



GUNSTER
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Impact of Trump's Executive Orders

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A native Floridian, Robert Manning has been practicing environmental law for nearly three decades. He advises utilities and private businesses on issues involving air quality, including policy development, legislation, rulemaking, permitting and enforcement. Although his practice often focuses on issues affecting the electric utility industry, he also represents other industrial and municipal clients involved in phosphate, solid waste management, oil and gas, chemical, fuel distribution, and cement.

Robert is past Chair of the Florida Bar's Environmental and Land Use law Section and the Florida Section of the Air and Waste Management Association.



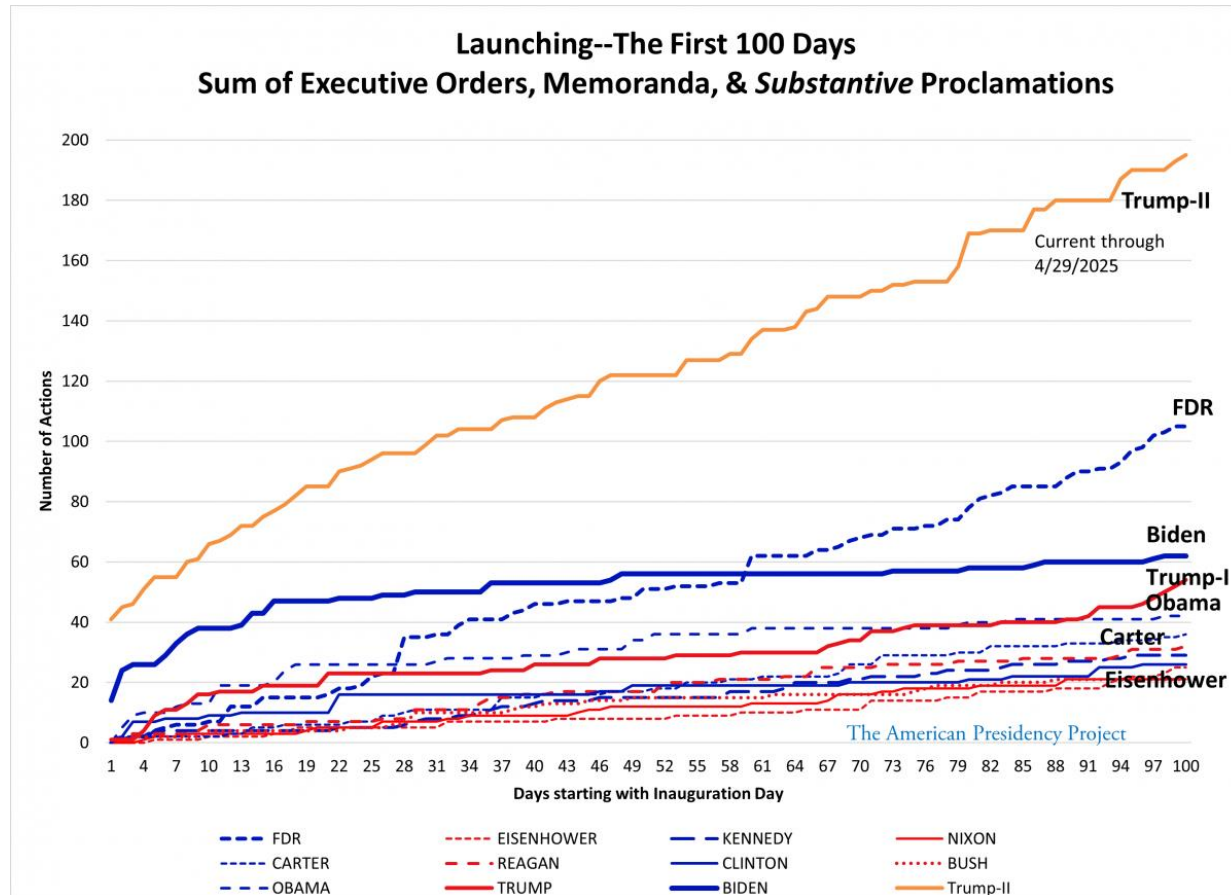
Agenda

- **History**
- **Types of Presidential Actions**
 - **Subjects**
 - **Purpose and Basis**
 - **Finality and Impacts**
- **Litigation**

History

	# Actions	Average/Year
Carter	320	80
Raegan (2)	381	48
GHW Bush	166	42
Clinton (2)	364	46
Bush (2)	291	36
Obama (2)	276	35
Trump I	220	55
Biden	162	41
Trump II	157	1/20/25 – 5/30/25

History



[Trump's First 100 Days in 2025 | The American Presidency Project](#)

Types of Actions

- **Executive Orders**
- **Presidential Memos**
- **Guidance**
- **Proclamations**

Types of Actions

- **What is an Executive Order?**
 - Directive to Federal Officials and Agencies, which must comply
 - Carries the force of law, but not actually a law passed by Congress
 - OMB typically assesses budgetary impact
 - Published in the *Federal Register*
 - Can be challenged in court

Types of Actions

- **Memos**

- Similar to an EO
- Not Required to be Published in the FR, or cite authority
- OMB typically does not assess budget impacts

- **Proclamations**

- Typically

Types of Actions

- **Proclamations**

- Typically directed to entire Nation for ceremonial occasions
- Can be substantive and apply to individuals

Subjects of Actions

- **Executive Orders**
 - **Revoke prior EOs, Rulemaking**
 - **GHGs, Energy, Coal, Nuclear, Electric Grid, EJ/DEI**
 - **Tariffs, Immigration, Drug Prices, AI, Education, Law Firms, Water Pressure**

Subjects of Actions

- **Presidential Memos**
 - Repeal Unlawful Rules, Hiring Freeze, Immigration
- **Proclamations**
 - MATS extension, Ceremonial
- **Guidance**
 - Mainly to implement other Actions

Purpose and Basis

- **Constitution and Existing Statutes**
- **Executive Orders, Memos**
 - **National and Economic Security, Emergencies, Caselaw**
- **Proclamations**
 - **Specific Statutes (e.g., CAA provision for MATs extension)**

Finality and Impacts

- General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:
 - (i) the authority granted by law to an executive department or agency, or the head thereof; or
 - (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations;
- (c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Litigation

- **Numerous Legal Challenges to Actions**
 - **Typically, arguing that Action exceeds Constitutional or Statutory authority**
 - **Hundreds of ongoing Challenges to Actions**
 - **15-state challenge to Jan 20, 2024, “National Energy Emergency”**