

June 30, 2022

News | Commentary | Opinion

Re: U.S. Supreme Court Decision on West Virginia v. EPA



SCOTUS NEWS

Supreme Court curtails EPA's authority to fight climate change

In a 6-3 decision in *West Virginia v. EPA*, the court adopted a narrow reading of the Clean Air Act and limited the agency's ability to regulate carbon emissions from power plants.

https://www.supremecourt.gov/DocketPDF/20/20-1530/205559/20211217145954348_West%20Virginia%20v.%20EPA%20final.pdf

Issues / Oral Argument / Syllabus / Transcript

<https://www.law.cornell.edu/supremecourt/text/20-1530>

<https://www.law.cornell.edu/supct/cert/20-1530>

(News links listed alphabetically | published as of 3PM EST)

A

ABC News - <https://abcnews.go.com/Politics/supreme-court-limits-epas-ability-reduce-emissions-fight/story?id=85369775>

Ars Technica - <https://arstechnica.com/science/2022/06/court-severely-limits-the-epas-ability-to-regulate-carbon-emissions/>

Associated Press - <https://apnews.com/article/supreme-court-epa-ruling-2e893673819a1b6c6aa272a5e814f0b0>

Links via [GreenPolicy360](https://www.greenpolicy360.com/) / June 30, 2022

B

Barack Obama - <https://twitter.com/BarackObama/status/1542546099080151041>

BBC - <https://www.bbc.com/news/science-environment-62000742>

Bloomberg - <https://www.bloomberg.com/news/articles/2022-06-30/supreme-court-curbs-epa-s-climate-authority-in-blow-to-biden> | <https://www.bloomberg.com/opinion/articles/2022-06-30/supreme-court-has-taken-control-of-climate-policy>

Bloomberg Law - <https://news.bloomberglaw.com/us-law-week/supreme-court-curbs-epas-climate-authority-in-blow-to-biden>

C

CBC (Canada) - <https://www.cbc.ca/news/world/us-climate-change-opinion-1.6506804>

CBS - <https://www.cbsnews.com/live-updates/supreme-court-epa-regulate-greenhouse-gas-emissions/>

CNBC - <https://www.cnbc.com/2022/06/30/-supreme-court-says-epa-lacks-authority-on-climate-standards-for-power-plants.html>

CNN - <https://www.cnn.com/2022/06/30/politics/supreme-court-climate-change-epa-regulations/index.html>

D / E

E&E News - <https://www.eenews.net/articles/democrats-supreme-court-sentenced-our-planet-to-death/>

EPA - United States Environmental Protection Agency - Statement on West Virginia v. Environmental Protection Agency (June 30, 2022) - <https://www.epa.gov/newsreleases/epa-administrator-regan-issues-statement-west-virginia-v-environmental-protection>

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Contact Information

EPA Press Office (press@epa.gov)

Today, in response to the Supreme Court ruling in West Virginia v. Environmental Protection Agency, EPA Administrator Michael S. Regan issued the following statement:

“As a public health agency, EPA’s number one responsibility is to protect people’s health, especially those who are on the front lines of environmental pollution. Make no mistake: we will never waver from that responsibility.

While I am deeply disappointed by the Supreme Court's decision, we are committed to using the full scope of EPA's authorities to protect communities and reduce the pollution that is driving climate change. We will move forward to provide certainty and transparency for the energy sector, which will support the industry's ongoing efforts to grow our clean energy economy.

At this moment, when the impacts of the climate crisis are becoming ever more disruptive, costing billions of dollars every year from floods, wildfires, droughts and sea level rise, and jeopardizing the safety of millions of Americans, the Court's ruling is disheartening.

Ambitious climate action presents a singular opportunity to ensure U.S. global competitiveness, create jobs, lower costs for families, and protect people's health and wellbeing, especially those who've long suffered the burden of inaction. EPA will move forward with lawfully setting and implementing environmental standards that meet our obligation to protect all people and all communities from environmental harm."

F

Fox News - <https://www.foxnews.com/media/kudlow-breaks-down-supreme-court-epa-ruling-signaling-catastrophe-green-new-deal> | <https://www.foxbusiness.com/politics/democrats-environmentalists-catastrophic-supreme-court-ruling-federal-climate-powers>

G

Georgetown Law / NYU Journal of Law & Liberty (review) - <https://www.law.georgetown.edu/public-policy-journal/blog/the-major-rules-doctrine/>

The White House has long argued that the Clean Air Act gives the EPA broad powers to regulate emissions, though many Republican lawmakers have argued the opposite: that the federal government has no authority to regulate power plants and only Congress should decide on questions of [significant political or economic importance](#).

