

Current & Future Trends in Environmental Law: *A Community Perspective*



CONSERVATION
LAW CENTER

Kim Ferraro, Managing Attorney

Traditional U.S. Environmental Law Framework

Federal Environmental Statutes



Cooperative Federalism
(Federal Floor / State Ceiling)



Agency Expertise & Discretion + Public Participation



Deferential Judicial Review + Citizen Enforcement

■ Dismantling the federal floor

EPA Launches Biggest Deregulatory Action U.S. History

Administrator Zeldin Announces 31 Historic Actions to Power the Great American Comeback

March 12, 2025

Contact Information

EPA Press Office (press@epa.gov)





Statewide

Gov. Mike Braun orders limits on environmental laws, cuts environmental justice from permit criteria

By [Rebecca Thiele](#)



State Ceiling = Federal Floor

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 277

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:



**Limits on Agency Discretion to
Implement Broad Statutory Mandates**

SUPREME COURT OF THE UNITED STATES

Syllabus

WEST VIRGINIA ET AL. *v.* ENVIRONMENTAL
PROTECTION AGENCY ET AL.

Broad Statutory Mandate \neq Broad Regulatory Authority

SUPREME COURT OF THE UNITED STATES

Syllabus

SACKETT ET UX. *v.* ENVIRONMENTAL PROTECTION
AGENCY ET AL.

