



Sue and Settle Reform

The practice of “**Sue and Settle**” has been used to enact burdensome regulations **without significant public input or Congressional oversight**. It was a primary weapon used by environmental industry groups to implement anti-fossil fuel regulations, including the **Clean Power Plan**.

- “Sue and Settle” refers to when a federal agency agrees to a settlement agreement **behind closed doors** in a lawsuit from special interest groups, to create priorities and rules **outside of the normal rulemaking process**.
- The agency **relinquishes statutory discretion** by committing to timelines and priorities that often realign agency duties.
- **No public input** or outside participation is required
- Between 2009 and 2012, EPA chose not to defend itself in over **60 lawsuits from special interest advocacy groups**

On October 16, 2017, EPA Administrator Scott Pruitt issued a directive to **end “sue and settle” practices within the EPA**. Major changes include providing advance notice to the public of any notice of intent to sue or proposed settlement agreement, allowing the public to weigh in on proposed or modified consent decrees and settlements, and to exclude attorney fees and litigation costs when settling with suing parties. However, **without Congressional action, future administrations can undo these changes** and revert to abusive practices.

We ask that **Congress implement permanent fixes** to regulatory programs that allow the “sue and settle” process to short-circuit the administrative process.