Unlike many cases that come before the court, *West Virginia v. EPA* wasn't based on a rule already in place, but will set a precedent for future actions, effectively handing the authority to regulate air pollution to a divided Congress.

H / I

Independent (U.K.) - <https://www.independent.co.uk/climate-change/news/supreme-court-epa-case-greenhouse-gas-b2111434.html>

J / K / L

Los Angeles Times - <https://www.latimes.com/politics/story/2022-06-30/supreme-court-rules-for-coal-producing-states-limits-epas-power-to-fight-climate-change>

M

MarketWatch - <https://www.marketwatch.com/story/supreme-court-limits-epas-role-in-combatting-climate-change-11656598019>

MassLive - <https://www.masslive.com/news/2022/06/supreme-court-climate-decision-is-giving-in-to-the-coal-industry-says-massachusetts-attorney-general-maura-healey.html>

Mother Jones - <https://www.motherjones.com/politics/2022/06/west-virginia-v-epa-supreme-court/>

MSN / Business Insider - <https://www.msn.com/en-us/money/markets/supreme-court-restricts-e2-80-94-but-does-not-end-e2-80-94-environmental-protection-agencys-ability-to-regulate-greenhouse-gas-emissions/ar-AAZ2Fqj>

MSN / Talking Points Memo - <https://www.msn.com/en-us/news/politics/gorsuch-takes-victory-lap-in-continuing-his-family-tradition-of-dismantling-the-epa/ar-AAZ2YcR>

N

National Public Radio (NPR) - <https://www.npr.org/2022/06/30/1103595898/supreme-court-epa-climate-change>

NBC - <https://www.nbcnews.com/politics/supreme-court/supreme-court-curbs-epas-power-limit-greenhouse-gas-emissions-rcna31904> | <https://www.nbcnewyork.com/news/national-international/can-the-u-s-meet-its-climate-goals-after-epa-court-decision/3757225/>

New York Post - <https://nypost.com/2022/06/30/scotus-restricts-upholds-epas-ability-to-regulate-power-plants/>

O

Oil Change International - <https://priceofoil.org/2022/06/30/response-supreme-court-west-virginia-epa/>

Oil Price.com - <https://oilprice.com/Energy/Energy-General/Supreme-Court-Kills-Climate-Rules.html>

P

People.com - <https://people.com/politics/supreme-court-limits-power-of-epa/>

Phys.org - <https://phys.org/news/2022-06-supreme-court-limits-powers-curb.html>

Politico - <https://www.politico.com/news/2022/06/30/scotus-climate-shocking-disgraceful-democrats-environmentalists-00043458>

Q / R

Reason - <https://reason.com/volokh/2022/06/30/supreme-court-rejects-broad-epa-authority-to-regulate-greenhouse-gases-from-power-plants-developing/>

S / T

Tampa Bay Times - <https://www.tampabay.com/news/environment/2022/06/30/scotus-power-plant-ruling-could-slow-florida-climate-change-fight/>

TechCrunch - <https://techcrunch.com/2022/06/30/us-supreme-court-says-epa-cant-regulate-carbon-pollution-under-clean-air-act/>

The Boston Globe - <https://www.bostonglobe.com/2022/06/30/science/supreme-court-limits-epas-ability-limit-greenhouse-gas-pollution/>

The Daily Beast - <https://www.thedailybeast.com/supreme-court-rules-to-choke-epas-climate-change-powers>

The Guardian - <https://www.theguardian.com/us-news/2022/jun/30/us-supreme-court-ruling-restricts-federal-power-greenhouse-gas-emissions>

The Hill - <https://thehill.com/policy/energy-environment/3542752-read-full-text-supreme-court-decision-curbing-epa-climate-powers/> | <https://thehill.com/homenews/house/3542566-ocasio-cortez-calls-supreme-court-epa-decision-catastrophic/>

The New Yorker - <https://www.newyorker.com/news/daily-comment/the-supreme-court-tries-to-overrule-the-climate>

The New York Times - <https://www.nytimes.com/live/2022/06/30/us/supreme-court-epa> | <https://www.nytimes.com/live/2022/06/30/us/supreme-court-epa#epa-carbon-emissions-scotus> | <https://www.nytimes.com/live/2022/06/30/us/supreme-court-epa#west-virginia-attorney-general-says-after-victory-were-not-done> | <https://www.nytimes.com/live/2022/06/30/us/supreme-court-epa#the-ruling-is-hailed-by-republicans-and-condemned-by-democrats> | <https://www.nytimes.com/live/2022/06/30/us/supreme-court-epa#the-ruling-centers-on-something-unusual-a-regulation-yet-to-be-issued>