*Longstanding Agency Interpretations
Not Secure*

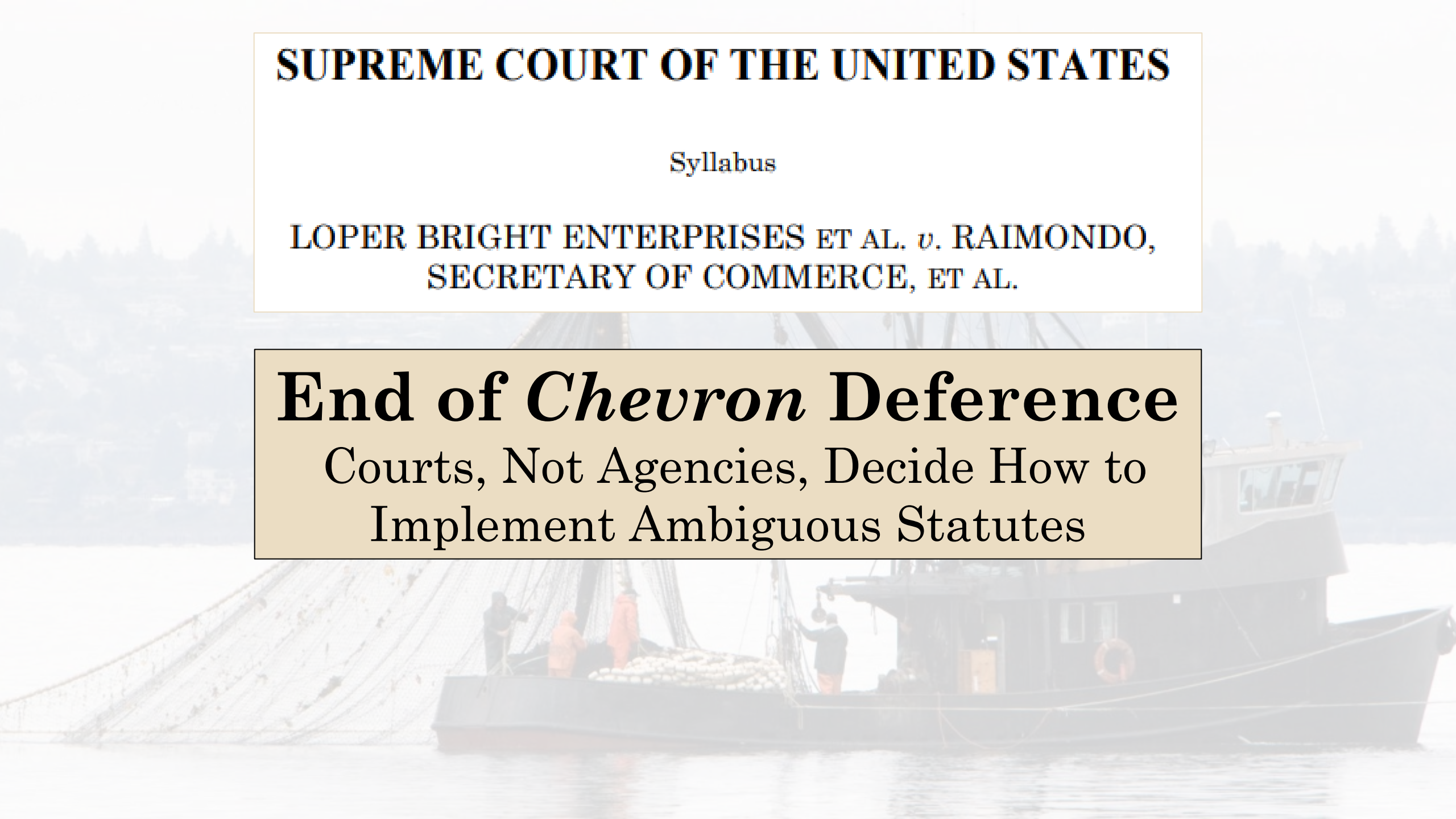
SUPREME COURT OF THE UNITED STATES

Syllabus

LOPER BRIGHT ENTERPRISES ET AL. *v.* RAIMONDO,
SECRETARY OF COMMERCE, ET AL.

End of *Chevron* Deference

Courts, Not Agencies, Decide How to
Implement Ambiguous Statutes





CONSTITUTIONAL RIGHTS | FEATURED

Victory! Indiana Ends Judicial Deference to Unelected Government Bureaucrats



< HOME / STORIES / BLOG / THE CENTER SQUARE: GREATER GOVERNMENT ACCOUNTABILITY COMES TO INDIANA

The Center Square: Greater government accountability comes to Indiana

April 22, 2024 | By [KILEEN LINDGREN](#)

SHA



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President Trump and Administrator Zeldin Deliver Single Largest Deregulatory Action in U.S. History

Trump Admin Eliminates Obama-Era Endangerment Finding, off-cycle credits, start-stop feature

February 12, 2026

Contact Information

EPA Press Office (press@epa.gov)

SENATE ENROLLED ACT No. 277

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

“SHALL” (Mandatory Duty) → “MAY” (Discretionary Option)



No Duty = No Remedy

SENATE ENROLLED ACT No. 277

**No
Public
Notice**

No Consequence

The background of the slide is a photograph of the Indiana State Capitol building in Indianapolis, featuring a prominent green dome and classical architectural elements. The text is overlaid on a white rectangular box.

SENATE ENROLLED ACT No. 277

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

Eliminates Review of IDEM's Failure to Act



Possible Barriers to Citizen Enforcement

Supreme Court Declines to Hear Cases Seeking to Narrow Citizen Suit Enforcement in Federal Environmental Case – Leaving Doors Wide Open

Client Alert | 4 min read | 07.11.25

Summary

On June 30, 2025, the Supreme Court rejected industry petitions to limit the scope of enforcement actions by citizens in two separate cases – one under the Clean Water Act (CWA) and another under the Clean Air Act (CAA). As the Administration becomes more selective in its environmental enforcement efforts, the Supreme Court’s denial of cert in these key cases leaves the door wide open to more federal enforcement citizen suits, including suits to enforce state water pollution control requirements that have a greater scope of coverage than what the federal CWA requires.

In the
Indiana Supreme Court

Citizens Action Coalition of Indiana and
Vote Solar,
Appellants,

v.

Duke Energy Indiana, LLC and Indiana
Utility Regulatory Commission,
Appellees.

Court of Appeals Case No.
25A-EX-2999

IURC Case No.
46193



Published Order

“The Court invites amicus curiae briefing on the question Duke raises in its Verified Motion: ‘whether Indiana should embrace the federal doctrine of associational standing adopted in *Hunt v. Wash. State Apple Advert. Comm’n*, 432 U.S. 333 (1977).”

Save the Valley, Inc. v. Indiana-Kentucky Elec. Corp.

Court of Appeals of Indiana, Fourth District

January 11, 2005, Filed

No. 49A04-0312-CV-610

Reporter

820 N.E.2d 677 *; 2005 Ind. App. LEXIS 7 **

SAVE THE VALLEY, INC., HOOSIER ENVIRONMENTAL COUNCIL, INC., and CITIZENS ACTION COALITION OF INDIANA, INC., Appellants-Respondents-Defendants, vs. INDIANA-KENTUCKY ELECTRIC CORPORATION, Appellee-Petitioner-Plaintiff, INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, Appellee-Petitioner.

Associational standing has been settled law in Indiana for nearly 20 years—why take up the issue now?

Traditional U.S. Environmental Law Framework

Federal Environmental Statutes



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Deferential Judicial Review + Citizen Enforcement

The Traditional Framework is Changing