agencies have decreased by 41,224 employees—a decline of 20.6%—between September 2024 and December 2025.

Many of the remaining employees are demoralized and afraid of speaking out for fear of losing their jobs, with good reason. Approximately 160 EPA employees publicly signed a letter to Administrator Zeldin and members of Congress protesting the politicization of science; EPA fired several of them and six are suing, saying their First Amendment rights were violated. In the words of one longtime National Aeronautics and Space Administration (NASA) climate scientist who angrily quit her job, “NASA is throttling the scientific pipeline and diminishing our ability to see and understand our planet.”

Many graduate and postdoctoral students from other countries who would like to study and work in the U.S. have been scared away by uncertainty over funding and by current visa and immigration policies. Canadian, European, Chinese, and Indian universities are successfully recruiting U.S. scientists. A March 2025 poll of U.S. scientists by Nature magazine found that 75% of those who responded were considering leaving the U.S.

Some of the mass firings by Elon Musk’s DOGE were quickly seen as unwise. The National Weather Service (NWS) lost more than 500 meteorologists and other specialists; a few months later NWS said it would refill many of these positions, but how quickly this will actually happen is unclear.

Agency leadership—Cabinet, subcabinet and other political positions are now occupied by individuals who, following the lead of President Trump, deny, or came to deny after joining the administration, the severe risks of climate change and the importance of dealing with

it. This includes EPA, the Interior, Energy, and Treasury departments, the Office of Management and Budget, and elsewhere. Many political-level positions remain unfilled.

Study bodies—The U.S. has withdrawn from more than 60 international institutions, notably including the United Nations Framework Convention on Climate Change, the Intergovernmental Panel on Climate Change (IPCC), and the Intergovernmental Science-Policy Platform in Biodiversity and Ecosystem Services.

It has also dismissed all the scientists and others working on the National Climate Assessment, the congressionally mandated periodic studies about the impacts of climate change on the U.S. EPA dissolved its Office of Research and Development and is requiring some of its remaining scientists to relocate to other cities. The administration has disbanded numerous federal advisory committees of scientists, or filled them exclusively with industry representatives.

It is dismantling the National Center for Atmospheric Research in Colorado, a premier place for climate studies (an effort now in litigation), and evicted another one, NASA’s Goddard Institute for Space Studies, from its offices in New York, forcing its scientists to scrounge for other workplaces. The National Academies of Science, Engineering and Medicine prepared for a “fairly radical downsizing” of its staff after a loss of much federal funding. The Director of National Intelligence, Tulsi Gabbard, eliminated the group that prepared the quadrennial Global Trends report, which in recent years has been identifying climate change as a major threat to national security.

The Forest Service is closing 57 of its 77 research facilities, which study how wildfires, drought, pests, and global warming are putting pressure on forests. In the U.S. Geological Survey, 25 water science centers were scheduled to be closed. The Department of Energy threatened to withdraw from the International Energy Agency (IEA) unless it dropped its focus on climate

change, but then learned that the IEA could play a central role in coordinating the release of oil from many countries' strategic reserves to very partially address the Strait of Hormuz crisis.

Withdrawal from the IPCC is especially noteworthy. It is the United Nations body that prepares the most authoritative summaries and assessments of climate science. Not only did it win the Nobel Peace Prize in 2007, but it has been cited in 49 decisions of U.S. federal and state courts, and disputed by none. All four of the major climate rulings from international tribunals issued in 2024 and 2025 relied on it heavily—the International Court of Justice, the European Court of Human Rights, the Inter-American Court of Human Rights, and the International Tribunal on the Law of the Sea. The Trump administration has barred federal scientists from attending IPCC meetings or working on its reports.

One effort to ignore established climate science went especially poorly. In July 2025 the Secretary of Energy hired five well-known climate contrarians to create a "Climate Working Group." They hastily prepared a report downplaying the risks of climate change for EPA's use in revoking the endangerment finding. The National Academies of Science quickly prepared its own report debunking that report, as did many other scientists. A federal court found that the Climate Working Group had been formed in violation of Federal Advisory Committee Act, and the group was disbanded.

When EPA formally withdrew the endangerment finding, it did not rely on the Group's report or any other reports questioning climate science, and instead relied entirely on legal arguments, which are now being challenged in the U.S. Court of Appeals for the District of Columbia. However, the report is still posted on the Department of Energy's website, and both Administrator Zeldin and Secretary Wright continue to be dismissive the severity of climate change in their public speeches.

