

CONSEQUENCES, OUR TAKE, POLICIES AND POLITICS

SCOTUS Poised to Handcuff the EPA

June 27, 2022 BY Abby Luby



Abby Luby

In the wake of reactionary rulings by the Supreme Court that seized a woman's right to abortion after the Justices had unleashed potentially lethal freedoms to gun owners, one can only shudder at the prospect of the court's upcoming decision on *West Virginia v. Environmental Protection Agency (EPA)*. The case aims to weaken the Environmental Protection Agency's ability to fully take on climate change and global warming.

The case is a power grab by those who want to severely limit the government's ability to regulate industries and businesses responsible for producing greenhouse gases, the main cause of our planet getting rapidly hotter and polluting the air that we breathe. The main plaintiff is West Virginia Attorney General Patrick Morrisey joined by 19 Republican attorneys general. Morrisey represents two coal companies: The North American Coal Corporation, and Westmoreland Mining Holdings, LLC. The coal industry is the country's second-largest emitter of greenhouse gases. Morrisey and his team will argue that the EPA has no authority to regulate plant emissions and that power should be given to Congress.

The highly conservative leaning court and its heady lust for power may indeed rule that it's illegal for federal agencies like the EPA to enforce major decisions without Congress' authorization. And with our current, plodding and uncertain Congress known to successfully stall any vote on climate change initiatives, their lackluster interest would smother any bill trying to get to the floor aimed at restricting emissions to curb climate change.

There was hope with President Biden's Build Back Better Act offering \$555 billion worth of climate and clean energy provisions. Had it been implemented the scientific community estimated a reduction in greenhouse gas emissions in the U.S. by 43% by 2030. A cooler earth which humanity has a chance to survive.

Protecting the coal industry in Congress is West Virginia Senator Joe Manchin who has made millions of dollars from the low-grade coal supplier Enersystems, run by Manchin's son, Joseph Manchin. Senator Manchin has consistently blocked federal legislation aimed to usher in a sustainable era using wind, solar and other clean energy to transition away from coal, oil and gas.

About 74 percent of voters are concerned about air and water pollution according to **polling** by Data for Progress and Evergreen Action. That includes 79 percent of Independents and 57 percent of Republicans. *West Virginia v. EPA* puts a section of the **Clean Air Act (CAA)** under the Justices' legal microscope. CAA is the landmark air quality legislation passed in 1970 that impacts regulations today. SCOTUS will seek to strip certain provisions from CAA and set a precedent for the future, a future that will prevent the EPA from controlling power plant emissions, an essential regulation to control air and water pollution and reduce greenhouse gases.

If SCOTUS issues such a ruling, it will spell disaster for the earth. Other nations may well follow the U.S. and turn its back on promises made in the 2016 **Paris Agreement**. Climate change efforts would be set back years if not decades, imperiling the lives of billions and ultimately losing the war to save the planet.