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Solar for All Program/U.S. Environmental Protection Agency: Rhode Island AFL-CIO Federal Judicial Action Challenging Program Termination

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Seven organizations and an individual filed a October 6th Complaint for Declaratory and Injunctive Relief and Demand for Jury Trial ("Complaint") against the United States Environmental Protection Agency ("EPA") challenging the decision to terminate the Solar for All program. The Plaintiff individual is Anh Nguyen, and the seven organizations include:

- RHODE ISLAND AFL-CIO
- RHODE ISLAND CENTER FOR JUSTICE
- SOLAR UNITED NEIGHBORS
- SUNPATH CONSULTING LLC d/b/a SUNPATH SOLAR
- 2KB ENERGY SERVICES, LLC
- ENERGY INDEPENDENT SOLUTIONS
- BLACK SUN LIGHT SUSTAINABILITY

(Collectively, "AFL-CIO").

The Complaint alleges that EPA had previously obligated seven billion dollars in grant funding that Congress appropriated to states, territories, tribal governments, municipalities, and non-profits in the United States for the Solar for All program. The program is described as providing:

...low-income households and disadvantaged communities with savings on their electricity bills and affordable energy through rooftop and community solar programs.

The program's purpose is further described as to:

...enable low-income and disadvantaged communities to deploy and benefit from zero-emission technologies including distributed residential solar, lowering energy costs for families, and reducing the risk of utility shut offs, creating good-quality jobs, advancing environmental justice, and tackling climate change.

EPA is stated to have:

- Conducted a competitive review process.
- Selected the grantees.

- Obligated the grant funds.
- Entered into agreements and approved workplans for each of the grantees.

The Complaint argues that a July 2025 Congressional action repealed large parts of the Greenhouse Gas Reduction Fund. However, Congress is stated to have:

- Not repeal the Solar for All program retroactively.
- Rescinded only “unobligated balances,” which is alleged to have preserved all \$7 billion of the obligated funding EPA already had awarded through its Solar for All grants.

The Complaint’s counts include:

1. Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (C) Termination of Solar for All Program - Contrary to Law and In Excess of Statutory Authority
2. Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A) Termination of Solar for All Program - Arbitrary and Capricious Explanation Runs Counter to the Evidence before Agency
3. Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A) Termination of Solar for All Program - Arbitrary and Capricious Failure to Consider Relevant Factors
4. Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A) Termination of the Solar for All Program - Arbitrary and Capricious Failure to Consider Reliance Interests
5. Constitutional Violation - Separation of Powers
6. Constitutional Violation - Presentment Clauses

A copy of the Complaint can be downloaded [here](#).