Data gathering—The administration has proposed to halt the Greenhouse Gas Reporting Program,

which requires companies to report their GHG emissions and has played a central role in climate policymaking and regulation. The Securities and Exchange Commission abandoned defense of its regulation, adopted under President Biden, to require publicly traded companies to report on their GHG emissions. The National Oceanic and Atmospheric Administration (NOAA) has suspended work on its extreme rainfall database and has shut down its annual compilation of billion-dollar weather and climate disasters.

The government terminated NOAA's Arctic sea ice dataset and is seeking to shut down the Mauna Loa laboratory in Hawaii, which conducts crucial climate observations, including those leading to the famous Keeling Curve. NASA has taken steps to prematurely decommission several satellites that monitor carbon dioxide and other parameters, while the Department of Defense has stopped providing atmospheric and oceanic data from satellites to scientists. The National Weather Service has reduced weather balloon operations. The library at the NASA Goddard Space Flight Center is closing. In March 2026 a lawsuit was filed against NOAA for allegedly hiring an unqualified contractor to collect environmental data.

The insurance industry relies heavily on climate data and projections in assessing risk and pricing policies; some in it are among those already expressing alarm about these developments.

Grants—The grants for climate and other environmental and medical research at many universities have been cancelled, often on the grounds that the universities had diversity, equity, and inclusion policies that the current administration disfavors, or that the universities allegedly failed to deal sufficiently with antisemitism. Many of these grant cancellations are currently being litigated.

New grants on disfavored subjects are not being issued. The federal environmental, natural resources, and public lands agencies obligated \$36.8 billion in project grants in fiscal year

2025, a 44.3% decrease from fiscal year 2024. Additionally, grants and grant renewals from the National Science Foundation (NSF) have declined drastically. Researchers seeking federal funding have been advised to avoid using terms like “climate change” and “global warming” (as well as “environmental justice” and “diversity”) in their grant applications.

Budget—The Fiscal Year 2027 budget, which the White House released on April 3, 2026, would increase the military budget by approximately 40% (to \$1.5 trillion) but decrease the EPA budget by 52%, the NSF budget by 54.5%, and the NOAA budget by 27.42%, and would zero out the budget for the National Institute of Environmental Health Sciences. It would divert much of the Department of Energy budget from renewables and energy efficiency to fossil fuels and artificial intelligence.

The final budget is in the hands of Congress; last year Congress largely rejected similarly deep cuts to climate funding. Already, in 2025, the National Institutes of Health announced that they would no longer fund studies of the health effects of climate change.

Suppressed studies—The administration terminated work on the National Nature Assessment, a report on the state of America’s land, water, and wildlife. The report was almost finished, and many of the scientists who were preparing it are continuing that work on their own and have published a draft for public comment and scientific review. EPA also withheld publication of the Inventory of U.S. Greenhouse Gas Emissions and Sinks, though it was ultimately released after a Freedom of Information Act request from the Environmental Defense Fund.

Similarly, the U.S. Department of Agriculture took down climate-related webpages but restored them in the face of a lawsuit brought by Earthjustice.

Within a month after Trump’s second inauguration, almost 3,400 datasets were removed from the U.S. government’s open data site, data.gov.

Two key climate websites, NOAA’s climate.gov and the U.S. Global Change Research Program’s globalchange.gov, have been taken down; much of the information that was on those sites still exists online but it is more difficult to find, and most of the staff that maintained climate.gov has been fired. Mentions of climate change on many other websites have been removed. EPA ordered the scientists in its Office of Water to halt publication of new research.

Conclusion

The Trump administration has said it will revoke or weaken many environmental regulations, but most of these rulemakings are still pending. We do not yet know the full extent to which benefits and science are being ignored in formal decisions, or whether these actions will hold up in court. However, three things are already apparent. First, the disregarding of the benefits of rules the administration dislikes has become pervasive.

Second, the disregard of benefits and the degradation of scientific research are consistent with the administration’s desire to maximize both the demand for and the supply of fossil fuels. Third, the assault on the scientific enterprise will do lasting damage to public health, environmental quality, the economy, and America’s standing in the world.

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