**EPA to Change the Way It Handles Lawsuits**

EPA Administrator Scott Pruitt has announced EPA will be ending practice of “sue and settle.”

In sue and settle, a third-party group sues a federal agency, asking the courts to require the agency to change statutory duties or to enforce specific timelines written within laws. In the past, EPA has settled out of court with these groups through a consent decree or settlement agreement. EPA says the resulting negotiations would often change regulations, causing unreasonable deadlines or commitments to actions which weren’t part of the existing regulations.

These consent agreements were negotiated privately and any new requirements were not eligible for public comment. On top of that, the agency would pay tens of thousands of dollars in attorney’s fees and litigation costs of the groups which were suing them.

Going forward, EPA promises further transparency and public engagement when it comes to considering any settlement or consent decree, including:

* Establishing procedures to publish lawsuits, complaints, and petitions which have been filed against them or their state agency counterparts;
* Publishing a list of consent decrees and settlement agreements, including attorney’s fees paid;
* Providing sufficient time for public comment on any action which would modify a proposed or final rule, and publishing proposed and modified decrees and settlements for public comment;
* Not entering into any consent decree that exceeds the authority of the courts; and,
* No longer paying attorney’s fees and litigation costs of the groups who are suing them.

To learn more, see [EPA’s announcement](https://www.epa.gov/newsreleases/administrator-pruitt-issues-directive-end-epa-sue-settle).