The Seattle Times - <https://www.seattletimes.com/seattle-news/environment/supreme-court-decision-leaves-states-in-the-lead-on-regulations-to-curb-climate-change/>

U

USA Today - <https://www.usatoday.com/story/opinion/contributors/2022/06/30/supreme-court-weakens-epa/7767389001/>

U.S. News & World Report (Reuters) - <https://www.usnews.com/news/top-news/articles/2022-06-30/reactions-to-u-s-supreme-court-ruling-on-carbon-emissions>

V

Vox - <https://www.vox.com/23181832/supreme-court-epa-west-virginia-climate-regulation>

W

Wall Street Journal - <https://www.wsj.com/articles/supreme-court-limits-environmental-protection-agencys-authority-11656598034>

Washington Post - <https://www.washingtonpost.com/politics/2022/06/30/supreme-court-epa-climate-change/> | <https://www.washingtonpost.com/politics/2022/06/30/supreme-courts-climate-decision-explained/> | <https://www.washingtonpost.com/opinions/2022/06/30/supreme-court-just-upended-environmental-law-worst-possible-moment/> | <https://www.washingtonpost.com/climate-environment/2022/06/30/epa-supreme-court-west-virginia/>

West Virginia MetroNews - <https://wvmetronews.com/2022/06/30/scotus-sides-with-west-virginia-rules-epa-has-limited-authority-to-regulate-emissions-from-power-plants/>

White House, Statement by President Joe Biden on Supreme Court Ruling on West Virginia v. EPA - <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/30/statement-by-president-joe-biden-on-supreme-court-ruling-on-west-virginia-v-epa/>

The Supreme Court's ruling in *West Virginia vs. EPA* is another devastating decision that aims to take our country backwards. While this decision risks damaging our nation's ability to keep our air clean and combat climate change, I will not relent in using my lawful authorities to protect public health and tackle the climate crisis.

I have directed my legal team to work with the Department of Justice and affected agencies to review this decision carefully and find ways that we can, under federal law, continue protecting Americans from harmful pollution, including pollution that causes climate change.

Since the Clean Air Act was passed by a bipartisan majority in Congress in 1970, the landmark law has enabled both Democratic and Republican administrations to protect and improve the air we breathe, cutting air pollution by 78 percent even as our economy quadrupled in size. Yet today's decision sides with special interests that have waged a long-term campaign to strip away our right to breathe clean air.










We cannot and will not ignore the danger to public health and existential threat the climate crisis poses. The science confirms what we all see with our own eyes – the wildfires, droughts, extreme heat, and intense storms are endangering our lives and livelihoods.

I will take action. My Administration will continue using lawful executive authority, including the EPA's legally-upheld authorities, to keep our air clean, protect public health, and tackle

the climate crisis. We will work with states and cities to pass and uphold laws that protect their citizens. And we will keep pushing for additional Congressional action, so that Americans can fully seize the economic opportunities, cost-saving benefits, and security of a clean energy future. Together, we will tackle environmental injustice, create good-paying jobs, and lower costs for families building the clean energy economy.

Our fight against climate change must carry forward, and it will.

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<p>Los Angeles Times</p> <p>Supreme Court rules for coal-producing states, limits EPA</p> <p>1 hour ago</p>		<p>The New York Times</p> <p>Supreme Court Live Updates and E.P.A. News</p> <p>5 minutes ago</p>	
<p>The Guardian</p> <p>US supreme court rules against EPA and hobbles government power to limit harmful emissions</p> <p>27 minutes ago</p>		<p>The Washington Post</p> <p>Supreme Court limits EPA's power to combat climate change</p> <p>8 minutes ago</p>	
<p>Bloomberg</p> <p>Supreme Court EPA Case 2022: Split Ruling on Climate Authority a Blow to Biden</p> <p>1 hour ago</p>		<p>THE WALL STREET JOURNAL</p> <p>Supreme Court Limits Power of EPA, Other Regulatory Agencies</p> <p>16 minutes ago</p>	
<p>fox</p> <p>The Supreme Court's West Virginia v. EPA ruling on carbon dioxide emissions isn't the only legal attack on th...</p> <p>30 minutes ago</p>		<p>CBS NEWS</p> <p><u>Supreme Court limits EPA's authority to regulate power plants' greenhouse gas emissions</u></p> <p>15 minutes ago</p>	
<p>TechCrunch</p> <p>US Supreme Court says EPA can't regulate carbon pollution under Clean Air Act</p> <p>29 minutes ago</p>		<p>THE HILL</p> <p>Supreme Court curbs EPA's climate powers</p> <p>40 minutes ago</p>	