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Contact Kylie Mason

Phone (850) 245-0150



OFFICE OF THE
ATTORNEY GENERAL
STATE OF FLORIDA

Florida Attorney General's Office News Release

Attorney General Moody Leads Multistate Legal Action Demanding the EPA Rescind "Environmental Justice" Initiatives Harming States



TALLAHASSEE, Fla.—Attorney General Ashley Moody today led a 23-state coalition in filing a legal action 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 race conscious “environmental justice” initiatives.

Attorney General Ashley Moody said, “The EPA should be focusing on enforcing the environmental laws passed by Congress, not so called ‘environmental justice,’ which is a euphemism for Biden’s extreme agenda. His radical exploitation of Title VI, if followed, would force states to unconstitutionally discriminate against their own citizens. The EPA should grant our Petition and revise its Title VI regulations.”

Title VI of the Civil Rights Act of 1964 was [established](#) 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, “the EPA has taken unprecedented steps to use 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, Attorney General Moody and the coalition go on to state that the U.S. Supreme Court has indicated that the EPA’s regulations are unlawful: “Although Sandoval did not directly address the validity of Title VI disparate impact regulations, the Court 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 Moody is joined on the petition by the attorneys general of Alabama, 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.

Read the full petition [here](#).

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