

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 25-37

FOR: PROHIBITING THE USE OF ENVIRONMENTAL JUSTICE IN PERMITTING, ENFORCEMENT, OR GRANT DECISIONS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, the State of Indiana is committed to ensuring that environmental policies are effective, based on sound science, and uphold the principles of fairness, rule of law, and accountability;

WHEREAS, the concept of “environmental justice” has become increasingly politicized and has often led to the introduction of subjective, non-scientific factors into environmental policy and regulation;

WHEREAS, there is no legal authority under Indiana law or federal law that requires environmental permitting or enforcement decisions to be made based on social concepts such as “environmental justice,” which consider factors such as race, educational attainment, ethnicity, or other social criteria, rather than objective environmental or economic data;

WHEREAS, “environmental justice” can act as a disincentive for investment in disadvantaged communities, as the fear of stricter regulations can result in fewer job opportunities or economic investments;

WHEREAS, the State of Indiana believes that the focus of environmental permitting and enforcement decisions should be on the protection of public health, natural resources, and economic growth without favoring or disadvantaging any group based on race, ethnicity, or other social criteria; and

WHEREAS, environmental policies and enforcement should prioritize scientifically supported and objective metrics that foster economic development, job creation, and sustainable practices for all citizens of the State of Indiana;

WHEREAS, federal law prohibits discrimination on the basis of race, color, or national origin for programs or activities receiving federal funds; and

WHEREAS, the State of Indiana drives to provide opportunities for robust, transparent public participation, without regard to social criteria, in the rulemaking and permitting process;

NOW, THEREFORE, I, MIKE BRAUN, by virtue of the authority vested in me as the Governor of the State of Indiana, do hereby order that:

1. No state agency or official involved in the process of permitting or enforcement shall use “environmental justice” as a determining factor in their decision-making. This includes, but is not limited to, considerations of race, ethnicity, educational attainment, or other social factors when making permitting, enforcement, or grant decisions.
2. It is the position of the State of Indiana that there is no legal foundation, under either state or federal law, that empowers or requires any agency or official to use “environmental justice” as a rationale for environmental permitting or enforcement decisions. Federal laws such as the Clean Air Act, Clean Water Act, Safe Drinking Water Act, and other environmental statutes do not mandate considerations based on racial, ethnic, or other social factors when evaluating environmental risks or approving permits. Additionally, no statute, regulation, or legal precedent within the State provides for such a practice.

Therefore, reliance on “environmental justice” as a decision-making criterion is inconsistent with legal standards.

3. All environmental permitting and enforcement decisions shall be based on scientifically sound data, objective standards, and legal requirements, and should prioritize the protection of natural resources, public health, and economic opportunity. Agencies are directed to use the best available scientific evidence to guide their decisions and to ensure that decisions are made with transparency and fairness.



IN TESTIMONY WHEREOF, I,
Mike Braun, have hereunto set
my hand and caused to be affixed the
Great Seal of the State of Indiana on
this 12th day of March, 2025.


Mike Braun Governor of Indiana



ATTEST: Diego Morales
Secretary of State