IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

The Sustainability Institute, et al., Plaintiffs, v. Donald J. Trump, in his official capacity as President of the United States, et al., Defendants.	Case No. 2:25-2152-RMG **ORDER**

Before the Court is Plaintiffs' motion to enforce judgement and clarify. (Dkt. Nos. 218, 224). The Government opposes. (Dkt. No. 223). The Court grants the motion as follows.

Previously, the Court granted in part Plaintiffs' motion for partial summary judgment as to ECJ Program. The Court held that "Defendants' internal guidance terminating the ECJ Program in contravention of § 7438 was arbitrary and capricious and unlawful." *Sustainability Inst. v. Trump*, No. 2:25-2152-RMG, 2026 WL 1694522, at *5 (D.S.C. June 11, 2026). The Court vacated said guidance. *Id.* Further, in so ruling, the Court held that the Act "only rescinded funds which were unobligated at the time of the bill's passage." *Id.* at 2 n.1.

Plaintiffs now contend that the EPA has refused to comply with the Court's prior order. For example, while EPA acknowledges the Court vacated the guidance noted above, the EPA argues the Court's order "does not compel further action." (Dkt. No. 223 at 2). Further, even though the Government acknowledges that the Court's order held that ECJ Program funds must be made available through September 30, 2026, the Government persists in arguing that this is impossible because of the Government's contrary interpretation of the Act (*Id.* at 4). Said

differently, the EPA is defying this Court's prior order because of an interpretation of the Act which this Court specifically rejected.

The Court **grants in part** Plaintiffs' motion. (Dkt. No. 218 at 5). Namely, the Court clarifies that the EPA must comply with its statutory obligations to administer the ECJ Program through September 30, 2026. Further, the Court's interpretation of the Act is the law of the case, and the EPA may not flout the Court's prior order based on a legal argument which it advanced and the Court rejected.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

July 22, 2026
Charleston, South Carolina