

Fair Enforcement Act: U.S. Senator Mike Lee (Utah) Introduces Legislation Addressing Clean Air Act Citizen Suits



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

10/30/2025

United States Senator Mike Lee of Utah introduced legislation titled:

The Fair Air Enforcement Act.

Senator Lee describes the legislation as stopping:

...weaponization of the judicial system by outlawing citizen suits under the Clean Air Act, which has been used by political groups to hurt Americans and their businesses.

Almost every federal environmental statute includes a “citizen suit” provision which allows a citizen to enforce environmental laws directly by bringing federal judicial actions against facilities that are allegedly violating the federal environmental statutes or regulations. The various citizen suit provisions in the federal environmental statutes generally allow individuals or groups to file an action in federal court against any person or any governmental instrumentality or agency currently violating a federal environmental statute’s requirements.

The argument in favor of federal environmental citizen suits is that enforcement agencies lack the resources to address all facilities violating federal environmental laws or regulations. Such provisions allow plaintiffs to ask a federal court to impose civil penalties for a source’s violations. Further, they can request injunctive relief (i.e., request an order from the court requiring a facility to take specific actions to correct compliance problems and avoid future violations).

Note that a citizen or non-profit organization seeking to file such federal action must first serve the alleged violator, the United States Environmental Protection Agency (“EPA”), and any relevant state agency with certain notices that identify the alleged violations. This provides a grace period in which the alleged violator can come into compliance, or the EPA or state agency can file its own action which may then preclude citizen enforcement.

The Fair Enforcement Act would:

- Amend the Clean Air Act to prohibit lawsuits by private citizens alleging violations of its provisions.
- Require such enforcement lawsuits to be brought by state governments and relevant agencies.
- Make conforming changes to other sections of U.S. code referencing the amended provision.

A copy of the Fair Enforcement Act can be downloaded [here](#).